

# Council

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**Wednesday 3 October 2018**

**2.00 pm**

**Council Chamber, Town Hall,  
Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

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## COUNCIL

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**Wednesday 3 October 2018, at 2.00 pm**  
**Council Chamber, Town Hall, Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

### MEMBERS OF THE COUNCIL

THE LORD MAYOR (Councillor Magid Magid)  
THE DEPUTY LORD MAYOR (Councillor Tony Downing)

1	<i>Beauchief &amp; Greenhill Ward</i> Simon Clement-Jones Bob Pullin Richard Shaw	10	<i>East Ecclesfield Ward</i> Andy Bainbridge Moya O'Rourke Steve Wilson	19	<i>Nether Edge &amp; Sharrow Ward</i> Mohammad Maroof Jim Steinke Alison Teal
2	<i>Beighton Ward</i> Chris Rosling-Josephs Ian Saunders Sophie Wilson	11	<i>Ecclesall Ward</i> Roger Davison Shaffaq Mohammed Paul Scriven	20	<i>Park &amp; Arbourthorne Ward</i> Julie Dore Ben Miskell Jack Scott
3	<i>Birley Ward</i> Denise Fox Bryan Lodge Karen McGowan	12	<i>Firth Park Ward</i> Abdul Khayum Alan Law Abtisam Mohamed	21	<i>Richmond Ward</i> Mike Drabble Dianne Hurst Peter Rippon
4	<i>Broomhill &amp; Sharrow Vale Ward</i> Michelle Cook Magid Magid Kaltum Rivers	13	<i>Fulwood Ward</i> Sue Alston Andrew Sangar Cliff Woodcraft	22	<i>Shiregreen &amp; Brightside Ward</i> Dawn Dale Peter Price Garry Weatherall
5	<i>Burngreave Ward</i> Jackie Drayton Talib Hussain Mark Jones	14	<i>Gleadless Valley Ward</i> Lewis Dagnall Cate McDonald Chris Peace	23	<i>Southey Ward</i> Mike Chaplin Tony Damms Jayne Dunn
6	<i>City Ward</i> Douglas Johnson Robert Murphy Martin Phipps	15	<i>Graves Park Ward</i> Ian Auckland Sue Auckland Steve Ayris	24	<i>Stannington Ward</i> David Baker Penny Baker Vickie Priestley
7	<i>Crookes &amp; Crosspool Ward</i> Adam Hanrahan Mohammed Mahroof Anne Murphy	16	<i>Hillsborough Ward</i> Bob Johnson George Lindars-Hammond Josie Paszek	25	<i>Stocksbridge &amp; Upper Don Ward</i> Jack Clarkson Keith Davis Francyne Johnson
8	<i>Darnall Ward</i> Mazher Iqbal Mary Lea Zahira Naz	17	<i>Manor Castle Ward</i> Lisa Banes Terry Fox Pat Midgley	26	<i>Walkley Ward</i> Olivia Blake Ben Curran Neale Gibson
9	<i>Dore &amp; Totley Ward</i> Joe Otten Colin Ross Martin Smith	18	<i>Mosborough Ward</i> David Barker Tony Downing Gail Smith	27	<i>West Ecclesfield Ward</i> John Booker Adam Hurst Mike Levery
				28	<i>Woodhouse Ward</i> Mick Rooney Jackie Satur Paul Wood

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John Mothersole

Chief Executive

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Contact:

Paul Robinson, Democratic Services

Tel: 0114 2734029

[paul.robinson@sheffield.gov.uk](mailto:paul.robinson@sheffield.gov.uk)

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## **PUBLIC ACCESS TO THE MEETING**

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The Council is composed of 84 Councillors with one-third elected three years in four. Councillors are democratically accountable to the residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them

All Councillors meet together as the Council. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader and at its Annual Meeting will appoint Councillors to serve on its Committees. It also appoints representatives to serve on joint bodies and external organisations.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Members of the public have the right to ask questions or submit petitions to Council meetings and recording is allowed under the direction of the Chair. Please see the website or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Council meetings are normally open to the public but sometimes the Council may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last. If you would like to attend the meeting please report to the First Point Reception desk where you will be directed to the meeting room.

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**COUNCIL AGENDA  
3 OCTOBER 2018**

**Order of Business**

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**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

Members to declare any interests they have in the business to be considered at the meeting.

**3. PUBLIC QUESTIONS AND PETITIONS AND OTHER COMMUNICATIONS**

To receive any questions or petitions from the public, or communications submitted by the Lord Mayor or the Chief Executive and to pass such resolutions thereon as the Council Procedure Rules permit and as may be deemed expedient.

**4. MEMBERS' QUESTIONS**

4.1 Questions relating to urgent business – Council Procedure Rule 16.6(ii).

4.2 Supplementary questions on written questions submitted at this meeting – Council Procedure Rule 16.4.

4.3 Questions on the discharge of the functions of the South Yorkshire Joint Authorities for Fire and Rescue and Pensions – Section 41 of the Local Government Act 1985 – Council Procedure Rule 16.6(i).

(NB. Minutes of recent meetings of the two South Yorkshire Joint Authorities have been made available to all Members of the Council via the following link -

<http://democracy.sheffield.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13165&path=0>)

**5. NOTICE OF MOTION REGARDING "NHS URGENT PRIMARY CARE IN SHEFFIELD" - GIVEN BY COUNCILLOR FRANCYNE JOHNSON AND TO BE SECONDED BY COUNCILLOR PAT MIDGLEY**

That this Council:-

(a) welcomes the recent decision by the Clinical Commissioning Group

(CCG) to put on hold their proposals to change urgent primary care services in Sheffield;

- (b) notes that, as such, the walk-in centre on Broad Lane and the minor injuries unit at the Royal Hallamshire Hospital will now be secured until at least September 2020 – and that any decisions on the future of these sites will not be made prior to another public consultation, expected to begin in summer 2019;
- (c) notes that the CCG's original proposals were heavily criticised and that a petition to save these services was signed by more than 10,000 people;
- (d) further notes the Healthier Communities and Adult Social Care Scrutiny and Policy Development Committee's submission detailed many concerns with the plans and concluded that "we do not feel that we have seen sufficient evidence to assure us that the proposals are in the best interests of Sheffield people";
- (e) praises the co-ordinated efforts of local MPs, councillors across the city, political activists, Sheffield Save Our NHS, Healthwatch, and all the campaign groups and individuals who responded to the consultation in opposing the CCG's original plans - and hopes that together we can reach a suitable solution for maintaining easy access to urgent health care for everyone in Sheffield;
- (f) believes that the combined campaign shows that Sheffield fights austerity at its best when working in partnership, and that this victory should be shared by all and it is wrong for any one group to try to take ownership of this issue; and
- (g) reaffirms that this Administration is committed to reducing health inequalities and that ensuring easily accessible urgent health care for everyone in Sheffield is of paramount importance.

**6. NOTICE OF MOTION REGARDING "TACKLING MODERN DAY SLAVERY - COMMITTING THE COUNCIL TO THE CO-OPERATIVE PARTY'S CHARTER AGAINST MODERN SLAVERY" - GIVEN BY COUNCILLOR BEN CURRAN AND TO BE SECONDED BY COUNCILLOR ABTISAM MOHAMED**

That this Council:-

- (a) notes with immense sadness that the injustice of slavery still persists in the modern world, with an estimated 13,000 victims of slavery in the UK today – with sexual exploitation, trafficking or domestic servitude, and forced labour, just some of the horrific forms it can take;

- (b) believes that modern slavery can often operate in plain sight and that everything possible must be done to eradicate the scourge of slavery;
- (c) contends that Labour and Labour & Co-operative councils across England are leading the way with a new Charter to ensure exploitation has no place in council supply chains;
- (d) notes that the Co-operative Party's Charter against Modern Slavery goes further than existing law and guidance, committing councils to proactively vetting their own supply chain to ensure no instances of modern slavery are taking place;
- (e) welcomes the commitment from the present Administration to fully adopt the Co-operative Party's Charter against Modern Slavery;
- (f) notes that, by doing so, the Council is pledging to guarantee that modern slavery is cut from the supply chain by committing to 10 measures, including: challenging abnormally low-cost tenders to ensure they do not rely on potential contractors practising modern slavery; ensuring workers throughout the supply-line are free to join a trade union and are not treated unfairly for belonging to one; and that the Council will report publicly on the implementation of the policy every year;
- (g) contends that the Government's hostile environment on immigration since 2010 demonstrates their lack of authenticity in dealing with modern day slavery and, as such, it is even more essential that leadership in tackling this is provided by local government; and
- (h) believes that tackling modern slavery and focusing on ethical trade is essential and support is given to the Administration for ensuring high standards of ethical practice in the way the Council works through the Ethical Procurement Policy.

**7. NOTICE OF MOTION REGARDING "PEOPLE'S VOTE - SUPPORTING THE CALL FOR THE PEOPLE TO BE GIVEN THE FINAL SAY OVER BREXIT" - GIVEN BY COUNCILLOR JOE OTTEN AND TO BE SECONDED BY COUNCILLOR MOHAMMED MAHROOF**

That this Council:-

- (a) notes the ongoing impasse in Brexit negotiations, and the increasing risk of a "no deal" Brexit;
- (b) notes the opposition to the Chequers Plan in Parliament and among EU Heads of Government;
- (c) notes that agreement has not yet been reached on many of the

issues arising from the Brexit referendum, including Government red lines, and both sides have stated that “nothing is agreed until everything is agreed”;

- (d) notes that whilst the principle of a Northern Ireland backstop has been agreed, the UK’s plan to temporarily avoid a hard border on the island of Ireland has not been agreed and there is still no agreement on a long-term solution;
- (e) notes that HM Treasury has stated that a no-deal Brexit could require the UK to borrow £80 billion more by 2033, the Government have begun releasing the 84 no-deal technical notes, and the UK health sector is stockpiling medicines in case of a no-deal;
- (f) notes that the 2016 EU referendum gave no clear destination for Brexit, as the terms of any deal were not yet known, but that many options were said to be possible including staying in the Single Market (the Norway model);
- (g) notes the resolution put to the Labour Party conference calling for a People's Vote to be considered, and strong support for a People's Vote among Labour Party members;
- (h) believes that there is no deal that could be negotiated through the Article 50 process that could be more beneficial than continued membership of the EU, and that leaving the EU would therefore be damaging to the UK's fundamental national interests, and the interests of Sheffield in particular, as a university and manufacturing city in a region which has received significant investment from the European Union;
- (i) believes that the recent shifts in global affairs, including the USA withdrawing from the United Nations Human Rights Council, re-emphasise the vital importance of UK membership of the EU and the values upon which the EU was formed;
- (j) believes that promises of a stronger trading position in the world have been seen to be empty, as illustrated by the policy of Donald Trump’s USA Administration relating to air travel, which seeks to take advantage of the UK's weakened position as a non-EU member;
- (k) condemns the Government’s approach to Brexit negotiations, which this Council regards as disastrous, and urges MPs to work across parties in the national interest and allow the people to have the final say on the Brexit deal with the option to remain in the European Union and a chance to exit from Brexit;
- (l) supports the principle of extending the franchise to 16-17 year olds for the People's Vote and all other elections and referendums;

- (m) resolves to seek access to Government impact assessments of all Brexit options for all sectors that are significant to Sheffield, prior to any "meaningful vote" in Parliament; and
- (n) resolves to send a copy of this resolution to all Sheffield MPs and to the Prime Minister.

**8. NOTICE OF MOTION REGARDING "UNION SAFETY REPRESENTATIVES" - GIVEN BY COUNCILLOR JOHN BOOKER AND TO BE SECONDED BY COUNCILLOR KEITH DAVIS**

That this Council:-

- (a) contends that councillors exist to serve their communities, and believes that one of the best ways to do this is by offering them a say in what happens on their doorstep, and that Localism puts real power in the hands of the people;
- (b) further contends (i) that the Grenfell Tower disaster sadly showed the total lack of local government run housing and relevant safety checks, (ii) notes that the TUC and its affiliated Trades Unions have a large amount of Accredited Union Health and Safety Representatives (USR's), whose primary role is accident prevention and risk assessment, in the three categories – generic, local and on-site, (iii) further notes that building safety inspections is part of what these individuals sign up for when they do their training, (iv) believes that local councils who look to outsource this work are perpetrating a great injustice on the local communities they represent and (v) further believes that the resources they need are right under their feet, and that the USR's could be transferred from their normal work on a rota basis to facilitate building safety inspections;
- (c) believes it is all about sharing responsibility for public safety, noting that council rent payers pay rent to the council, the council pays wages to its employees, and some employees live in council housing; and
- (d) (i) contends that most social housing is a direct extension of many local government employees' workplace; for many, this is at the end of a keyboard (e.g. customer accounts), for others its hands on, such as plumbing, wiring, painting and property repairs, but that, directly or indirectly, as local government employees, social housing is inevitably part of their workplace and (ii) as such, believes that safety checks should be carried out by USR's from construction stage to periodical safety checks; the purpose, to preserve life and prevent accidents.



**9. CHANGES TO THE CONSTITUTION**

Report of the Chief Executive.

**10. MINUTES OF PREVIOUS COUNCIL MEETING**

To receive the record of the proceedings of the meeting of the Council held on 5<sup>th</sup> September 2018, and to approve the accuracy thereof.

**11. REPRESENTATION, DELEGATED AUTHORITY AND RELATED ISSUES**

To consider any changes to the memberships and arrangements for meetings of Committees etc., delegated authority, and the appointment of representatives to serve on other bodies.

Chief Executive

Dated this 25 day of September 2018

**The next ordinary meeting of the Council will be held on 7 November 2018 at the Town Hall**

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Audit and Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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## Report to Council

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**Report of:** Chief Executive

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**Date:** 3<sup>rd</sup> October 2018

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**Subject:** Changes to the Constitution

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**Author of Report:** Jason Dietsch (Head of Democratic and Member Services) Tel: 0114 273 4117

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**Summary:**

This report provides details of proposed changes to the Constitution.

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**Recommendations:**

That the Council considers adopting the changes to the following Parts of the Constitution, as set out in the report and appendices:-

- (a) Part 4 – Contracts Standing Orders
- (b) Part 5 - Monitoring Officer Protocol – Appendix A (Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members)

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**Background Papers:** NONE

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**Category of Report:** OPEN

## Statutory and Council Policy Checklist

<b>Financial implications</b>
NO - Cleared by Anna Sanderson
<b>Legal implications</b>
YES – Cleared by David Hollis
<b>Equality of Opportunity implications</b>
NO
<b>Tackling Health Inequalities implications</b>
N/A
<b>Human rights implications</b>
N/A
<b>Environmental and Sustainability implications</b>
N/A
<b>Economic impact</b>
N/A
<b>Community safety implications</b>
N/A
<b>Human resources implications</b>
N/A
<b>Property implications</b>
N/A
<b>Area(s) affected</b>
None
<b>Relevant Scrutiny Committee if decision called in</b>
N/A
<b>Is the item a matter which is reserved for approval by the City Council?</b>
YES
<b>Press release</b>
NO



**1. Introduction**

- 1.1 This report provides details of proposed changes to the Council's Constitution.

**2. Background**

- 2.1 To ensure that the Constitution is kept up to date, where changes are required these are submitted to Full Council for approval.
- 2.2 In addition, the Director of Legal and Governance, in consultation with the Lord Mayor, has delegated authority to make any minor and consequential drafting changes to the Constitution.

**3. Proposed Changes and Reasons**

**3.1 Part 4 – Contracts Standing Orders**

- 3.1.1 The changes to Contract Standing Orders are necessary to reflect;
- The change of title and role of Director of Commercial Services to Director of Finance and Commercial Services
  - The introduction of the Sourcing Desk within Finance and Commercial Services that seeks quotes for Goods and Services where the contract value is between £25,000 and £150,000.
- 3.1.2 Training on these changes has been provided to managers throughout the Council.
- 3.1.3 A further wholesale review of Contract Standing Orders will be brought to a future Council meeting.
- 3.1.4 The proposed changes to the Contracts Standing Orders are set out in Appendix A to this report.

**3.2 Part 5 - Monitoring Officer Protocol**

- 3.2.1 The Monitoring Officer Protocol, contained in Part 5 (Codes and Protocols) of the Constitution, was last amended in December 2017. Appendix A to the Protocol (The Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members) has been reviewed and several proposed revisions were endorsed by the Audit and Standards Committee, at its meeting held on 20 September 2018.

3.2.2 In addition to updating the number and the names of Independent Persons and the Democratic Services Officer responsible for processing complaints, the revisions proposed in this report fall into two categories; those relating to timescales, and those relating to data protection/retention periods.

3.2.3 Timescales

Currently the process requires that the complainant and the subject of the complaint be informed in writing within 5 working days of the outcome and the reasons for the decision taken at the Assessment meeting and those taken at Consideration or Hearing Sub Committee meetings. It is proposed this timescale be extended to 10 working days in order to set realistic expectations as to when complainants and subjects of complaints will be notified of decisions.

3.2.4 Although the 5 working day timescale has largely been adhered to, the reality is that this is an unsustainable turn-around period. In order to ensure assessment meetings are as efficient as possible, multiple complaints are increasingly being considered at the same meeting which in turn necessitates multiple decision letters being produced in the same timescale. Extending the timescale to 10 working days will mitigate the risk of making mistakes in the decision letters whilst maintaining quality and level of detail.

3.2.5 Similarly, currently Consideration Sub Committee meetings are scheduled to meet within one month of the final investigation report being submitted to the Monitoring Officer. However, the Consideration Sub-Committees held this year have been scheduled outside of the one-month deadline. It is therefore proposed that this timescale be extended to two months in order to set a more realistic expectation for complainants and subjects of complaints as to when the issue will be considered, as well as allowing for greater flexibility of Members' and Independent Persons' diaries.

3.2.6 The effect of these changes should not have any adverse effect to complainants or subjects of complaints, and it is expected that the majority of complaints will still be completed within 5 working days.

3.2.7 Data Protection/Retention Periods

In light of the General Data Protection Regulation (GDPR) which came into force on 25 May 2018, paragraph 11 of the Procedure has been expanded to make specific reference to the retention period for the personal details of complainants.

3.2.8 Although personal information about the complainant and details of the complaint itself is proposed to be deleted after 7 years (unless the Council elect to retain it for a longer period in order to comply with legal and regulatory obligations), records of the number of complaints received, the outcomes and the subject Members will be kept for so long afterwards as is considered may be required to deal with any questions or complaints about the service.

3.2.9 Further Review

To assess the success of these changes, it is suggested that the revised procedure is reviewed in approximately twelve months' time.

- 3.2.10 Any complaints submitted before any revisions are approved by Full Council will be considered under the existing Procedure.
- 3.2.11 The proposed changes to the Protocol are set out in Appendix B to this report.

#### **4. Legal Implications**

- 4.1 Except where delegated by Council as indicated at paragraph 2.2, variations to the Constitution may only be made by Full Council.
- 4.2 Under section 9P of the Local Government Act 2000, the Council must prepare a constitution and keep it up to date. It must be available to the public and, under the Local Government Transparency Code 2015, be published on the Council's website. A number of the proposed amendments in this report are to ensure a consistency in approach and to bring parts of the Constitution up to date to comply with the legislation.

#### **5. Financial Implications**

- 5.1 Any costs and savings associated with the sourcing desk were managed through the 2018/19 business planning process. There are no further financial implications to the changes in the standing orders.

#### **6. Equality of Opportunity Implications**

- 6.1 There are no equalities implications.

#### **7. Recommendations**

- 7.1 That the Council considers adopting the changes to the following Parts of the Constitution, as set out in the report and appendices:-
- (a) Part 4 – Contracts Standing Orders
  - (b) Part 5 – Monitoring Officer Protocol – Appendix A (Procedure for Dealing with Complaints Regarding City, Parish and Town Councillors and Co-opted Members)

**Chief Executive**

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## **STANDING ORDERS OF THE COUNCIL**

### **(C) CONTRACTS**

#### **C.1 DEFINITIONS AND INTERPRETATION**

#### **C.2 GENERAL**

- C.2.1 Application of Standing Orders
- C.2.2 Exemptions
- C.2.3 Waivers of Standing Orders
- C.2.4 Compliance and Contraventions
- C.2.5 Contract Value
- C.2.6 Conflicts of Interest
- C.2.7 Nomination
- C.2.8 Transfer of Employees
- C.2.9 Extensions and Variations of Contracts
- C.2.10 Executive Decision Making of the Council

#### **C.3 COMMISSIONING**

- C.3.1 General
- C.3.2 Commissioning responsibilities of the Client

#### **C.4 PROCUREMENT STRATEGY**

- C.4.1 General
- C.4.2 Contract Value less than £25,000
- C.4.3 Contract Value £25,000 or more for Goods
- C.4.4 Contract Value £50,000 or more for Works or Services

#### **C.5 TENDERS**

- C.5.1 Requirements
- C.5.2 Health and Safety

#### **C.6 CONTRACT AWARD**

- C.6.1 Authority to award Contracts
- C.6.2 Selecting the Successful Contractor

#### **C.7 CONTRACTS**

- C.7.1 Forms of Contract
- C.7.2 Contracts – Signed or by Deed
- C.7.3 Contracts Register
- C.7.4 Contract Management
- C.7.5 Payment in Advance

**Appendix 1**      Flow Chart Guide to Format and Execution Requirements for  
Contracts let by Sheffield City Council

### **ORDER C.1 - DEFINITIONS AND INTERPRETATION**

C.1.1 In these Contracts Standing Orders the following words shall have the meanings given to them below:

<b>“CHAS or SSIP”</b>	Health and Safety pre-qualification schemes: CHAS – <a href="http://www.chas.gov.uk">www.chas.gov.uk</a> SSIP – <a href="http://www.ssip.org.uk">www.ssip.org.uk</a>
<b>“Client”</b>	The person responsible for the Commissioning and delivery of goods, works or services on behalf of their Service, who is working directly with the Procurement Professional; the ‘Client’ of the Procurement Professional who is responsible for the tendering process.
<b>“Commissioning”</b>	A continuous process through which Commissioners identify need; plan, source, deliver and performance manage activity. See ‘The Commissioning Process’ document, available from Commercial Services, for more information.
<b>“Contract”</b>	An agreement for the purchase or hire by the Council of goods, works or services, including on a concession basis.
<b>“Contract Lead”</b>	The person who has overall administrative control of the Contract.
<b>"Contractor"</b>	Includes a tenderer or any other person or organisation delivering a Contract.
<b>“Contract Value”</b>	The estimated total of the money payments to be made by the Council and the value of materials or other benefits to be retrieved or enjoyed by the Contractor for the whole period of the Contract, including any potential extensions; it is exclusive of VAT.
<b>“Council Contract”</b>	A Contract competitively let by Commercial Services, on behalf of the Authority, where there is a routine or commonly recurring requirement across the Council.

<b>“Criteria”</b>	Means the information provided to enable the evaluation of tenders received.
<b>“European Union Procurement Directives”</b>	DIRECTIVE 2004/18/EC, as amended & DIRECTIVE 2004/17/EC, as amended.
<b>“External Body”</b>	As defined under the circumstances at C.1.1.3; this specifically excludes external organisations that are contracted to supply goods, works or services to or on behalf of the Council, unless compliance with the competitive requirements of these Orders is a term of the Contract.
<b>“High Risk Work”</b>	Work that involves or includes demolition; the removal or treatment of asbestos; confined spaces or work at height (such as the erection, alteration or dismantling of scaffolding, work on roofs and steeples, abseiling or window cleaning).
<b>“In-House Provider”</b>	A Council department which can provide goods, works or services to other Council departments whether charged for or not. It does not include any separate legal entity.
<b>“Orders”</b>	These Standing Orders for Contracts.
<b>“Part B Services”</b>	As identified as such in the Regulations and European Union Procurement Directives.
<b>“Procurement Professional”</b>	A Council officer who is either 1) a qualified procurement professional or 2) a procurement professional by way of their Council role as a buyer of goods, works or services. Commercial Services will hold a list of Procurement Professionals.
<b>“Public Procurement Regulations” or “Regulations”</b>	The Public Contracts Regulations 2006, as amended & The Utilities Contracts Regulations 2006, as amended.
<b>“Senior Responsible Officer” or “SRO”</b>	The Head of Service or other Officer nominated in writing by the Head of Service to act in their place.

<b>“RIDDOR”</b>	The Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 1995.
<b>“School Contract”</b>	A Contract let by the governing body of a school acting in the exercise of its powers in respect of a delegated budget.
<b>“Tender Process Manual”</b>	The processes, procedures and templates issued by Commercial Services which must be adhered to by Procurement Professionals.
<b>“Waiver of Contract Standing Orders” or “Waiver”</b>	A specific or general exemption from a requirement or number of requirements of these Orders granted by the Director of <u>Finance and Commercial Services</u> under Order C2.3.1

C.1.2 A reference in these Orders to any Act of Parliament shall include a reference to any statute for the time being in force replacing or re-enacting that Act.

C.1.3 In determining whether an agreement falls within the definition of a Contract above then it is the substance of the agreement that will be determinative not the form. If the effect of the agreement is that the Council has services, works, or goods delivered for it or on its behalf then for the purposes of these Orders it is a Contract. Using other wording or titles (e.g. grant, memorandum of understanding etc.) for an agreement by which the Council has services, works, or goods delivered for it or on its behalf does not avoid the application of these Orders.

C.1.4 Any reference in these Orders to the Director of Finance and Commercial Services, an Assistant Director of Finance and Commercial Services, the Director of Legal and Governance or an Assistant Director of Legal and Governance shall include a reference to an officer authorised by them to act on their behalf.



## **ORDER C.2 - GENERAL**

### **C.2.1 Application of Standing Orders**

C.2.1.1 The procurement and award of a Contract shall comply with these Orders unless:

- C.2.1.1.1 an exemption applies (see Order C.2.2);
- C.2.1.1.2 a Waiver of Contract Standing Orders has been granted or is not required under Order 2.3; or
- C.2.1.1.3 the Contract is a School Contract (these should be let in accordance with the Finance Manual for Schools).

### **C.2.1.2 External Bodies**

An SRO shall require External Bodies to comply with these Orders (or alternatively, any other written procurement rules adopted by that body which have been approved by the Director of [Finance and Commercial Services](#)) whenever the External Body undertakes a procurement of goods, works or services in any of the following circumstances:

- Where the External Body is undertaking the procurement on behalf of the Council, specifically acting as its procurement agent; or
- Where the procurement is being undertaken by the External Body on its own behalf, or for some third party, but is being funded by financial assistance from the Council and it is a condition of that assistance that these Orders shall apply; or
- Where the Council is the “accountable body” for the External Body (unless the terms of the Council being accountable body require different requirements to be observed and those different requirements are a condition of the funding to the External Body; or
- Where the External Body is a company under the control of the City Council within the meaning of *section 68 Local Government and Housing Act 1989*.

C.2.1.3 Where the External Body is another local authority undertaking the procurement as the ‘commissioning authority’ on behalf of the Council and any other parties, the financial regulations and procurement rules of that other local authority may be relied upon. However, the SRO for the Service to which the Contract relates shall ensure that the procurement is carried out in accordance with

applicable EU Procurement Rules and Regulations and obtain confirmation of this in writing from the commissioning authority.

#### C.2.1.4 *EU Procurement Law and Part B Services*

Every Contract shall be let in accordance with legal requirements, including the Regulations and European Union Treaty law. Those requirements shall prevail in the case of any conflict with these Orders

Some Contracts will be subject to the rules set down in the European Union Procurement Directives and Regulations. These rules will apply to Contracts for supplies, services and works above certain thresholds; the level of each threshold is subject to review by the EU. Only certain services are fully covered by the Regulations. The Procurement Professional undertaking the tender exercise will be responsible for compliance with the Regulations, where applicable, including checking the threshold levels. Appropriate time must be allocated to enable the required EU procurement processes to take place.

Under the European Public Procurement Directives and the Regulations Part B Services are exempt from the detailed procurement procedures in the Procurement Regulations but above threshold Contracts are still caught by the other obligations in the Procurement Regulations. Below threshold Part B Services are subject to general EU Treaty law on procurement and the statutory duty to provide Best Value.

Best practice is that this is best proven by utilising proper competitive procurement procedures. Therefore these Orders apply in full to Part B Services.

#### C2.1.5 *Grant Funding*

Where a the Council receives a grant that is used to fund the provision of goods, works or services under a Contract then these Orders apply in full to the procurement of the goods, works or services.

Where funding received by the Council, which the Council administers on the funding body's behalf and the funding body has attached grant conditions which make compliance with these Orders unachievable, and this has been agreed by the Director of Finance and Commercial Services, then to the extent necessary to comply with the grant conditions these Orders do not apply.

#### C2.1.6 *In-House Providers*

Where the Council has an In-House Provider, that is capable of meeting a requirement, they must be used without competition, except where the Director of Finance and Commercial Services has determined that Supplies or Services of a particular kind will be subject to a competitive process.

Where it is deemed that an In-House Provider might not provide value for money, the Director of Finance and Commercial Services will advise on any benchmarking process that should take place and whether there ought to be a competitive process. Any involvement of the In-House Provider in the benchmarking or competitive processes will be approved by the Director of Finance and Commercial Services. A list of In-House Providers that have been assessed as providing value for money for internal Clients may be held by Commercial Services

#### C2.1.7 *Council Contracts*

Where the Council has a Council Contract, that is capable of meeting a requirement, they must be used without competition, except where the Director of Finance and Commercial Services has determined that Supplies or Services of a particular kind will be subject to a competitive process. A list of Council Contracts will be held by Commercial Services.

#### C2.1.8 *Framework Agreements*

The Council and other contracting authorities have in place agreements where one or a number of suppliers have been appointed to a framework to deliver goods, works or services. These framework agreements allow Contracts to be placed without the need for a further public procurement exercise. Where a Contract is let under a framework then provided;

- The use of the particular framework was included in the approved procurement strategy;
- In the case of a framework agreement let by another contracting authority its use has been approved by the Director of Finance and Commercial Services; and
- It is done so in accordance with the terms of the framework (including any requirement for a mini tender amongst the suppliers on the framework).

then the competitive requirements set out in these Orders shall not apply.

#### C2.1.9 *Market Development*

Where there are no existing suppliers with the required competence a Grant (in which case these Orders do not apply – but see Order C.1.3) or Contract can be used to stimulate the development with an agreed partner or supplier. Where a Contract is to be used these Orders apply and a Waiver from the competitive requirements will be required. Before granting a Waiver the Director of Finance and Commercial Services will need to be satisfied that there are no existing suppliers with the required competence and any Waiver granted will be time limited to ensure that when the new service market is operational other new entrant suppliers in that market have the opportunity to bid for the service provision.

#### C.2.2 **Exemptions**

C.2.2.2 For the avoidance of doubt, the following types of expenditure are not Contracts or are exempt from the competitive requirements set out in these Orders, and a Waiver is not required (If in doubt, seek advice from Commercial Services):

C.2.2.2.1 Offers of employment which makes an individual an employee of the Council.

C.2.2.2.2 When dealing with:

- Acquisition, disposal or transfer of interests in or rights over land/property (which do not form part of a wider transaction where the Council procures works, goods or services);
- Disposal of surplus goods;
- Items purchased or sold by public auction (in accordance with arrangements agreed by the Executive Director of Resources);
- Compensation Payments e.g. relating to Compulsory Purchase Orders and Insurance;
- Customer refunds e.g. Planning Refunds, Rent Refunds etc.;
- Grant agreements where the Council either receives or gives a grant (but see Orders C.1.3 and C.2.1.7 above).

C.2.2.2.3 For certain Contracts where the Council is obliged by statute or any other legal provision to use only one

supplier (e.g. works orders only with utility infrastructure providers – Gas Mains, for example). Officers should seek to negotiate such terms and conditions that are in the best interests of the Council.

C.2.2.2.4 For expenditure with sole source organisations, such as Central Government bodies; these are statutory services where no genuine alternative exists. Officers should seek to negotiate such terms and conditions that are in the best interests of the Council.

C.2.2.2.5 For expenditure with In-House Providers under Order C2.1.6.

C.2.2.2.6 For expenditure with a Council Contract under Order C2.1.7.

C.2.2.2.7 For expenditure under a framework agreement under Order C2.1.8

All queries in relation to the above exemptions should be directed to Commercial Services; in cases of dispute, the Director of Finance and Commercial Services’ decision will be final.

## C2.3 **Waivers of Standing Orders**

C2.3.1 The Director of Finance and Commercial Services may grant a specific or general exemption from a requirement or number of requirements of these Orders in special circumstances. The decision shall include the reasons for the exemption.

C2.3.2 An application for a Waiver shall be made in such form and include such information as required by the Director of Finance and Commercial Services.

C2.3.3 Where a Waiver relates to a proposed contract with a Contract value over £50,000 then the request shall be reviewed by the relevant Executive Director before submission and they shall sign the request to confirm their approval.

C2.3.4 There is no requirement to obtain a Waiver where it is not intended to follow the competitive requirements of these Orders if the proposed Contract Value is below £2500. The competitive requirements should be followed unless there is justification not to do so and it is the responsibility of the

SRO to ensure that the reason is justified and is recorded in writing.

C2.3.5 A Waiver cannot as a matter of law excuse non-compliance with European Union Procurement Directives, the Regulations and EU Treaty Law. Advice should be sought on the impact of these in relevant cases.

C2.3.6 Guidance on Waivers is available from Commercial Services and must be adhered to.

#### C.2.4 **Compliance and Contraventions**

C.2.4.1 All Officers must comply with Contracts Standing Orders.

C.2.4.2 Each Senior Responsible Officer shall ensure that Contracts let by his or her Service comply with these Orders.

C.2.4.3 All Officers have a duty to report unauthorised breaches of these Orders to the Director of [Finance and Commercial Services](#).

C.2.4.4 Where any Officer has been found to be in breach of these Orders then appropriate action will be taken. The purpose of the action is to provide guidance for those who inadvertently breach the requirements of these orders and more formal action for those who persistently and/or deliberately breach the requirements. These actions are likely to include the following and it should be noted that for a deliberate and serious breach first breach any of these action might be deemed appropriate;

C.2.4.4.1 For a first or subsequent inadvertent breach the Category Manager will provide guidance and support and explain the potential consequences of failure to follow the controls. This will be confirmed by email with the Officer and kept for one year.

C.2.4.4.2 For a second breach this will be discussed with the Officer and their line manager and if a deliberate disregard then actions to stop reoccurrence will be agreed via email with line manager and the officer.

C.2.4.4.3 For a further breach it will again be discussed with the line manager and individual formally and a course of action agreed. If it is a further deliberate breach then enforcement action may be required. This will be appropriate to the circumstances and agreed with the line manager. This

could for example include formal action under the Council's Disciplinary Procedure and/or removing financial delegated authority to raise or approve orders.

#### **C.2.5 Contract Value**

The Contract Value must not be underestimated, and the Contracts must not be subdivided in order to avoid the application of the European Union Directives, the Regulations or these Orders. For concession contracts the value of the benefit must be realistically estimated.

#### **C.2.6 Conflicts of Interest**

In keeping with the Council's Financial Regulations, Officers and Members must formally declare any relationships with existing or potential Council Contractors prior to the obtaining of quotations or the awarding of Contracts, in accordance with relevant Codes of Conduct.

#### **C.2.7 Nomination**

The Council will not normally nominate sub-contractors or suppliers to its Contractors and the consent of the Director of Finance and Commercial Services is required to do so. However, Contractors will be actively encouraged to utilise local suppliers or sub-contractors and to recruit locally, whilst complying with relevant legislation.

#### **C.2.8 Transfer of Employees**

Where a Contract will result in the transfer of employees, the relevant law, policies and procedures of the Council should be complied with at all times.

#### **C.2.9 Extensions and Variations of Contracts**

Where it is intended to extend the term of a Contract (including where the contract provides for such an extension) or vary a Contract to include new or revised goods, works or services then if the Contract Value after extension or variation being applied will be increased by the greater of;

C.2.9.1 £25,000 (Goods) or £50,000 (Works or Services); or

C. 2.9.2 10% of the Contract Value when the Contract was initially let,

then the consent of the Director of Finance and Commercial Services will be required before the Contract is extended or varied. In deciding whether to give such consent the Director of Finance and Commercial Services will require the submission of a procurement strategy. Any consent should be sought at an early stage to allow for other procurement methods to be undertaken if it is determined that an extension or variation is not the appropriate route.

#### C2.10 Executive Decision Making of the Council

These Orders are in addition to and are not a replacement of the Council's Executive decision making process under the Leader's Scheme of Delegations. It is the responsibility of the Client to ensure that any relevant Executive Decision (including approval of procurement strategy and contract award) is made in accordance with the law, the Council's constitution and the Leader's Scheme of Delegations. The Director of Finance and Commercial Services may refuse to approve a procurement strategy or contract award under these Orders if he is not satisfied that the relevant Executive Decisions have or will be made.



### **ORDER C.3 - COMMISSIONING**

#### **C.3.1 General**

In all cases, the Council's approved approach to Commissioning should be followed. For further information, please contact Commercial Services.

#### **C.3.2 Commissioning responsibilities of the Client**

- C.3.2.1 Before starting the process of letting a Contract, the Client will need to consider a range of issues in order to ensure that the right approach is adopted. The responsibilities of the Client include:
- C.3.2.1.1 Defining what the requirement is – including desired quality standards and outcomes – and how much it is likely to cost;
  - C.3.2.1.2 Ensuring appropriate budgetary and other approval (including approval of the procurement strategy in accordance with the Leader's scheme of delegations) has been granted;
  - C.3.2.1.3 Ensuring needs analysis for the requirement has been carried out adequately with stakeholders and end users;
  - C.3.2.1.4 Ensuring sustainability considerations are adequately considered;
  - C.3.2.1.5 Ensuring appropriate consideration has been given to potential Human Resources, Legal and any other implications;
  - C.3.2.1.6 Ensuring requirements align with the Council's objectives and priorities, as defined in the Corporate Plan and adopted policies;
  - C.3.2.1.7 Ensuring compliance with any statutory and other duties in the commissioning process are complied with e.g. Equalities Act 2010, Best Value duty, Public Services (Social Value) Act 2012 duties, public law consultation duties, requirements of Compact with voluntary sector etc.
  - C.3.2.1.8 Ensuring a Procurement Professional is engaged at an early stage of the Commissioning process, and undertakes any resulting tendering exercise. Commercial Services holds a list of Procurement Professionals..

## **ORDER C.4 - PROCUREMENT STRATEGY**

### **C.4.1 General**

C.4.1.1 The procurement strategy used on all tendering for every Contract with a Contract Value over £25,000 (Goods and Services) or over £50,000 (Works), must be consistent with this Order and any relevant legislation and this must be confirmed by the Director of Finance and Commercial Services. Where appropriate, the financial, human resources, legal and equalities implications must be agreed with the relevant department before the procurement strategy is presented to the Director of Finance and Commercial Services. Where it is known that for a Contract with a Contract Value under these financial thresholds a tendering exercise would produce the best outcome for the Council, the SRO should contact Commercial Services, where a Procurement Professional will be allocated to undertake the procurement exercise.

C.4.1.2 For Capital Expenditure Projects the SRO must also obtain approval from the Capital Programme Group (CPG). Confirmation that the procurement strategy is consistent with this Order and any relevant legislation, as required by C.4.1.1, may be obtained at the CPG.

C.4.1.3 Where a competitive tender process will be undertaken, a Procurement Professional must run the tendering process (see Order C.5), in conjunction with the Client, in adherence with the Tender Process Manual and associated instructions and with reference to the Procurement Policy issued by Commercial Services.

### **C.4.2 Contract Value less than £25,000 (Goods) or less than £50,000 (Works or Services)**

C.4.2.1 The SRO is responsible for ensuring a clear audit trail is maintained for the necessary period for all decisions made.

#### **C.4.2 The Council's Acquisition Model for Goods and Services**

**C.4.2.1 Reasonable steps shall be taken to ensure value for money for the Council which, as a minimum, shall include following the Council's Acquisition Model in the following order**

C.4.2.2.1 Step 1 use of the Council In-House Providers;

C.4.2.2.2 Step 2 considering if the goods and/or services can be made available from current inventories;

C.4.2.2.3 Step 3, considering if the goods and/or services can be purchased from an existing e-catalogue or existing Council Contract;

C4.2.2.4 Step 4, if the above are not possible and the total contract value of the goods and/or services is less than £2,500 proceed with making the purchase. The SRO is responsible for ensuring a clear audit trail is maintained for the necessary period for all decisions made to show Best Value in this case.

C.4.2.2.5 Step 5, for a contract for goods and/or services over £2,500 but less than £150,000 the Council's Sourcing Team within Finance and Commercial Services **must** be used. They will attempt to electronically source quotations (usually a minimum of 3 written quotations, with 1 local supplier where possible) for the goods and/or services. Written records and details will be kept by the Sourcing Team.

C4.2.2.6 Step 6, for Contracts of Goods with a value of £150,000 and above, a formal competitive tender process must take place. The Council must treat the tender process with probity and act in an open and transparent way throughout.

C4.2.2.7 A Procurement Professional must determine the appropriate choice of tender procedure to follow, as detailed in the Tender Process Manual or required by law.

C.4.2.2.8 Each Contract to be let under Step 6 shall be given appropriate publicity to bring it to the attention of suitable providers.

C.4.2.2.9 Some Contracts will be subject to the rules set down in the European Union Procurement Directives and Regulations. These rules will apply to Contracts for supplies, services and works above certain thresholds; the level of each threshold is subject to review. Only certain services are fully covered by the Regulations. The Procurement Professional undertaking the tender exercise will be responsible for compliance with the Regulations, where applicable, including checking the threshold levels. Appropriate time must be allocated to enable the required EU procurement processes to take place.

**C.4.2.3 Irrespective of the value, if your proposed purchase would provide better value through a more competitive process – for example there is a supply market for the product or service required - or is complex or difficult to describe – for example, the appointment of consultants**

or the buying of a bespoke service – a Procurement Professional may require you to seek tenders rather than quotes.

#### **C.4.3 Contract Value £50,000 or more for Works**

C.4.3.1 For Contracts for works approved in accordance with Standing Order C.4.1.2 with a value in excess of £500,000, a formal tender process must take place. A Procurement Professional must determine the appropriate choice of tender procedure to follow, as detailed in the Tender Process Manual or required by law. The Council must treat the tender process with probity and act in an open and transparent way throughout. Each Contract to be let shall be given appropriate publicity to bring it to the attention of suitable providers.

C.4.3.2 For Contracts for works approved in accordance with Standing Order C.4.1.2 with a value between £50,000 and £500,000, 3 or more competitive quotations may be invited - unless a Procurement Professional determines that a full tender process would be more appropriate in the specific circumstances. The Council must treat either process with probity and act in an open and transparent way throughout. Again, a Procurement Professional shall determine the appropriate choice of procedure.

## **ORDER C.5 - TENDERS**

### **C.5.1 Requirements**

C.5.1.1 The Sourcing Team will ensure that, where quotations or tenders for under £150,000 (Goods & Services) and £50,000 (Works) are opened within their Service, a procedure similar to that set out in this Order is adopted for recording the method used and the outcome for audit purposes.

C.5.1.2 SRO's should ensure that where quotations or tenders for under £50,000 (Works) are opened within their Service, a procedure similar to that set out in this Order is adopted for recording the method used and the outcome for audit purposes.

C.5.1.3 No person or economic operator shall be included in or excluded from:

- any list of tenderers or persons with whom the Council may negotiate;
- any standing list; or
- the Approved List;

unless authorised in accordance with the Constitution and the Leader's Scheme of Delegations by the Council, Cabinet, a Cabinet Member, a Committee or an Officer.

C.5.1.4 Bankruptcy and Liquidation

No tender shall be invited from, and no Contract entered into with, any person or economic operator who:-

C.5.1.4.1 is bankrupt or in liquidation;

C.5.1.4.2 has any receiver or administrative receiver appointed to it;

C.5.1.4.3 has any winding up order made or (except for the purpose of amalgamation or reconstruction) a resolution of voluntary winding up passed in respect of it.

C.5.1.5 Electronic Tendering

All tenders must be undertaken electronically, using the Council's electronic-tendering system (YORtender). Any exemptions from this must be authorised by the Commercial Process Team. In any tender process all bids must be submitted by the same means.

| C.5.1.6 Tender Submission

Tenders need to be in by a specified date and time and this should be clearly set out in the tender documents that go out to tenderers. Generally, late tenders (i.e. ones received after the time and date set for their return) will not be considered. However, exceptionally there is scope for flexibility with these and they may be accepted after considering their position if it is clear beyond dispute that it was despatched in good time and the delay is outside of the control of the tenderer. If in doubt about whether to accept a late tender consult the Director of [Finance and Commercial Services](#) who will liaise with the Director of Legal and Governance where appropriate. Late tenders not considered shall not be opened until after all other tenders have been opened and shall then be returned to the tenderer.

| C.5.1.7 Hard Copy Tendering

| C.5.1.7.1 Where hard-copy submission is permitted tenders must be submitted in a plain envelope, without any marks identifying the bidding organisation, but must be clearly identifiable as a tender.

| C.5.1.7.2 Tenders must be addressed and delivered to a designated office. All tenders received will be marked with the date and time of receipt and listed in a register and held in safe custody until the time of opening as set down in the tender documents.

| C.5.1.8 Tender Opening

Where Tenders are received under the provisions of these Orders, the following shall apply:

| C.5.1.8.1 Electronic Tender Opening

Tenders received electronically shall be 'opened' within the electronic tendering system by authorised officers within the Commercial Process Team. These officers shall not have any conflicts of interest with the tender process and shall be appointed by the Director of [Finance and Commercial Services](#).

C.5.1.8.2 Hard-copy Tender Opening

Tenders received in hard copy shall be opened together at one time in a suitable place and in the presence of two officers who shall not have any conflicts of interest with the tender process and shall be appointed by the Director of Finance and Commercial Services. Both Officers shall initial each tender and sign a schedule of the tenders opened.

C.5.2 **Health and Safety**

C.5.2.1 For High Risk Work or services regardless of Contract Value or for works or services of Contract Value £25,000 or above – including, without limitation, those that are applicable and notifiable under the Construction (Design and Management) Regulations 2007 – Contractors shall be required to provide:

(1) Selection Stage (Pre-Qualification)

(a) At the earliest reasonable stage in the letting of the Contract and no later than the time when expressions of interest are received, Contractors shall provide either:

- a valid registration with the Contractors Health and Safety Scheme (CHAS) or equivalent scheme registered with the Safety Schemes in Procurement (SSIP) Forum;

or the following:

- if requested, a copy of the Contractor's current Health and Safety Policy document;
- a detailed breakdown of the number and nature (i.e. type of injury, disease etc.) of RIDDOR reports that the Contractor has had to make within the last 5 years; and
- details of any breaches of health and safety legislation by the Contractor, or employees of the Contractor, which have led to either the serving of a prohibition or improvement notice, or both, within the last 5 years.

(b) For those operations to which the Construction Design and Management Regulations 2007 (CDM) Regulations apply:

- Contractors must hold a valid registration with the Contractors Health and Safety Scheme (CHAS) or equivalent scheme registration with the Safety Schemes in Procurement (SSIP) Forum.

- (c) In both (a) and (b) above, any other health and safety information deemed necessary by the SRO for H&S (Safety and Employee Well Being)) (Safety & Employee Wellbeing) required because of the size or specialised nature and risks associated with the Contract.

(2) Tender Stage

At the tender stage (unless defined as low risk work by the SRO for H&S (Safety and Employee Well Being)):

- a clear specification of the resources they propose to provide to control and manage the significant health and safety risks; and
- evidence of competence to carry out the safety critical aspects of the work in accordance with health and safety law.

This information shall be forwarded to the Contract Lead (or equivalent) for approval. Where the Contract Lead believes (for reasons of the complexities of the health and safety requirements) specialised assistance is required, the SRO for H&S (Safety and Employee Well Being) will provide advice on the adequacy of the material submitted.

(3) Monitoring the Contract

On commencement of the work the Contract Lead will put in place methods to monitor the health and safety performance of the Contractor commensurate with the size, scope and risks associated with the Contract. Where required the SRO for H&S (Safety and Employee Well Being) will provide advice.

C.5.2.2 No such Contract shall be awarded unless:-

- (1) the Contractor's documents referred to in C.5.2.1 have been approved by the appropriate persons described above; or
- (2) in exceptional circumstances (for example, very specialised Contracts with intricate health and safety requirements) with the direct approval of the SRO for H&S (Safety and Employee Well Being).



## **ORDER C.6 - AWARD OF CONTRACT**

### **C.6.1 Authority to award Contracts**

C.6.1.1 The proposal to award a Contract must be clearly defined within the contract award approval form and must be consistent with these Orders and any relevant legislation and this must be approved by the Director of Finance and Commercial Services for Contracts with a Contract Value over £150,000 (Goods and Services) and over £50,000 (Works).

C.6.1.2 For Capital Expenditure Projects the SRO must also obtain approval from the Capital Programme Group (CPG). Finance and Commercial Services sign-off, as required by C.6.1.1, may be obtained at the CPG.

C.6.1.3 No Contract shall be entered into unless also authorised in accordance with the Constitution and the Leader's Scheme of Delegations (see Order 2.10).

### **C.6.2 Selecting the Successful Contractor**

C.6.2.1 Subject to C.6.2.2, every Contract shall be awarded to the Contractor submitting the most economically advantageous tender or quote on the basis of pre-determined evaluation criteria.

C.6.2.2 Where a procurement procedure would lead to acceptance of a tender or quotation which:

- (a) would not be the most economically advantageous tender decided by reference to pre-determined evaluation criteria (where payment is to be **made** by the Council); or
- (b) would not be the highest amount of money which could be received by the Council (where payment is to be **received** by the Council);

the person or body authorised in accordance with the Constitution and the Leader's Scheme of Delegations to award the Contract may still approve the award of the Contract, in conjunction with the Director of Commercial Services. The reasons for such a decision shall be formally recorded.

## **ORDER C.7 - CONTRACTS**

### **C.7.1 Forms of Contract**

C.7.1.1 For the purposes of The Local Authorities (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001 the Council has specified that the following Contracts must be in writing;

C.7.1.1.1 Those with a Contract Value greater than £25,000 (Goods) or £50,000 (Works or Services);

C.7.1.1.2 Any Contract awarded after a competitive process as determined under Order C.4.2.3;

C.7.1.1.3 Any Contract as specifically directed under this order by the Director of Finance and Commercial Services or the Director of Legal and Governance.

C.7.1.2 It is recommended that all other Contracts are in writing and where not must be evidenced in writing. For the purposes of these Orders a Contract is in writing if all the terms agreed between the parties are set out in a document which is signed or sealed in accordance with these Orders. A Contract is evidenced in writing if all the terms agreed between the parties are set out in a number of documents which can be produced to prove the terms of the agreement.

C.7.1.3 For Contracts which are required to be in writing by virtue of order C.7.1.1 the Procurement Professional will determine the appropriate form of Contract to use.

C.7.1.2 In all cases it is expected that Model Forms of Contract should be used as standard; additional relevant clauses specific to the Contract should be added, where applicable. Model Forms of Contract for Goods, Services and Consultancy are available from Commercial Services. Contact Commercial Services for further advice.

### **C.7.2 Contracts – Signed or by Deed**

C.7.2.1 Contracts of Contract Value £500,000 or more shall be by deed and so under the Council Seal (see Order C.7.2.4), except with the approval of the Director of Legal and Governance, in which case they shall be signed.

C.7.2.2 Contracts of Contract Value between £2500 and £500,000 must be signed unless the Director of Legal and Governance

recommends they should be by deed or by law are required to be by deed.

C.7.2.3 It is expected that Contracts of Contract Value below £2500 will be signed unless there is good reason not to or the Director of Legal and Governance recommends they should be by deed, or by law are required to be by deed.

C.7.2.4 The Council Seal shall only be applied in the presence of the Director of Legal and Governance an Assistant Director of Legal and Governance or some other person authorised by the Director of Legal and Governance who shall also attest the sealing and enter brief particulars of it, signed by him or her, in a book kept for the purpose.

C.7.2.5 The Director of Finance and Commercial Services, an Assistant Director of Commercial Services, the Director of Legal and Governance, an Assistant Director of Legal and Governance and the relevant SRO are each authorised by the Council to sign a Contract that is not by deed.

C.7.2.6 Any Contract that falls within Order C7.1.1 must be signed by two persons on behalf of the Council. In these cases such Contracts shall be signed by the SRO and one other person authorised under order C.7.2.5. This is a legal requirement of The Local Authorities (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001.

C.7.2.7. Any other Contract shall normally be signed by the relevant SRO.

C.7.2.8 A contract shall only be signed or sealed when there are the necessary authorities in place for the award of the Contract except that the Director of Finance and Commercial Services may waive the requirement for the document approving contract award under these Orders being signed. For the avoidance of doubt, the requirement for contract awards to be approved in accordance with the Leader's Scheme of Delegation cannot be waived.

Appendix 1 is a flow chart that is intended to assist in determining the form of contract and signings requirements under Orders 7.1 and 7.2. This flow chart is for guidance only and in the event of any conflict between the wording of the Orders and the flow charts then the wording of the Orders shall prevail.

### C.7.3 **Contracts Register**

The Council via Commercial Services is required by Government to publish an up to date contract register on the internet. The e-tendering system (YORtender) automatically produces this once a tender has been awarded.

It is the responsibility of the SRO to ensure that **all** Contract details that have not been let through YORtender are provided to Commercial Services in a timely fashion. This responsibility applies irrespective of the value of the Contract or whether or not the Contract was awarded after a competitive tender.

### C.7.4 **Contract Management**

It is the responsibility of the SRO to ensure appropriate Contract management arrangements are put in place, as specifically defined by Commercial Services.

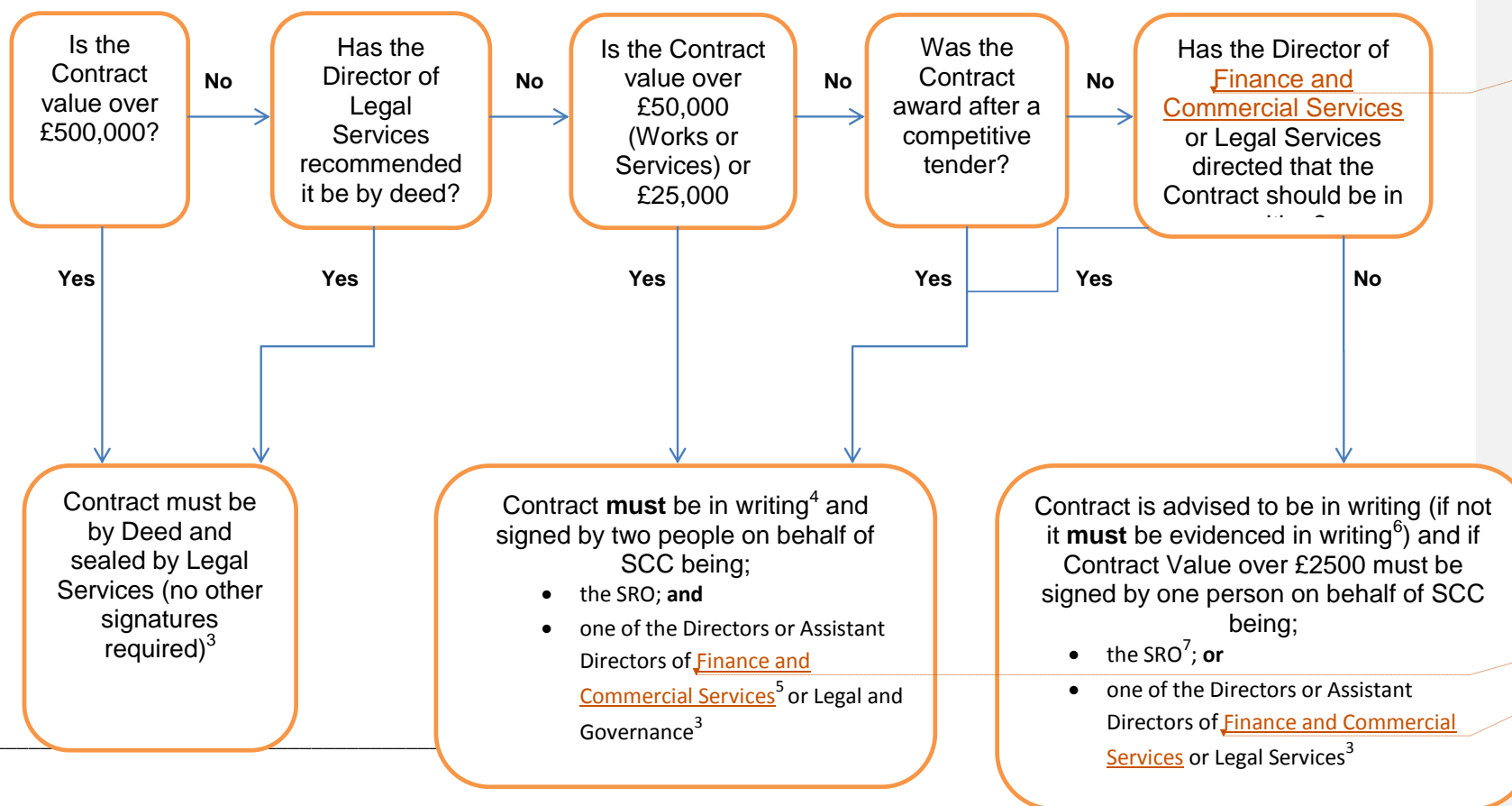
### C.7.5 **Payment in Advance**

Under the Council's Financial Regulations its standard payment terms are 30 calendar days from the date that a valid invoice is received by the Council. Any variation to this standard must be agreed by the Director of Finance and Commercial Services either as part of the letting of a contract or by ad-hoc exception to the standard terms.

The Council does not normally agree to provide payment in advance of satisfactory performance or delivery. Advice must be sought from the Director of Finance and Commercial Services as soon as possible where payment in advance is required or requested by a Contractor and any change to the normal position needs to be dealt with by way of a waiver to this Order.

## Appendix 1

### Flow Chart Guide to Format and Execution Requirements<sup>i</sup> for Contracts let by Sheffield City Council<sup>ii</sup>



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<sup>i</sup> This Flow chart is a guide to aid interpretation of the requirements in the Council's Contract Standing Orders in relation to whether a contract should be in writing and signature requirements. It does not cover what procurement process may be required or whether model forms of contract should be used. It does not form part of those Orders and any final interpretation is to be based on the wording of the Orders alone. It is correct as to the version of Contract Standing Orders approved by Council February 2014.

<sup>ii</sup> The requirements of Contract Standing Orders relate only to Contracts as defined therein, being contracts for the supply to the Council of goods, works or services. These format and signature requirements do not apply to other forms of contract or agreements.

<sup>3</sup> A Contract will only be sealed or signed if evidence is provided that letting the Contract has been approved as an Executive Decision in accordance with the Leader's Scheme of Delegations. Where a specific delegation is relied upon, evidence of the original delegation will also be required. This is not the same as approval by the Director of [Finance and Commercial Services](#) or Capital Programme Group under Contract Standing Orders.

<sup>4</sup> A contract is in writing if all the terms agreed between the parties are set out in a single document

<sup>5</sup> The usual course will be that where Commercial Services have advised or been involved in a Contract award procedure they will be the second signatory.

<sup>6</sup> A contract is evidenced in all the terms agreed between the parties are set out in a number of documents which can be produced to prove the terms of the agreement.

<sup>7</sup> It is expected this will usually be the SRO. Contracts with a value below £2500 are expected to be signed unless there is a good reason not to.

## SHEFFIELD CITY COUNCIL

### PROCEDURE FOR DEALING WITH COMPLAINTS REGARDING CITY, PARISH AND TOWN COUNCILLORS AND CO-OPTED MEMBERS

#### 1. Introduction

1.1 Under the Localism Act 2011, the Council has a duty to promote and maintain high standards of conduct for its elected and co-opted members and have arrangements in place to deal with complaints.

1.2 This Procedure sets out how the Council will deal with a complaint alleging a breach of the Members' Code of Conduct by:-

- Sheffield City Councillors
- Voting and non-voting co-opted members of the Council
- Bradfield Parish Councillors
- Ecclesfield Parish Councillors
- Stocksbridge Town Councillors

(In this Procedure the term 'Member' is used to describe a Councillor or Co-opted Member)

1.3 In dealing with complaints we will be fair to both the complainant and Member and progress matters in accordance with the timescales set out in the Procedure. Complaints will be handled in the strictest confidence at all times.

#### 2. Monitoring Officer

2.1 Gillian Duckworth, Director of Legal and Governance, is the Council's Monitoring Officer. This is a statutory role, responsible for ensuring that the Council, its Members and officers carry out their functions in a lawful and ethical manner. The role includes supporting the Audit and Standards Committee and the three Independent Persons in dealing with complaints alleging a breach of the Members' Code of Conduct.

#### 3. Independent Persons

3.1 The Council appoints Independent Persons from outside the Council to assist the Monitoring Officer and the Audit and Standards Committee in considering complaints. This is statutory requirement under the Localism Act 2011. Sheffield has appointed ~~three~~ two Independent Persons - ~~Stuart Carvell, Marvyn Moore and~~ David Waxman and Jo Cairns.

3.2 The Independent Person must be consulted at various stages in the complaints process and also before the Hearing Sub-Committee makes a finding as to whether a member has failed to comply with the Code of Conduct and decides on action to be taken in respect of a Member.



#### 4. Making a Complaint/Withdrawing a Complaint

4.1 Complaints alleging a breach of the Members' Code of Conduct should be made in writing using the complaint form and sent to Gillian Duckworth, Monitoring Officer, Sheffield City Council, Town Hall, Sheffield S1 2HH or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk). The complaint form is available from:-

- Website - <http://www.sheffield.gov.uk/home/your-city-council/council-meetings>
- Email - [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk)
- Phone - Democratic Services on 0114 273 4015

4.2 If you need advice or assistance in submitting a complaint please contact Philippa Braithwaite in Democratic Services (email [philippa.braithwaite@sheffield.gov.uk](mailto:philippa.braithwaite@sheffield.gov.uk) or phone 0114 273 4015).

**Comment [PB1]:** To be updated as necessary

4.3 Details of the complaint, including the name of the complainant, will be shared with the Member. The complainant can request on the complaint form that their identity is kept confidential. Requests for confidentiality will be considered by the Monitoring Officer, in consultation with the Independent Person and the complainant will be informed in writing of the outcome

4.4 Anonymous complaints will not be considered.

4.5 The complainant can withdraw their complaint at any time by informing the Monitoring Officer in writing. The Monitoring Officer will confirm this in writing with the complainant within 5 working days and also inform the Member that the complaint has been withdrawn.

4.6 Where a complaint has been withdrawn, the Monitoring Officer reserves the right to pursue the issues in the complaint.

#### 5.0 Acknowledging the Complaint/Rejecting a Complaint/Informing the Member

5.1 The Monitoring Officer will acknowledge receipt of the complaint in writing within 5 working days, with details of how the complaint will be dealt with and providing a copy of this Procedure and the Code of Conduct.

5.2 If necessary, the Monitoring Officer will clarify any matters with the complainant as soon as possible before the Member is informed.

5.3 The Monitoring Officer also reserves the right to reject a complaint if it is considered to be trivial, vexatious, repetitious, not a standards matter or a general misuse of the opportunity. The complainant will be informed of the reasons why a complaint has been rejected.

5.4 The Member will be informed in writing within 5 working days that a complaint has been made about them, subject to paragraph 5.2. This will



include the name of the complainant (unless the Monitoring Officer has agreed to the complainant's request that their name is kept confidential) and details of the complaint. They will also receive a copy of this Procedure and the Code of Conduct. To assist the Monitoring Officer in assessing the complaint, the Member will be invited to submit within 10 working days a written statement of fact in response to the complaint.

5.5 The Monitoring Officer will also inform the Leader of the relevant political Group, Group Whip and Chair of the Audit and Standards Committee that a complaint has been received and provide a summary of the complaint.

5.6 Where a complaint relates to a Parish or Town Councillor, the Monitoring Officer will also inform the Clerk of that Council of the name of the Member and details of the complaint. The Clerk will also be kept informed of the progress and the outcome of the complaint.

## **6. Assessment by the Monitoring Officer**

6.1 Before assessment of the complaint, it may be necessary for the Monitoring Officer to request further information or clarification from the complainant and/or Member and, where necessary, obtain other available information, such as the minutes of a meeting.

6.2 The Monitoring Officer, in consultation with the Independent Person, will consider (a) the complaint, any remedy sought by the complainant, any written statement of fact submitted by the Member and any other information obtained, (b) whether the member was acting in their official capacity and that the Code of Conduct does apply and (c) if the allegation constitutes a potential breach of the Code of Conduct and then take one of the following courses of action:-

1. Take no action or
2. Take other action through informal resolution or
3. Refer the matter for investigation
4. Refer the matter to the Consideration Sub-Committee

6.3 The complainant and the Member will be informed in writing within 5 working days of the outcome and the reasons for the decision.

**Comment [PB2]:** Extend to 10 working days

6.4 The Monitoring Officer will also inform the Leader of the relevant political Group, Group Whip and Chair of the Audit and Standards Committee of the assessment decision. Where a complaint relates to a Parish or Town Councillor, the Monitoring Officer will also inform the Clerk of that Council.

6.5 Where a complaint is not referred for investigation, the Monitoring Officer will seek to deal with the matter within 8 weeks.

### **6.6 Take No Action**

6.6.1 It is likely that no action will be taken where:-

- A significant amount of time has elapsed since the events which are the subject of the complaint.
- The allegation relates to a cultural or recurring issue relating to standards within the Council.
- The matter should be dealt with by some other method.
- Complaints have been made about the Member relating to similar issues that have previously been dealt with through this Procedure.
- The complaint appears to be trivial, vexatious, repetitious or a general misuse of the opportunity.
- The conduct occurred during political debate or could be regarded as a political expression of views or opinion.

## 6.7 Take Other Action Through Informal Resolution

6.7.1 Informal resolution may be the simplest and most cost effective way of resolving the complaint and without determining if an actual breach of the Code has taken place. It may be appropriate where:

- The Monitoring Officer considers that this is the most effective way of resolving the matter to the complainant's satisfaction;
- The Member appears to have a poor understanding of the Code of Conduct and/or related Council procedures;
- The conduct complained of appears to be a symptom of wider underlying conflicts which, if unresolved, are likely to lead to further misconduct or allegations of misconduct;
- The conduct complained of appears to the Monitoring Officer not to require a formal sanction;
- The complaint appears to reveal a lack of guidance, protocols and procedures within the District or Parish/Town Council;
- The complaint consists of allegations and retaliatory allegations between councillors;
- The complaint consists of allegations about how formal meetings are conducted; and
- The conduct complained of may be due to misleading, unclear or misunderstood advice from officers.

6.7.2 The Monitoring Officer, in consultation with the Independent Person, may take any of the following actions:-

- Take such steps as they think appropriate to prevent a future potential breach of the Code including training, guidance and introducing or amending policies/protocols.
- Ask the Whips to address the issue raised within their political parties or with an individual Member.
- Mediate between the parties involved to resolve the issues.
- Seek an apology from the Member.
- Any other action capable of resolving the complaint.

6.7.3 If a member of the public making a complaint is not satisfied with the action to be taken through informal resolution they can make a request in writing to the Monitoring Officer for reconsideration. If appropriate, the Monitoring Officer may then recommend additional mediation, reconsider the original action proposed, or refer the complaint to Consideration Sub-Committee.

#### 6.8 Refer the Matter for Investigation

6.8.1 It is expected that the Monitoring Officer will refer only the most serious potential breaches for investigation or where the Member fundamentally disputes or does not accept the allegations in the complaint.

6.8.2 If a complaint has been referred for investigation, the Monitoring Officer, in consultation with the Independent Person, will appoint a person to undertake the investigation and this may be either a Council Officer or an outside agent, depending on the complexity and subject of the complaint.

6.8.3 The Investigating Officer will inform the complainant and Member of the process and proposed timescale of the investigation. The investigation may involve interviewing both parties and possibly other witnesses, together with reviewing any relevant documentation or paperwork.

6.8.4 The Investigating Officer will prepare a draft report on the outcome of the investigation and provide the complainant and Member with a copy for review and comment.

6.8.5 The Investigating Officer will submit a final version of the report to the Monitoring Officer that will make a finding that either (a) there has been a

potential breach of the Code of Conduct or (b) there has not been a potential breach of the Code of Conduct. The final report will also be sent to the complainant and Member.

6.8.6 The Monitoring Officer will submit the Investigating Officer's report to the Consideration Sub-Committee.

6.8.7 An investigation will be completed within 12 weeks of a referral by the Monitoring Officer. The Consideration Sub-Committee will meet within one month of the final report being submitted to the Monitoring Officer.

**Comment [PB3]:** Extend to two months

6.9 Refer the matter to the Consideration Sub-Committee

6.9.1 The Monitoring Officer can refer a complaint direct to the Sub-Committee if it is considered that there is a potential breach of the Code but there is no dispute over the events in relation to the complaint and an investigation is not considered necessary.

6.9.2 If a member of the public making a complaint is not satisfied with the action to be taken through informal resolution they can make a request in writing to the Monitoring Officer for reconsideration. If appropriate, the Monitoring Officer may then recommend additional mediation, reconsider the original action proposed, or refer the complaint to Consideration Sub-Committee.

## **7 Consideration Sub-Committee**

7.1 The Consideration Sub-Committee comprises 3 Councillors and 1 non-voting co-opted Independent Member.

7.2 The complainant and Member are not required to attend the meeting of the Sub-Committee.

7.3 The Monitoring Officer will submit a report on the outcome of an investigation or a matter referred to the Sub-Committee. The Investigating Officer will attend the meeting.

7.4 The Sub-Committee will consider the Monitoring Officer's report and, after taking the views of the Independent Person into account, can:-

(a) take no action; or

(b) take other action including any of the following actions:-

- Take such steps as the Sub-Committee considers appropriate to prevent a future potential breach of the Code including training, guidance and introducing or amending policies/protocols.
- Ask the Whips to address the issue raised within their political parties or with an individual Member.
- Request the Monitoring Officer, in consultation with the

Independent Person, to mediate between the parties involved to resolve the issues.

- Seek an apology from the Member.
- Any other action capable of resolving the complaint.

(c) refer the matter to a Hearing Sub-Committee.

7.5 Where the Consideration Sub-Committee is considering a report on the referral of a complaint where a member of the public is not satisfied with the action to be taken through informal resolution, the only option available to the Sub-Committee is to ratify the original informal resolution, or to take other action including any of the following actions:-

- Take such steps as the Consideration Sub-Committee considers appropriate to prevent a future potential breach of the Code including training, guidance and introducing or amending policies/protocols.
- Ask the Whips to address the issue raised within their political parties or with an individual Member.
- Request the Monitoring Officer, in consultation with the Independent Person, to mediate between the parties involved to resolve the issues.
- Seek an apology from the Member.
- Any other action capable of resolving the complaint.

7.6 The Monitoring Officer will inform the complainant and Member in writing within 5 working days of the outcome and the reasons for the Sub-Committee's decision.

**Comment [PB4]:** Extend to 10 working days

## **8. Hearing Sub-Committee**

8.1 The Hearing Sub-Committee comprises 3 Councillors and 1 non-voting co-opted Independent Member.

8.2 The Sub-Committee will meet within two months of a referral by the Consideration Sub-Committee to consider the allegation.

8.3 The Sub-Committee will meet in public unless it decides that all or part of the meeting should be held in private in accordance with the Access to Information Procedure Rules in the Council's Constitution.

8.4 In advance of the Hearing, there will be a pre-hearing process to allow matters at the Hearing to be dealt with more fairly and economically.

8.5 The complainant and member will be given the opportunity to attend the

Hearing and present witnesses. The Monitoring Officer, any Investigating Officer and Independent Person will also attend. The procedure at the Hearing will include:-

- Making findings of fact
- Deciding if there has been a breach of the Code of Conduct
- Consider the remedies/sanctions available if there is a finding that the Member has breached of the Code of Conduct

8.6 Full details of the pre-hearing and hearing process are set out in the Procedure at Hearings. The Member and complainant will be provided with a copy of the Procedure.

8.7 A Finding of No Breach of the Code of Conduct

8.7.1 If the Sub-Committee finds that the Member did not breach the Code of Conduct no further action will be taken in respect of the complaint. However, the Sub-Committee can make a recommendation to the authority with a view to promoting and maintaining high standards of conduct in general (e.g. proposed changes to internal procedures or training for Members).

8.8 A Finding of a Breach of the Code of Conduct

8.8.1 If the Sub-Committee finds that a breach of the Code of Conduct has occurred they may make any of the following recommendations and may specify to whom they wish them to be directed:-

- Recommending to the Member's Group Leader and/or Group Whip (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council or Shadow Portfolio responsibilities.
- Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities.
- Instructing the Monitoring Officer to arrange training for the member.
- That policies/procedures are amended.
- That a briefing/information note be issued.
- That an apology be given.
- That the Member is censured in writing and a copy of the letter is published on the Council's website.
- Take no action where it is not considered appropriate in the circumstances to impose a sanction.

8.8.2 The Monitoring Officer will inform the complainant and the Member of the

outcome from the Sub-Committee hearing in writing within 5 working days.

**Comment [PB5]:** Extend to 10 working days

8.8.3 The findings and decision of the Sub-Committee will be also be available on the Council's website and copies will be supplied to the Chief Executive, Leaders of all the political Groups and the Group Whips.

8.8.4 Where the matter relates to a Parish or Town Councillor, the Clerk of that Council will be informed of the outcome of a Hearing.

## 9. Appeals

9.1 There is no right of appeal for the complainant or Member against a decision of the Monitoring Officer, Consideration Sub-Committee or Hearing Sub-Committee.

9.2 If the complainant feels that the Council has failed to deal with their complaint properly, they can make a complaint to the Local Government and Social Care Ombudsman (<http://www.lgo.org.uk/make-a-complaint/how-to-complain> or phone 0300 061 0614).

## 10. Reports

10.1 An annual report will be submitted to the Audit and Standards Committee with a summary of all Standards Complaints received and their outcome.

## 11. Data Protection

11.1 Complaints will be handled in the strictest confidence at all times. We will ensure that any information received as part of the handling of the complaint is disclosed only to those who can demonstrate a valid need to know it. However, when a complaint is considered at a Standards Committee Hearing then any information will be dealt with in accordance with the Access to Information Procedure Rules in the Council's Constitution.

11.2 Complaints records will be stored safely and securely. Records of the number of complaints received, the outcomes and the subject Members will be kept for so long afterwards as we consider it may be required to deal with any questions or complaints about the service which we provide. Personal information about the complainant and details of the complaint itself will be deleted after 7 years unless we elect to retain it for a longer period in order to comply with our legal and regulatory obligations.

## 12. Review and Changes to the Procedure

12.1 The Monitoring Officer will review the Procedure annually, in consultation with the Independent Persons, and submit a report on any proposed changes to the Audit and Standards Committee for consideration. In accordance with the Constitution, any changes will require final approval at Full Council.

| 6/12/2017

| ~~6-December~~September 2018 ~~7~~ v65



Minutes of the Meeting of the Council of the City of Sheffield held in the Council Chamber, Town Hall, Pinstone Street, Sheffield, S1 2HH, on Wednesday 5 September 2018, at 2.00 pm, pursuant to notice duly given and Summonses duly served.

## PRESENT

THE LORD MAYOR (Councillor Magid Magid)  
THE DEPUTY LORD MAYOR (Councillor Tony Downing)

- |  |  |  |
|--|--|--|
| 1 <i>Beauchief &amp; Greenhill Ward</i><br>Simon Clement-Jones<br>Bob Pullin<br>Richard Shaw | 10 <i>East Ecclesfield Ward</i><br>Moya O'Rourke<br>Steve Wilson                     | 19 <i>Nether Edge &amp; Sharrow Ward</i><br>Mohammad Maroof<br>Jim Steinke<br>Alison Teal  |
| 2 <i>Beighton Ward</i><br>Chris Rosling-Josephs<br>Ian Saunders<br>Sophie Wilson             | 11 <i>Ecclesall Ward</i><br>Roger Davison<br>Shaffaq Mohammed                        | 20 <i>Park &amp; Arbourthorne</i><br>Julie Dore<br>Ben Miskell<br>Jack Scott               |
| 3 <i>Birley Ward</i><br>Denise Fox<br>Bryan Lodge<br>Karen McGowan                           | 12 <i>Firth Park Ward</i><br>Abdul Khayum<br>Alan Law<br>Abtislam Mohamed            | 21 <i>Richmond Ward</i><br>Mike Drabble<br>Dianne Hurst<br>Peter Rippon                    |
| 4 <i>Broomhill &amp; Sharrow Vale Ward</i><br>Michelle Cook<br>Magid Magid<br>Kaltum Rivers  | 13 <i>Fulwood Ward</i><br>Sue Alston<br>Andrew Sangar<br>Cliff Woodcraft             | 22 <i>Shiregreen &amp; Brightside Ward</i><br>Dawn Dale<br>Peter Price<br>Garry Weatherall |
| 5 <i>Burngreave Ward</i><br>Jackie Drayton<br>Talib Hussain<br>Mark Jones                    | 14 <i>Gleadless Valley Ward</i><br>Lewis Dagnall<br>Cate McDonald<br>Chris Peace     | 23 <i>Southey Ward</i><br>Mike Chaplin<br>Tony Damms<br>Jayne Dunn                         |
| 6 <i>City Ward</i><br>Douglas Johnson<br>Robert Murphy<br>Martin Phipps                      | 15 <i>Graves Park Ward</i><br>Ian Auckland<br>Sue Auckland<br>Steve Ayris            | 24 <i>Stannington Ward</i><br>David Baker<br>Penny Baker<br>Vickie Priestley               |
| 7 <i>Crookes &amp; Crosspool Ward</i><br>Mohammed Mahroof<br>Anne Murphy                     | 16 <i>Hillsborough Ward</i><br>Bob Johnson<br>George Lindars-Hammond<br>Josie Paszek | 25 <i>Stocksbridge &amp; Upper Don Ward</i><br>Keith Davis<br>Francyne Johnson             |
| 8 <i>Darnall Ward</i><br>Mazher Iqbal<br>Mary Lea<br>Zahira Naz                              | 17 <i>Manor Castle Ward</i><br>Lisa Banes<br>Terry Fox<br>Pat Midgley                | 26 <i>Walkley Ward</i><br>Olivia Blake<br>Ben Curran                                       |
| 9 <i>Dore &amp; Totley Ward</i><br>Joe Otten<br>Colin Ross<br>Martin Smith                   | 18 <i>Mosborough Ward</i><br>David Barker<br>Tony Downing<br>Gail Smith              | 27 <i>West Ecclesfield Ward</i><br>John Booker<br>Adam Hurst<br>Mike Levery                |
|  |  | 28 <i>Woodhouse Ward</i><br>Mick Rooney<br>Jackie Satur<br>Paul Wood                       |

**1. APOLOGIES FOR ABSENCE**

- 1.1 Apologies for absence were received from Councillors Andy Bainbridge, Jack Clarkson, Adam Hanrahan and Paul Scriven.

**2. DECLARATIONS OF INTEREST**

- 2.1 Councillor Shaffaq Mohammed declared a personal interest in Item 8 – Notice of Motion regarding “Transport Funding”, due to him having worked with the Doncaster/Sheffield Airport in the past to engage with local travel agents to help them prepare a business case to attract airlines serving South Asia, and he stated that he would not speak or vote on that item of business.

**3. PUBLIC QUESTIONS AND PETITIONS AND OTHER COMMUNICATIONS**

3.1 Amendments to Motions

RESOLVED: In accordance with Council Procedure Rule 11(a)(ii) – Motions Which May Be Moved Without Notice At Council Meetings – and on the motion of Councillor David Baker, seconded by Councillor Peter Rippon, that only one amendment per Party Group per motion be permitted to be submitted at future meetings of the Council.

3.2 Petitions

3.2.1 Petition Requesting the Council to Develop a Network of New Public Bridleways in the Rivelin Valley Area

The Council received a joint electronic and paper petition containing 409 signatures, requesting the Council to develop a network of new public bridleways in the Rivelin Valley area.

Representations on behalf of the petitioners were made by Louise Huson, of Hallam Riders group. The petition requested the Council to develop an improved network of public bridleways in the Rivelin Valley to help keep people safe from unnecessarily using Rivelin Valley Road. She said that bridleways were a most inclusive right of way as they embraced horse riders, cyclists, walkers and wheelchair users and they were also broader than footpaths.

She said it was possible for a mixture of different users to amicably share routes, which was socially inclusive and children often liked to see horses and ponies. Riding for the disabled also provided a means of accessing the countryside. Whilst there were multiple public footpaths in the area, there was no legal provision for riders and cyclists to avoid the heavy road traffic. Barriers and signage excluded people other than walkers. Signage in the Rails Road car park also indicated that the nature trail was not suitable for wheelchair users. She said that this might unnecessarily endanger people and was contrary to

disabilities and equalities legislation the Council's Rights of Way Improvement Plan, the purpose of which was to make as many green spaces accessible to as many people as possible.

Louise Huson said that Rivelin Valley Road had a history of accidents and fatalities and there was great stress for people travelling on the road. She said that there could be changes to Council policy and minimal infrastructure investment. There were 20 stable yards in the Rivelin Valley and these were used by riders from a number of places, and included women and children and disabled people, who needed safe provision. At present, horse riders and cyclists were only able to use parts of the nature trail discreetly and illicitly. The petitioners wished for traditional routes to be made inclusive for everyone. Some routes had originally been cart roads and were thought to be wide enough for multi-use. The paths in question had been identified on a map which had been submitted to the Council with the petition. These reduced the distances which otherwise would be travelled on Rivelin Valley Road. Sustainable surfacing was already in place on those routes.

She referred to accidents involving horses and cyclists nationally and said that access to off road bridleways in Sheffield was below the national average. The Council was asked to upgrade existing routes, as identified by the petition, to multi-user bridleway status and create a network to prioritise use by vulnerable user groups.

The Council referred the petition to Councillor Jack Scott, Cabinet Member for Transport and Development and to Councillor Mary Lea, Cabinet Member for Culture, Parks and Leisure.

Councillor Jack Scott, said that with regard to transport and public rights of way, there were multiple footpaths and a number of bridleways in place. He acknowledged that, in some cases, these were poorly signed and that some entrance signage also prohibited riding and bicycles and that was something the Council should review. He said the Council was sympathetic to the need for a more joined up network of bridleways for reasons of inclusion.

Councillor Scott said that in relation to work on Rivelin Valley Road, the Council did not anticipate any large scale removal of trees to create a public right of way. This was a location where consideration would be given to the installation of a Pegasus crossing to help keep horse riders safer. With reference to the maps provided by the petitioners, a proper assessment was required to understand the issues and see how to improve matters for horse riders and cyclists and everyone. There were considerations, including fairness and inclusivity and Sheffield's outdoor heritage was integral to the City. He said that he would look forward to meeting with representatives of the petitioners and with Councillor Mary Lea, Cabinet Member for Culture, Parks and Leisure.

### 3.2.2 Petition Requesting the Revocation of the Licence for Doggy Den, Little London Road

The Council received an electronic petition containing 566 signatures,

requesting the revocation of the licence for Doggy Den, Little London Road.

There was no speaker to the petition.

The Council referred the petition to Councillor Jack Scott, Cabinet Member for Transport and Development. Councillor Scott stated that the premises were currently licensed and he would be referring the matter to the Licensing Committee and he had asked officers to prepare a report for the Committee.

### 3.3 Public Questions

#### 3.3.1 Public Questions Concerning Governance

Ruth Hubbard asked firstly, for it to be confirmed that Sheffield was about “you, me and all the diverse communities that live here”. It was not owned by any political party or multinational corporation. She said the Council were temporary stewards for communities and those who lived in the City.

Secondly, she said that communities in Sheffield had launched the Sheffield People’s petition under the Localism Act 2011 and would present a petition of five percent of the electorate and have a referendum and that communities would vote for a change of governance model. She said that referendums cost money and referred to decisions which had been made and which had necessitated financial spending, which was inadvisable. She asked for reconsideration of the decision of 6 June 2018 not to investigate a change in governance. The Council could itself decide to embrace a change in governance before a petition was presented, and avoid a referendum.

Thirdly, she said once the decision of 6 June had been reconsidered, would the Council join communities in a collaborative process of redesigning a committee system which was fit for the city. She read a quote from a publication for which Councillor Dore had been a co-author and relating to problem solving by interested parties, sharing power and progressive politics.

She asked that the Council join with communities to co-produce a new, better governance system both to improve transparency and accountability and give a more meaningful role for those in the Council Chamber. She said that communities wanted to see greater collaboration in the Council chamber which worked better for communities.

Councillor Julie Dore, the Leader of the Council stated that she did not agree with the definition of representation in Sheffield and citizenship which had been set out in the question. She did not think that anyone ‘owned’ Sheffield, although many people had an interest in the City, including its residents, people who worked in the City and other stakeholders and individuals that had an interest in Sheffield. Neither would she have claimed ownership of the City on behalf of the Cabinet or the ruling group on the Council.

She asked for people to be careful about statements regarding the possible

outcome of a referendum and presumptions about what people might think.

With regards co-production and stakeholder involvement, Councillor Dore stated that she had campaigned for those things both as a councillor and in her professional working career. She said there were nearly 600,000 people in Sheffield and various stakeholder groups and organisations within and outside of the City and she would be pleased to have a wider conversation with citizens about what was right for them.

### 3.3.2 Public Questions Concerning Footways in Angram Bank

Terence Bawden said that two years ago, Amey set a date for December 2016, to return to High Green and to repair footways. Since that time, the footways had become in part impassable for many of the elderly and disabled people living on the Angram Bank estate. He asked when it was likely that work would take place to have the footway made to the same standard as other places as it was a concern that someone may become hurt as a result of a trip or fall.

Councillor Lewis Dagnall, the Cabinet Member for Environment and Streetscene, stated that he would request Council officers to look with Amey at the matters which had been raised and he would write to Mr Bawden with further details about the situation and when the work would be completed.

### 3.3.3 Public Question Concerning a Zebra Crossing in High Green

David Ogle referred to a petition which had been presented to Council concerning the provision of a zebra crossing in High Green. He said that he had also asked at that time for the Council to stop ignoring High Green. He said that whilst he had received a letter acknowledging the petition, he had heard nothing since. He asked for this to be dealt with.

Councillor Jack Scott, the Cabinet Member for Transport and Development, stated that he would restate what he had said previously in relation High Green not being an ignored area of the City. A road safety assessment of the area had been undertaken and there had been found to be no parts of that area which were dangerous enough to merit a zebra crossing. He said it was right that the Council invested funds in road safety and crossings wherever it was necessary. High Green had been examined and it had been decided that there was no aspect to High Green which was sufficiently dangerous where a zebra crossing would make a significant difference.

Following the submission of the petition to full Council, he had followed up this matter by speaking with a number of people, including the local councillors, and a similar view had been formed. He said that he would wish to make it clear that the Council did not ignore any area of the City and its residents. If there were areas of High Green where there were significant road safety issues and which would be dealt with by the installation of a crossing, then the Council would examine the issue and, if at all possible, would do so. However, the Council would not undertake work which was not justified by a clear and agreed methodology.

#### 3.3.4 Public Question Concerning Community Boxing Gym in High Green

David Ogle said that the community in High Green had been trying to set up a community boxing gym and he referred to potential benefits of a gym, including reducing crime and anti-social behaviour and social isolation and improving health. He asked the Lord Mayor for help and to visit High Green and to participate in a boxing match with him. He referred to the publicity and good will which might be generated as a result.

The Lord Mayor (Councillor Magid Magid) responded by asking Mr Ogle to contact him by email to which he would respond.

#### 3.3.5 Public Question Concerning Birley Spa

Nigel Slack referred to the postponement of the auction sale of Birley Spa to allow for discussions between the Council and the Friends of the Spa on potential solutions that would keep this heritage location in public hands. He commented that there were issues relating to the sale and disagreements about who said what to whom and whether there had been previous consultation with local residents that gave the perception of a Council making decisions behind closed doors and without reasonable consideration of local feelings.

He asked the following questions:

How long would the sale be postponed?

With Lottery funding having been involved in the refurbishment of this site, what do the Council know of the conditions attached to this grant if the property is sold? (repayment/share of sale price etc.)

What do the Council know of any restrictive covenants on this property that may have been attached to its use or disposal by Earl Manvers?

What was the ownership status of the site? Public, private or some quasi charitable ownership with the Council as trustees?

Councillor Olivia Blake, the Deputy Leader and Cabinet Member for Finance responded that the sale of Birley Spa would initially be postponed for two months to allow the group to come up with options. These would be reviewed and, if any required more time then this would be considered at that point. However, there had also been a separate application for an Asset of Community Value and, if that was granted, then it would give a further six months delay to any sale in order to give time for that to be considered.

Councillor Blake said that with regard to Lottery funding, the Council had spoken with the Heritage Lottery Fund which was aware of the plan to sell the site. The terms of the grant had lapsed and it would not be open to any clawback as a result of the site being sold. The Council was not aware of any restrictive covenants on the property and the Council owned the site. The site and land around it was freehold.

### 3.3.6 Public Question Concerning South Yorkshire Pensions Fund

Nigel Slack referred to a report in the Financial Times on 3<sup>rd</sup> September which had stated that local council pension funds in the UK had more than £9bn invested in companies engaged in fracking, despite fierce debate over shale gas exploration.

He asked whether, as a Council which was publicly opposed to fracking, the Council was certain that current South Yorkshire Pensions Authority investments did not include any in companies associated with fracking.

He also asked in the context of the South Yorkshire Pensions Authority moving from direct management of pension funds to setting strategy under a privatised fund management arrangement, how robust were the protocols to ensure fracking companies were not invested in through this intermediary.

Councillor Olivia Blake, the Deputy Leader and Cabinet Member for Finance stated that there had also been reports in the local media concerning part of the Pension Fund being invested in companies involved with fracking. The Pensions Authority was separate to the City Council and comprised councillors from all of the South Yorkshire Authorities. She said that she was working in this regard with Sheffield City Councillors who were Members of the Pensions Authority.

She had also received a statement from the South Yorkshire Pensions Authority, which she would be pleased to share with Mr Slack and which set out the rate at which the Pension Fund was disinvesting. There was, for example, a reduction in shares in oil, gas and mining companies of 26 percent last year. The Pension Fund was changing, which would take a number of years and whilst she would be pleased to go through matters with Mr Slack, the questions he had asked might also be put to the South Yorkshire Pensions Authority.

Councillor Blake noted that the Pensions Authority was conducting a review of its strategies. She confirmed that Sheffield City Council had passed motions against fracking on its own land and did not invest directly in fossil fuels.

### 3.3.7 Public Questions Concerning Register of Interests and Lobbying

Nigel Slack stated that he was interested to see that the Councillors' Register of Interests finally appeared to be in electronic form, which was a good step for transparency and accountability if this also meant that the register could be kept up to date on a 'live' basis, reflecting the changes in Councillors' circumstances as they occurred. He asked whether the Council could confirm that this will be the case and that Councillors will be expected to provide any changes in their interests promptly.

He also asked whether, with this template for contemporary transparency in place, it would be possible for a similar register to be established for a Lobbying Register to record who has privileged access to Councillors, Cabinet Members and Senior Officers.

Councillor Julie Dore, the Leader of the Council, stated that she would expect councillors to promptly change registered interests, as necessary. She would be able to check on any associated timescales but there was no reason why this should not be done by councillors as quickly as possible.

As regards lobbying and professional lobbyist organisations, Councillor Dore said that if there was an awareness of an approach by lobbyist companies then she would be happy to disclose the fact. For her part, she had never been lobbied by a lobbyist. In terms of some sort of 'privileged access', Mr Slack himself had been offered several meetings to discuss issues. She said that she would hope that she did as much as she was able to engage with the many interested stakeholders in the City.

### 3.3.8 Public Questions Concerning Streets Ahead Programme

Justin Buxton asked on what date the Leader of the Council was made aware that the Forestry Commission were investigating the legality of felling healthy trees in Sheffield. He also asked if the Council had informed South Yorkshire Police of the investigation by the Forestry Commission.

Mr Buxton referred to the meeting of Council on 7 February 2018 and the minutes of that meeting concerning Amey and health and safety and a response made by the Cabinet Member, including reference to an investigation by KPMG. He asked when the investigation was instigated, when it reported and as to the scope of the investigation.

He asked the Cabinet Member for an update regarding the investigation into payments made to Amey LG and Amey OV where no contracts existed. He asked whether those substantial payments in error had been rectified.

Mr Buxton asked whether the present Cabinet Member for Environment and Streetscene had received briefings concerning the tree replacement programme and if he was sure that he had been thoroughly and sufficiently briefed on the programme and the Council's contract with Amey.

Russell Johnson asked whether, in view of the austerity suffered by the City over recent years, the Leader of the Council was sanguine about expenditure of at least £400K on legal attempts on what he said was to crush opposition and remove legitimate dissent. He asked whether the Leader would reconsider her decision not to resign.

Dave Dillner asked which staff were currently working on the highways tree strategy as described by the former Cabinet Member for Environment and Transport on 5 September 2015 at the second Highways Trees Advisory Forum and what stage had it reached.

Calvin Payne referred to, and invited the Council's leaders to welcome, the findings of the Independent Office of Police Conduct that arrests made under Trade Union Legislation between November 2016 and February 2017 were neither appropriate or necessary. He asked whether councillors or officers were



involved in the decision making that lead to the arrest of people under trade union law in 2016 and 2017.

Councillor Julie Dore, the Leader of the Council, in responding to questions from Mr Buxton, stated that he had also asked the same questions during a Radio Sheffield 'hot-seat' programme. Whilst she could not give an exact date, she could remember reference to this issue during a previous Cabinet or Council meeting. She said that the Forestry Commission had not informed her, either personally or formally, that it was investigating the legality [of tree felling]. She had also not informed the police personally or officially, that the Forestry Commission was conducting an investigation. However, she commented that she had said that she would be surprised if the police were not aware of it, because of comments by others.

In response to the question of Mr Johnson, Councillor Dore said that she had no intention of resigning. She said that the Council took informed decisions based on the facts before it and the associated risks, in order to carry out necessary actions. Where the Council got things wrong, it would say so, and there had been examples when that had happened. On this occasion, it was necessary to take action in order to ensure that the highways contract might proceed.

In answer to the question by Mr Payne, Councillor Dore said that there was a clear division between the role of the Police and the City Council. The Police took action based on the information provided to them and the relevant legislation. It was for the Police to determine its actions.

Councillor Lewis Dagnall, the Cabinet Member for Environment and Streetscene, stated that he would respond in writing to Mr Buxton in relation to the questions that he had put relating to health and safety, to explain the current situation.

Councillor Dagnall stated that, with regard to payments to Amey LG, he had written to Mr Buxton concerning this matter in July and on two subsequent occasions. He reassured the Council that the administrative error which had been identified was being rectified.

In relation to the Forestry Commission, Councillor Dagnall stated that he believed that the work being conducted to highways trees was legal and he said that Council officers were co-operating with the Forestry Commission's enquiries.

He said that he had been fully briefed in relation to all duties relevant to his role as Cabinet Member and was satisfied with the briefings which he had received.

Councillor Dagnall said that in connection with the Highways Tree strategy, preparations were taking place for direct face to face talks with Sheffield Tree Action Groups (STAG) as the main representative campaign group. One of the issues was likely to be the future of the highways strategy and he believed that decisions could be made in relation to that strategy, following the talks with STAG.

3.4 Petitions (2)

3.4.1 Petition Requesting the Council to Stop Spending Money on Demolishing Trees

The Council received an electronic petition containing 12 signatures, requesting the Council to stop spending money on demolishing trees.

There was no speaker to the petition.

The Council referred the petition to Councillor Lewis Dagnall, Cabinet Member for Environment and Streetscene.

3.4.2 Petition Requesting the Council to Consult with Residents to Apply for a Public Space Protection Order to the Alley Between Ainsty Road and South View Crescent

The Council received a petition containing 42 signatures requesting the Council to consult with residents to apply for a Public Space Protection Order to the alley between Ainsty Road and South View Crescent.

There was no speaker to the petition.

The Council referred the petition to Councillor Jim Steinke, Cabinet Member for Neighbourhoods and Community Safety.

**4. MEMBERS' QUESTIONS**

4.1 Urgent Business

4.1.1 There were no questions relating to urgent business under the provisions of Council Procedure Rule 16.6(ii).

4.2 Written Questions

4.2.1 A schedule of questions to Cabinet Members, submitted in accordance with Council Procedure Rule 16, and which contained written answers, was circulated. Supplementary questions, under the provisions of Council Procedure Rule 16.4, were asked and were answered by the appropriate Cabinet Members until the expiry of the 30 minute time limit for Members' Questions (in accordance with Council Procedure Rule 16.7).

4.3 South Yorkshire Joint Authorities

4.3.1 Questions relating to the discharge of the functions of the South Yorkshire Joint Authorities for Fire and Rescue and Pensions (under the provisions of Council Procedure Rule 16.6(i) were not able to be asked before the expiry of the 30 minute time limit for Members' Questions (in accordance with Council Procedure Rule 16.7).

**5. NOTICE OF MOTION REGARDING "DEVELOPING A FAIRER MODEL TO DISTRIBUTE COMMUNITY INFRASTRUCTURE LEVY IN SHEFFIELD" - GIVEN BY COUNCILLOR IAN AUCKLAND AND TO BE SECONDED BY COUNCILLOR GAIL SMITH**

5.1 It was moved by Councillor Ian Auckland, and seconded by Councillor Gail Smith, that this Council:-

- (a) notes the publication of the draft document outlining how the Community Infrastructure Levy (CIL) will be allocated across the city, however condemns the current Administration for the unacceptable delays in bringing forward these proposals;
- (b) notes the consultation on CIL is currently live and ends on the 14th September, and is disappointed that the Administration chose to launch this important consultation during the peak school holiday period;
- (c) notes the following national guiding principles of how to spend the CIL:
  - (i) be allocated in line with Councillors' annual ward priorities, which have been informed by local community engagement, data and feedback from service providers / partner agencies; and
  - (ii) be allocated to electoral wards and provide local Councillors the opportunity to work closely with the community to decide how best to allocate the fund;
- (d) notes that the purposed allocation of the neighbourhood portion does not fully adhere to these guiding principles and is dismayed that this Administration in their initial draft has ignored these guiding principles;
- (e) believes that, in ignoring the guiding principles, the Administration is favouring selected parts of the city, and disadvantaging others;
- (f) notes that the Administration intends to use 85% of CIL for city-wide projects;
- (g) notes that in the draft document, in the neighbourhood portion, only 1.5% of CIL is guaranteed to be retained in communities where the development takes place and the rest is distributed based on Indices of Multiple Deprivation (IMD);
- (h) believes distributing the neighbourhood portion of CIL using IMD does not fairly compensate local communities for developments that take place directly in their areas unless in a Labour favoured area;
- (i) believes this goes directly against the guiding principles on how CIL is spent in local communities and this Administration is letting down the communities it should be serving; and

- (j) resolves to:
  - (i) encourage local residents to take part in the consultation process and share their views with the Administration; and
  - (ii) encourage local residents to set up their own parish council or develop their own Neighbourhood Plans to allow them to allow their communities to receive a larger portion of CIL.

5.2 Whereupon, it was moved by Councillor Jack Scott, seconded by Councillor Lisa Banes, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-

- (a) notes that the consultation on the Community Infrastructure Levy (CIL) is currently live and after it concludes the Administration will consider responses before making any decisions about this issue, which considers a full range of issues around the Community Infrastructure Levy;
- (b) notes that, despite setting out objections, the main opposition group have not brought forward any alternative proposals, and therefore looks forward to their response to the consultation;
- (c) regrets that in their motion the main opposition group fail to recognise that some areas are not compensated for development through CIL at all, because development has led to a zero CIL requirement on the developer, due to lower levels of development value in some areas;
- (d) believes it is wrong and unfair to penalise communities because land is of a lower financial value through allocating the funding on the basis of the value of development, meaning that CIL funding would be disproportionately allocated to the areas with the highest level of land values;
- (e) (i) confirms that the Indices of Multiple Deprivation is a robust, nationally recognised and independently formulated means of calculating deprivation and notes the document 'The English Indices of Deprivation 2015 – Frequently Asked Questions' published by the Department for Communities and Local Government which states "The Index of Multiple Deprivation combines information from the seven domains to produce an overall relative measure of deprivation. The domains are combined using the following weights:
  - Income Deprivation (22.5%)
  - Employment Deprivation (22.25%)
  - Education, Skills and Training Deprivation (13.5%)
  - Health Deprivation and Disability (13.5%)
  - Crime (9.3%)
  - Barriers to Housing and Services (9.3%)
  - Living Environment Deprivation (9.3%)"

and (ii) therefore believes that categorising this nationally recognised basis for calculating need “A Labour favoured area” is completely ridiculous and deeply troubling;

- (f) supports the use of the Index of Multiple Deprivation as a fair, balanced and more objective way of allocating funding, demonstrated by the fact that many local, national and international bodies use this set of indicators;
- (g) notes that poverty and inequality are amongst the largest challenges facing the city and believes that concerted, long-term policies like those of the Administration are needed to tackle them, especially so given government austerity measures enacted on Sheffield since 2010 which have disproportionality affected the poorest;
- (h) condemns the “Labour Favoured Areas” attacks on the Administration as being misrepresentative, out of step with public opinion and cheap political shots;
- (i) believes that the main opposition group are going back to their bad old ways of supporting failed right wing policies, through small-minded, mean-spirited and parochial approaches to public policy and the allocation of resources, whilst remembering that they supported the policy of the previous coalition government to impose the greatest level of cuts to councils with the greatest level of need, with the areas with the highest levels of deprivation getting the most cuts and the wealthiest parts of the country, comparatively, receiving the least; and
- (j) encourages local people to come forward and have their say on this important consultation and looks forward to welcoming the development of a fair, inclusive, balanced and just CIL policy in the near future.

5.3 It was then moved by Councillor Douglas Johnson, seconded by Councillor Alison Teal, as an amendment, that the Motion now submitted be amended by:-

1. the addition of new paragraphs (f) to (i) as follows, and the re-lettering of original paragraphs (f) to (j) as new paragraphs (j) to (n):-
- (f) believes the consultation questionnaire contains 12 leading questions that can only be answered one way – in other words, asking questions to secure a certain answer;
  - (g) notes that a single question conflates both the proposal to take funding away from communities in areas where development is taking place and the concept of fairness, thus leading a respondent to answer in a certain way;
  - (h) recalls that this Council resolved in December 2017 that “in any consultation, it is vital to be open and clear about the most significant

practical changes being proposed.”;

- (i) believes this consultation fails to meet the test set by the Council and is therefore fundamentally flawed;
- 2. the deletion in the original paragraph (h) [new paragraph (l)] of the words “unless in a Labour favoured area” and the addition of the words “and believes this Council should recognise the impact of large-scale property development on residents’ quality of life, health and well-being, in particular with regards to the need for open and green space, better air quality, better protection from traffic congestion and improved community strength.”; and
- 3. the deletion of all the words in the original sub-paragraph (j)(i) [new sub-paragraph (n)(i)] and the addition of the words “request the Administration to abandon this consultation and instead require ward councillors to decide the spending of CIL arising from developments in the wards for which they are elected, on the basis of agreed ward priorities”.

5.4 It was then moved by Councillor John Booker, seconded by Councillor Keith Davis, as an amendment, that the Motion now submitted be amended by the addition of a new paragraph (k) as follows:-

- (k) believes that CIL is an unfair levy and is predominantly a consequence of value and viability and is concerned that this gives the impression of perverse incentives in place for councils to consider developments based more on value than suitability.

5.5 It was then moved by Councillor Richard Shaw, seconded by Councillor Steve Ayris, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (k) to (n) as follows:-

- (k) believes there is a loss of public confidence and a lack of trust, truth and transparency in the way the current Administration operates, most recently in how the Administration has dealt with providing information related to Community Infrastructure Levy (CIL);
- (l) notes that officers have confirmed that illustrative calculations were provided to the current Administration showing the amount of neighbourhood CIL money that would be spent in each ward if the current proposals were accepted;
- (m) notes that, despite requests for this information to be made available more widely, the Administration has failed to do so; and
- (n) believes that this information should have been included in the consultation document.

5.6 After contributions from two other Members, and following a right of reply from

Councillor Ian Auckland, the amendment moved by Councillor Jack Scott was put to the vote and was carried.

5.7 The amendment moved by Councillor Douglas Johnson was then put to the vote and was negated.

5.7.1 (NOTE: Councillors Simon Clement-Jones, Bob Pullin, Richard Shaw, Mohammed Mahroof, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Shaffaq Mohammed, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayris, Gail Smith, David Baker, Penny Baker, Vickie Priestley and Mike Levery voted for part 1 of the amendment and voted against parts 2 and 3 of the amendment, and asked for this to be recorded.)

5.8 The amendment moved by Councillor John Booker was then put to the vote and was also negated.

5.9 The amendment moved by Councillor Richard Shaw was then put to the vote and was also negated.

5.9.1 The votes on the amendment were ordered to be recorded and were as follows:-

For the amendment (25)	-	Councillors Simon Clement-Jones, Bob Pullin, Richard Shaw, Kaltum Rivers, Douglas Johnson, Robert Murphy, Martin Phipps, Mohammed Mahroof, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Shaffaq Mohammed, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayris, Gail Smith, Alison Teal, David Baker, Penny Baker, Vickie Priestley and Mike Levery.
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Against the amendment (52)	-	The Deputy Lord Mayor (Councillor Tony Downing) and Councillors Chris Rosling-Josephs, Ian Saunders, Sophie Wilson, Denise Fox, Bryan Lodge, Karen McGowan, Michelle Cook, Jackie Drayton, Talib Hussain, Mark Jones, Anne Murphy, Mary Lea, Zahira Naz, Moya O'Rourke, Steve Wilson, Abdul Khayum, Alan Law, Abtisam Mohamed, Lewis Dagnall, Cate McDonald, Chris Peace, Bob Johnson, George Lindars-Hammond, Josie Paszek, Lisa Banes, Terry Fox, Pat Midgley, David Barker, Mohammad Maroof, Jim Steinke, Julie Dore, Ben Miskell, Jack Scott, Mike Drabble, Dianne Hurst, Peter Rippon, Dawn Dale, Peter Price, Garry Weatherall, Mike Chaplin, Tony Damms, Jayne Dunn, Keith Davis, Francyne Johnson, Olivia Blake, Ben Curran, John Booker, Adam
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Hurst, Mick Rooney, Jackie Satur and Paul Wood.

Abstained from voting - The Lord Mayor (Councillor Magid Magid).  
on the amendment (1)

5.10 The original Motion, as amended, was then put as a Substantive Motion in the following form and carried:-

RESOLVED: That this Council:-

- (a) notes that the consultation on the Community Infrastructure Levy (CIL) is currently live and after it concludes the Administration will consider responses before making any decisions about this issue, which considers a full range of issues around the Community Infrastructure Levy;
- (b) notes that, despite setting out objections, the main opposition group have not brought forward any alternative proposals, and therefore looks forward to their response to the consultation;
- (c) regrets that in their motion the main opposition group fail to recognise that some areas are not compensated for development through CIL at all, because development has led to a zero CIL requirement on the developer, due to lower levels of development value in some areas;
- (d) believes it is wrong and unfair to penalise communities because land is of a lower financial value through allocating the funding on the basis of the value of development, meaning that CIL funding would be disproportionately allocated to the areas with the highest level of land values;
- (e) (i) confirms that the Indices of Multiple Deprivation is a robust, nationally recognised and independently formulated means of calculating deprivation and notes the document 'The English Indices of Deprivation 2015 – Frequently Asked Questions' published by the Department for Communities and Local Government which states "The Index of Multiple Deprivation combines information from the seven domains to produce an overall relative measure of deprivation. The domains are combined using the following weights:
  - Income Deprivation (22.5%)
  - Employment Deprivation (22.25%)
  - Education, Skills and Training Deprivation (13.5%)
  - Health Deprivation and Disability (13.5%)
  - Crime (9.3%)
  - Barriers to Housing and Services (9.3%)
  - Living Environment Deprivation (9.3%)"



	and (ii) therefore believes that categorising this nationally recognised basis for calculating need “A Labour favoured area” is completely ridiculous and deeply troubling;
(f)	supports the use of the Index of Multiple Deprivation as a fair, balanced and more objective way of allocating funding, demonstrated by the fact that many local, national and international bodies use this set of indicators;
(g)	notes that poverty and inequality are amongst the largest challenges facing the city and believes that concerted, long-term policies like those of the Administration are needed to tackle them, especially so given government austerity measures enacted on Sheffield since 2010 which have disproportionality affected the poorest;
(h)	condemns the “Labour Favoured Areas” attacks on the Administration as being misrepresentative, out of step with public opinion and cheap political shots;
(i)	believes that the main opposition group are going back to their bad old ways of supporting failed right wing policies, through small-minded, mean-spirited and parochial approaches to public policy and the allocation of resources, whilst remembering that they supported the policy of the previous coalition government to impose the greatest level of cuts to councils with the greatest level of need, with the areas with the highest levels of deprivation getting the most cuts and the wealthiest parts of the country, comparatively, receiving the least; and
(j)	encourages local people to come forward and have their say on this important consultation and looks forward to welcoming the development of a fair, inclusive, balanced and just CIL policy in the near future.

5.10.1 The votes on the Substantive Motion were ordered to be recorded and were as follows:-

For the Substantive Motion (50)	- The Deputy Lord Mayor (Councillor Tony Downing) and Councillors Chris Rosling-Josephs, Ian Saunders, Sophie Wilson, Denise Fox, Bryan Lodge, Karen McGowan, Michelle Cook, Jackie Drayton, Talib Hussain, Mark Jones, Anne Murphy, Mary Lea, Zahira Naz, Moya O'Rourke, Steve Wilson, Abdul Khayum, Alan Law, Abtisam Mohamed, Lewis Dagnall, Cate McDonald, Chris Peace, Bob Johnson, George Lindars-Hammond, Josie Paszek, Lisa Banes, Terry Fox, Pat Midgley, David Barker, Mohammad Maroof, Jim Steinke, Julie Dore, Ben Miskell, Jack Scott, Mike Drabble, Dianne Hurst, Peter Rippon, Dawn Dale, Peter Price,
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Garry Weatherall, Mike Chaplin, Tony Damms, Jayne Dunn, Francyne Johnson, Olivia Blake, Ben Curran, Adam Hurst, Mick Rooney, Jackie Satur and Paul Wood.

Against the  
Substantive Motion  
(22)

- Councillors Simon Clement-Jones, Bob Pullin, Richard Shaw, Mohammed Mahroof, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Shaffaq Mohammed, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayris, Gail Smith, David Baker, Penny Baker, Vickie Priestley, Keith Davis, John Booker and Mike Levery.

Abstained from voting  
on the Substantive  
Motion (6)

- The Lord Mayor (Councillor Magid Magid) and Councillors Kaltum Rivers, Douglas Johnson, Robert Murphy, Martin Phipps and Alison Teal.

**6. NOTICE OF MOTION REGARDING "SUPPORTING THE TUC'S GREAT JOBS AGENDA" - GIVEN BY COUNCILLOR JULIE DORE AND TO BE SECONDED BY COUNCILLOR BEN MISKELL**

6.1 It was moved by Councillor Julie Dore, and seconded by Councillor Ben Miskell, that this Council:-

(a) notes that:

- (i) insecure work includes people working on zero-hours contracts, temporary and agency work, and low-paid self-employment;
- (ii) 3.5 million people could be in insecure work by the start of 2022 if current trends continue - a rise of 290,000; that's the equivalent of the entire working population of Sheffield;
- (iii) workers on zero-hours and short-hours contracts earn a third less per hour than the average worker;
- (iv) 1 in 13 Black, Asian and minority ethnic employees are in insecure jobs, compared to 1 in 20 white employees; and
- (v) insecure work costs the HM Treasury £4 billion a year in lost income tax and national insurance contributions, along with extra benefits and tax credits;

(b) further notes that:

- (i) UK workers are, on average, £38 a week worse off than before the crash in 2008 (figures to April 2017); this is the longest squeeze on pay since Victorian times;

- (ii) public sector workers' real wages are down thousands of pounds a year compared to 2010; for example, prison officers and paramedics are all down over £3,800 a year, firefighters are down nearly £2,900, while teachers are down approximately £2,500;
  - (iii) just one in three people (33%) say their employer offers regular training opportunities - and one in four workers (24%) say that no training is offered at their workplace at all apart from a new starters' induction;
  - (iv) more than a million workers suffer from ill-health related to their employment, and around 23 million working days are lost each year due to injury or illness in the workplace;
  - (v) almost one in three workers have been bullied in the workplace;
  - (vi) more than a third (37%) of Black, Asian and minority ethnic workers have been bullied, abused or singled out at work; and
  - (vii) more than half (52%) of women and nearly two-thirds (63%) of women aged 18-24 years old have experienced sexual harassment at work;
- (c) believes that:
- (i) every job should be a great job: that means every worker must be paid fairly; work in a safe and healthy workplace; be treated decently and with respect; have guaranteed hours; have the chance to be represented by unions and be consulted on what matters at work; and have the chance to get on in life;
  - (ii) currently, too many jobs in the UK aren't great jobs – and too many people feel that great jobs aren't available where they live;
  - (iii) it is positive that there is now a public debate about how we improve jobs in the UK – much of it driven by union campaigning and legal action against employers like Sports Direct, Uber and Hermes; and
  - (iv) however, the proposals put forward by Mathew Taylor's review of employment standards for the Government are inadequate; and
- (d) resolves to:
- (i) support the TUC's Great Jobs Agenda, which sets out the actions employers and the Government must take for every job to be a great job, and tell the TUC of this support;
  - (ii) ask the Cabinet Member for Finance to present a paper to the

Council's Cabinet setting out the actions the Authority proposes to take to ensure that every job in this Authority is a great job, and relating those to the six standards in the Great Jobs Agenda; at a minimum this should include:

- (1) signing up to be a Living Wages authority, where no-one is paid less than the real Living Wage;
  - (2) reporting on how many workers are employed on zero or short-hours contracts, or agency contracts, and what actions the Authority is taking to reduce this; and
  - (3) setting out how the Authority proposes to use its procurement process to raise employment standards among its subcontractors;
- (iii) write to all MPs in Sheffield and the Sheffield City Region Mayor informing them of our position and encouraging them to support the Great Jobs Agenda too;
  - (iv) invite the Regional Secretary of Yorkshire & Humber TUC to present the Great Jobs Agenda to the next meeting of the City Growth Board;
  - (v) make increasing job quality a key part of the conversation when pursuing local economic development opportunities in Sheffield; and
  - (vi) continue to value meaningful workforce engagement and representation through our recognised trade unions.

6.2 Whereupon, it was moved by Councillor Martin Smith, seconded by Councillor Joe Otten, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-

- (a) notes that trade unions have been a force for good in our country, championing the rights and living standards for everyone;
- (b) believes the British economy is simply not working for enough people today and is not fit to face the challenges of tomorrow, in that:
  - (i) the inequalities of wealth and income are getting worse;
  - (ii) the economy is geographically and sectorally unbalanced, and productive investment is too low; and
  - (iii) much economic activity is unsustainable, threatening the planet on which future generations depend;

- (c) notes that a substantial portion of UK health & safety regulations and workers' rights originated from the European Union;
- (d) notes a government impact assessment has identified workers' rights as an area that might be used to 'maximise regulatory opportunities' after Brexit;
- (e) notes that the Prime Minister has pledged not to erode workers' rights after the UK leaves the EU but has failed to commit to maintaining any specific protections;
- (f) agrees therefore that the greatest current threat to those rights and living standards is leaving the European Union; and
- (g) resolves to:
  - (i) support the creation and widespread adoption of a 'good employer' standard covering areas such as paying a living wage, avoiding unpaid internships and using name-blind recruitment to make it easier for customers and investors to exercise choice and influence;
  - (ii) support an independent review to consult on how to set a genuine Living Wage across all sectors of the UK economy;
  - (iii) support the extension of transparency requirements on larger employers to include publishing the number of people in the organisation who are paid less than the Living Wage, together with the ratio of top and median pay; and
  - (iv) write to the Secretary of State for Work and Pensions and ask for a formal commitment to maintain or enhance all of the employment rights currently derived from EU law.

6.3 It was then moved by Councillor Alison Teal, seconded by Councillor Martin Phipps, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (d) to (g) as follows, and the re-lettering of original paragraph (d) as a new paragraph (h):-

- (d) believes that insecure work is the product of a system which prioritises profit over people;
- (e) believes that, while the current system exists, there can be no reasonable expectation of seeing an end to the problems identified in the TUC's Great Jobs Agenda;
- (f) notes this Council first took steps in July 2009 to implement the Living Wage, on the motion of Green Councillor, Bernard Little;
- (g) believes the TUC's Great Jobs Agenda description of a great job outlines

merely the minimum standard all employees ought to expect.

6.4 It was then moved by Councillor Douglas Johnson, and formally seconded by Councillor Kaltum Rivers, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (e) to (h) as follows:-

- (e) furthermore, notes that the governments of recent years have not so much removed workers' rights as the means of obtaining those, and condemns:
  - (i) cuts to legal aid that helped workers enforce their employment rights against employers who broke the law;
  - (ii) the unlawful introduction of employment tribunal fees to deter claimants from seeking their rights; and
  - (iii) the abolition of the Equality and Human Rights Commission's free advice helpline and grant funding for legal advice and representation to challenge breaches of anti-discrimination and human-rights legislation;
- (f) recognises that timely advice on employment rights is critical to maintaining decent jobs and has a hugely beneficial social impact;
- (g) notes the drastic reduction of free employment advice services in the city; and
- (h) therefore asks officers to take steps to identify funding to support three full-time equivalent posts to provide employment advice in not-for-profit advice services in the city.

6.5 After contributions from three other Members, and following a right of reply from Councillor Julie Dore, the amendment moved by Councillor Martin Smith was put to the vote and was negated.

6.6 The amendment moved by Councillor Alison Teal was then put to the vote and was also negated.

6.7 The amendment moved by Councillor Douglas Johnson was then put to the vote and was also negated.

6.8 The original Motion was then put to the vote and carried as follows:-

RESOLVED: That this Council:-

- (a) notes that:
  - (i) insecure work includes people working on zero-hours contracts, temporary and agency work, and low-paid self-employment;

- (ii) 3.5 million people could be in insecure work by the start of 2022 if current trends continue - a rise of 290,000; that's the equivalent of the entire working population of Sheffield;
  - (iii) workers on zero-hours and short-hours contracts earn a third less per hour than the average worker;
  - (iv) 1 in 13 Black, Asian and minority ethnic employees are in insecure jobs, compared to 1 in 20 white employees; and
  - (v) insecure work costs the HM Treasury £4 billion a year in lost income tax and national insurance contributions, along with extra benefits and tax credits;
- (b) further notes that:
- (i) UK workers are, on average, £38 a week worse off than before the crash in 2008 (figures to April 2017); this is the longest squeeze on pay since Victorian times;
  - (ii) public sector workers' real wages are down thousands of pounds a year compared to 2010; for example, prison officers and paramedics are all down over £3,800 a year, firefighters are down nearly £2,900, while teachers are down approximately £2,500;
  - (iii) just one in three people (33%) say their employer offers regular training opportunities - and one in four workers (24%) say that no training is offered at their workplace at all apart from a new starters' induction;
  - (iv) more than a million workers suffer from ill-health related to their employment, and around 23 million working days are lost each year due to injury or illness in the workplace;
  - (v) almost one in three workers have been bullied in the workplace;
  - (vi) more than a third (37%) of Black, Asian and minority ethnic workers have been bullied, abused or singled out at work; and
  - (vii) more than half (52%) of women and nearly two-thirds (63%) of women aged 18-24 years old have experienced sexual harassment at work;
- (c) believes that:
- (i) every job should be a great job: that means every worker must be paid fairly; work in a safe and healthy workplace; be treated decently and with respect; have guaranteed hours; have the chance to be represented by unions and be consulted on what matters at work; and have the chance to get on in life;

- (ii) currently, too many jobs in the UK aren't great jobs – and too many people feel that great jobs aren't available where they live;
- (iii) it is positive that there is now a public debate about how we improve jobs in the UK – much of it driven by union campaigning and legal action against employers like Sports Direct, Uber and Hermes; and
- (iv) however, the proposals put forward by Mathew Taylor's review of employment standards for the Government are inadequate; and
- (d) resolves to:
  - (i) support the TUC's Great Jobs Agenda, which sets out the actions employers and the Government must take for every job to be a great job, and tell the TUC of this support;
  - (ii) ask the Cabinet Member for Finance to present a paper to the Council's Cabinet setting out the actions the Authority proposes to take to ensure that every job in this Authority is a great job, and relating those to the six standards in the Great Jobs Agenda; at a minimum this should include:
    - (1) signing up to be a Living Wages authority, where no-one is paid less than the real Living Wage;
    - (2) reporting on how many workers are employed on zero or short-hours contracts, or agency contracts, and what actions the Authority is taking to reduce this; and
    - (3) setting out how the Authority proposes to use its procurement process to raise employment standards among its subcontractors;
  - (iii) write to all MPs in Sheffield and the Sheffield City Region Mayor informing them of our position and encouraging them to support the Great Jobs Agenda too;
  - (iv) invite the Regional Secretary of Yorkshire & Humber TUC to present the Great Jobs Agenda to the next meeting of the City Growth Board;
  - (v) make increasing job quality a key part of the conversation when pursuing local economic development opportunities in Sheffield; and
  - (vi) continue to value meaningful workforce engagement and representation through our recognised trade unions.



**7. NOTICE OF MOTION REGARDING "THE RECYCLING SERVICE" - GIVEN BY COUNCILLOR KAREN MCGOWAN AND TO BE SECONDED BY COUNCILLOR MICHELLE COOK**

7.1 It was moved by Councillor Karen McGowan, and seconded by Councillor Michelle Cook, that this Council:-

- (a) welcomes Sheffield's success in Reducing, Reusing, Recycling and Recovering household waste, with our achievement of one of the lowest levels of waste to landfill in the country at a rate of just 0.28% last year;
- (b) welcomes the new recycling service, noting that:
  - (i) the removal of the blue box will be welcomed, as it has proven to be unpopular with local people;
  - (ii) there is greater capacity in the new monthly 140 litre blue bin for paper and card than the old fortnightly blue box collection;
  - (iii) the new 240-litre brown bin gives much greater capacity for glass bottles, cans and plastic bottles to residents who had used the blue box, and a broadly similar monthly capacity to residents who used the blue bin;
  - (iv) that the greater efficiency for collection vehicles will reduce emissions, and notes further the innovative trial of electric bin lorries that have been engineered locally; and
  - (v) the Council is maintaining a fortnightly black bin collection and has no plans to change this;
- (c) welcomes the value for money achieved in the new service, which provides a £750,000 saving to the waste service, and further notes:
  - (i) that the Government's austerity programme has made an unprecedented attack on public services since 2010 with local government facing the heaviest level of cuts;
  - (ii) the continued impact of Government cuts and increasing demand for services such as social care means that the Council has had to make cuts of around £430 million since 2010; and
  - (iii) that efficiency and improvements to services must be welcomed in this context, and no political group on the Council proposed alternative savings to the new recycling service in the 2018/19 budget; and
- (d) endorses recent calls by the Local Government Association for manufacturers to take responsibility for their production of unrecyclable plastics and work with councils to improve recycling, noting:

- (i) that only a third of plastic supplied to households is currently recyclable;
- (ii) that manufacturers could change to recyclable plastics or pay for complex recycling of other materials; and
- (iii) that Sheffield's Energy Recovery Facility is an excellent resource in this context, allowing the recovery of energy from unrecyclable plastics.

7.2 Whereupon, it was moved by Councillor Shaffaq Mohammed, seconded by Councillor Andrew Sangar, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-

- (a) notes that in Sheffield, only 29.6% of household waste was recycled last year, the worst recycling performance in Yorkshire and ranked 314th out of 350 in the national recycling league table;
- (b) notes that the current recycling scheme only covers plastic bottles, cans, glass and paper and excludes all other plastic waste such as food trays and bottle tops, whereas these items can be recycled in neighbouring Chesterfield;
- (c) notes that in Watford, a Liberal Democrat-controlled council, they have weekly black bin and recycling collections and increased their recycling rate to 43%, significantly higher than the rate in Sheffield;
- (d) notes the widespread public concern about plastic waste following the BBC's Blue Planet series and the growing call for local councils to recycle more types of plastics to reduce the threat to our ecosystem;
- (e) believes that, instead of cutting funding to recycling services, Sheffield City Council should invest in and expand recycling services to improve performance and no longer be towards the bottom of the league table and a national embarrassment;
- (f) notes the Sheffield Liberal Democrats will introduce a 'Keep Sheffield Green' fund where local communities can use the money to invest in recycling; and
- (g) requests the Cabinet Member for Environment and Streetscene to bring forward proposals to cover more types of plastic waste in Sheffield's recycling service and make it easier for people to recycle their household waste.

7.3 It was then moved by Councillor Martin Phipps, seconded by Councillor Robert Murphy, as an amendment, that the Motion now submitted be amended by:-

1. the deletion of paragraph (a) and the addition of a new paragraph (a) as follows:-
  - (a) notes that:
    - (i) Sheffield City Council was most recently ranked 314 out of 350 authorities for “Percentage of household waste sent for reuse, recycling or composting” as of 2016/17 (last collective set of data), as derived by letsrecycle.com from the waste reporting portal WasteDataFlow which is used by authorities to report waste figures to the government;
    - (ii) although in 2017/18 only 0.28% of household waste was sent to landfill, over two-thirds (67.31%) was sent to the incinerator, with only 32.41% recycled or composted in this year; and
    - (iii) notes that CO2 emissions from the incinerator have been growing steadily over the last decade, contrary to the national trend for reductions in emissions;
2. the deletion of sub-paragraphs (b)(i) to (iii) and the addition of new sub-paragraphs (b)(i) to (iii) as follows:-
  - (i) welcomes the trial of electric bin lorries and the introduction of plastic recycling into flats, something the Green Councillors have long campaigned for;
  - (ii) understands, however, the concerns of residents over where the brown bins will go;
  - (iii) notes this is an overall reduction in the number of litres of recycling capacity that may be collected;
3. the deletion of paragraph (c) and the addition of a new paragraph (c) as follows:-
  - (c) notes that:-
    - (i) to change the waste services offered to Sheffield would require a renegotiation of the 35-year Veolia contract, which could be costly;
    - (ii) Cabinet decided to retender the waste contract in January 2017;
    - (iii) bringing contracts back in house would give the Council and Sheffield much more control over the services offered to residents; and
    - (iv) residents of Sheffield, including opposition councillors, do not have access to full information about the Council’s contracts to

know whether the service they are paying for is good value for money;

4. the deletion of sub-paragraph (d)(iii) and the addition of sub-paragraphs (d)(iii) and (iv) as follows:-

(iii) that the Council will ask officers to research further how it can influence the packaging used in retail in Sheffield to be recyclable and sustainable via a policy of incentives, disincentives and/or other means; and

(iv) that the Council will request the Administration to fully disclose the Veolia contract to the public and opposition councillors for improved transparency, accountability and democracy in allowing others to access information that will facilitate alternate proposals which can then be considered for the benefit of Sheffield people.

- 7.4 After contributions from four other Members, and following a right of reply from Councillor Karen McGowan, the amendment moved by Councillor Shaffaq Mohammed was put to the vote and was negated.

- 7.4.1 (NOTE: Councillors Kaltum Rivers, Douglas Johnson, Robert Murphy, Martin Phipps and Alison Teal voted for paragraphs (a), (b), (d), (e) and (g) of the amendment and abstained from voting on paragraphs (c) and (f) of the amendment, and asked for this to be recorded.)

- 7.5 The amendment moved by Councillor Martin Phipps was then put to the vote and was also negated.

- 7.5.1 (NOTE: Councillors Simon Clement-Jones, Bob Pullin, Richard Shaw, Mohammed Mahroof, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Shaffaq Mohammed, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayris, Gail Smith, David Baker, Penny Baker, Vickie Priestley and Mike Levery abstained from voting on sub-paragraph (a)(iii) of part 1 and sub-paragraph (c)(iii) of part 3 of the amendment, and voted for all remaining paragraphs and parts of the amendment, and asked for this to be recorded.)

- 7.6 The original Motion was then put to the vote and carried as follows:-

RESOLVED: That this Council:-

- (a) welcomes Sheffield's success in Reducing, Reusing, Recycling and Recovering household waste, with our achievement of one of the lowest levels of waste to landfill in the country at a rate of just 0.28% last year;
- (b) welcomes the new recycling service, noting that:
- (i) the removal of the blue box will be welcomed, as it has proven to be unpopular with local people;

- (ii) there is greater capacity in the new monthly 140 litre blue bin for paper and card than the old fortnightly blue box collection;
  - (iii) the new 240-litre brown bin gives much greater capacity for glass bottles, cans and plastic bottles to residents who had used the blue box, and a broadly similar monthly capacity to residents who used the blue bin;
  - (iv) that the greater efficiency for collection vehicles will reduce emissions, and notes further the innovative trial of electric bin lorries that have been engineered locally; and
  - (v) the Council is maintaining a fortnightly black bin collection and has no plans to change this;
- (c) welcomes the value for money achieved in the new service, which provides a £750,000 saving to the waste service, and further notes:
  - (i) that the Government's austerity programme has made an unprecedented attack on public services since 2010 with local government facing the heaviest level of cuts;
  - (ii) the continued impact of Government cuts and increasing demand for services such as social care means that the Council has had to make cuts of around £430 million since 2010; and
  - (iii) that efficiency and improvements to services must be welcomed in this context, and no political group on the Council proposed alternative savings to the new recycling service in the 2018/19 budget; and
- (d) endorses recent calls by the Local Government Association for manufacturers to take responsibility for their production of unrecyclable plastics and work with councils to improve recycling, noting:
  - (i) that only a third of plastic supplied to households is currently recyclable;
  - (ii) that manufacturers could change to recyclable plastics or pay for complex recycling of other materials; and
  - (iii) that Sheffield's Energy Recovery Facility is an excellent resource in this context, allowing the recovery of energy from unrecyclable plastics.

7.6.1 (NOTE: 1. Councillors Simon Clement-Jones, Bob Pullin, Richard Shaw, Mohammed Mahroof, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Shaffaq Mohammed, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayris, Gail Smith, David Baker, Penny Baker,

Vickie Priestley and Mike Levery voted for sub-paragraph (b)(v) and paragraph (d) of the Motion, voted against paragraph (a), sub-paragraphs (b)(i)-(iii) and paragraph (c) of the Motion, and abstained from voting on sub-paragraph (b)(iv) of the Motion, and asked for this to be recorded;

2. Councillors Kaltum Rivers, Douglas Johnson, Robert Murphy, Martin Phipps and Alison Teal voted for sub-paragraphs (d)(i) and (ii) and voted against paragraphs (a), (b), (c) and sub-paragraph (d)(iii) of the Motion, and asked for this to be recorded; and

3. Councillors Keith Davis and John Booker voted for paragraphs (a), (b), sub-paragraphs (c)(i) and (ii) and paragraph (d) of the Motion and voted against sub-paragraph (c)(iii) of the Motion, and asked for this to be recorded.)

**8. NOTICE OF MOTION REGARDING "TRANSPORT FUNDING" - GIVEN BY COUNCILLOR ROBERT MURPHY AND TO BE SECONDED BY COUNCILLOR DOUGLAS JOHNSON**

8.1 It was moved by Councillor Robert Murphy, and seconded by Councillor Douglas Johnson, that this Council:-

- (a) notes that the Mayor of Sheffield City Region has submitted proposals to build a £250 million East Coast Main Line railway station at Doncaster/Sheffield Airport;
- (b) notes that the Sheffield City Region Combined Authority has recently part funded the £66.5 million new road between the M18 and Doncaster/Sheffield Airport;
- (c) notes that the second phase of the road, which in effect is an access road for a private business, cost £10.55 million and included £9.1 million from Sheffield City Region with the balance paid by Doncaster Council;
- (d) notes The Peel Group obtained the freehold of the Sheffield City Airport site for the price of £1, and then closed the airport and built a business park;
- (e) notes that the Doncaster/Sheffield Airport site also benefits from Government tax incentives through its Enterprise Zone and has already benefitted from millions of pounds in grants;
- (f) notes the criticism made by the then Chair of the Public Accounts Committee, the Rt. Hon. Dame Margaret Hodge MP, who said "The most profitable parts of the Peel Group are managing to pay no UK corporation tax" and that "They do not pay their fair share of tax.";
- (g) believes the main beneficiaries of these investments are property developers in the area, including Harworth Group and the owners of

Doncaster/Sheffield Airport (Peel Airports Ltd., part of The Peel Group);

- (h) believes that the priority for rail passengers in Sheffield, the surrounding area, and travellers on our congested transport networks, is improvements to current services and investment in local routes;
- (i) believes numerous local improvements offer more direct benefits to regional travellers than a new link to the airport, for example, the reopening of stations such as Heeley, Millhouses and lines such as Sheffield Victoria to Stocksbridge; a direct connection between Doncaster and Barnsley; and improvements to cross-Pennine routes;
- (j) believes any further investment in links to Doncaster/Sheffield Airport should be made by the private sector; and
- (k) requests that a copy of this motion be forwarded to the Sheffield City Region Mayor and the Minister of State for Transport.

8.2 Whereupon, it was moved by Councillor Jack Scott, seconded by Councillor Mohammad Maroof, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-

- (a) welcomes the recent news that Doncaster Sheffield Airport has been named the best in the UK following a survey of passengers;
- (b) believes the development and future growth of the Airport represents an economic opportunity for the region and could lead to the development of significant job and business growth and improved local and national transport connectivity;
- (c) notes that phase two of the Finningley and Rossington Regeneration Route Scheme will play a significant role in supporting the development of the Airport as well as supporting other economic opportunities in the area such as the inventive and job creating iPort;
- (d) welcomes that phase one has been a catalyst for business expansion of the Airport with 55% passenger growth over the past two years, making it one of the fastest growing airports in the UK;
- (e) notes that the Great Yorkshire Way has helped to create over 400 new jobs at the Airport itself and many more with over 100 businesses occupying another half a million square feet of space there;
- (f) notes that the road scheme has also opened the door to major housing projects and the wider regeneration of the local community;
- (g) welcomes the comments from the Mayor of Doncaster: "We always said Great Yorkshire Way was the route to jobs and growth. The pace and scale of private sector development delivered as a result of this new

road in just two years is quite remarkable. We must remember that none of this existed a couple of years ago. The impact on our economy and the wider region is simply startling. Hundreds of millions of pounds worth of private sector investment has come into Doncaster, over 1,400 new jobs have so far been created and hundreds of new homes have been built”;

- (h) notes the overwhelming evidence illustrating the disparity in transport spending between the north and the south of England and supports the growing campaign across the north of England to get a fairer transport settlement for the North of England;
  - (i) is astounded that, instead of campaigning for a fairer settlement for the north of England, the Green Party are calling on the removal of economic development projects in the region, such as HS2, and believes it should not be an ‘either/or’ situation in improving transport infrastructure and connections for Doncaster Sheffield Airport or funding the development of an improved local transport network in the region;
  - (j) welcomes that the people of South Yorkshire overwhelmingly rejected what this Council regards as the anti-jobs Green Party candidate in the recent Sheffield City Region mayoral election and instead elected Mayor Dan Jarvis to secure the transport investment and economic growth the region needs, including supporting the implementation of the 2015 Sheffield City Region deal; and
  - (k) believes that all companies should pay their fair share of tax and believes that a more effective means of tackling tax avoidance would be pursued under a Labour government than under the current government and previous coalition government.
- 8.2.1 (NOTE: With the agreement of the Council and at the request of the mover of the amendment (Councillor Jack Scott), the amendment as circulated at the meeting was altered by the insertion of the words “such as HS2” between the words “in the region” and “and believes” in paragraph (i).)
- 8.3 It was then moved by Councillor Ian Auckland, seconded by Councillor Mohammed Mahroof, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words “That this Council” and the addition of the following words:-
- (a) notes the ongoing development of Doncaster/Sheffield Airport, a great example of “swords into ploughshares” giving Sheffield, South Yorkshire and the wider City Region an airport with world class potential, and offering Sheffielders easy access to a range of popular holiday destinations;
  - (b) congratulates the Airport on being voted as the ‘UKs Favourite Airport’ in a customer satisfaction survey by Saga and ‘Best UK Airport’ for the second time running in a survey by Which? magazine;



- (c) further notes Which? Magazine comments “that with its ambitions to expand, Doncaster Sheffield could soon become the go-to airport for holidaymakers in the North if it can maintain its high standard.”;
  - (d) notes that long term infrastructure improvements have timescales which often well exceed political and administrative cycles;
  - (e) notes and deplores the fact that the UK remains an overcentralized state, especially so in England, and so, irrespective of political differences, local government, including Sheffield, often must adopt a pragmatic approach to secure the delivery of much needed improvements to the local economy;
  - (f) believes that Sheffield needs to be better connected, within local communities in Sheffield, within the City Region, and more widely, including internationally by air transportation;
  - (g) notes that the real issue of concern is the long term transport funding injustice between London and the South East, and the “North”;
  - (h) re-affirms concern at the failure of the Labour Leaders in South Yorkshire and the Labour administration of this Council to unlock long-term funding of £30 million per annum over 30 years (£900 million in total), by means of the City Region Devolution deal, in contrast to the support given to the development of the Airport; and
  - (i) requests that a copy of this motion be forwarded to the Sheffield City Region Mayor and the Minister of State for Transport.
- 8.4 It was then formally moved by Councillor Douglas Johnson, and seconded by Councillor Alison Teal, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (l) to (o) as follows:-
- (l) notes that the Sheffield City Region Combined Authority Transport Committee was wound up and has not met since 8th May 2017;
  - (m) notes that this Committee was previously cross party, held meetings in public and was webcast;
  - (n) believes it is important that major decisions, such as support for the proposed airport link, are transparent and open to effective scrutiny in public; and
  - (o) asks for the Leader of the Council to use her place on the Combined Authority to push for greater transparency and scrutiny through the revival of the Transport Committee.
- 8.5 It was then moved by Councillor John Booker, and formally seconded by Councillor Keith Davis, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (l) to (v) as follows:-

- (l) believes that a commercially viable, fully operational airport in Sheffield would be an enormous asset for the city;
- (m) notes that Sheffield City Airport was built as a CAP168 code 2C airport as per the agreement between The Sheffield Development Corporation (SDC), Glenlivet Ltd and Tinsley Park Ltd, dated 27th October 1995 and subsequent lease of August 1997; and that the definition of "Airport" for the purposes of the agreement is laid out in Article 106 of the Air Navigation Order of 1989 and is consistent with the definition as originally laid out in clause 1.17 of the agreement between SDC and British Steel Corporation;
- (n) further notes that in 1997, Sheffield City Airport opened as a CAT 5, code 2C airport, which means it should have had, and maintained, all the facilities needed to cope with an aircraft capable of carrying up to 115 passengers;
- (o) also notes that the Airport started commercial services some three years earlier than originally planned, with the successful introduction on 16th February 1998, of KLM's three times daily Amsterdam service, which was an instant success, with KLM saying it was their best start-up service ever, and that services followed to Jersey, London, Dublin, Belfast and Brussels and in 1998, 75,157 passengers passed through its terminal;
- (p) recognises that Sheffield Development Corporation estimated it would take at least seven years after opening before the airport would make any return on capital, and that this fact was well known and, indeed, as early as 1990, had been referred to by the SDC;
- (q) is interested to know how Peel Holdings and the airport operator, just eight weeks after them acquiring one half share of the Airport, were allowed to start downgrading it; for example (i) at the end of September 2001 they reduced airport Rescue and Fire Fighting Services cover from a CAT 5 to a CAT 3, (ii) by the end of September 2002 they reduced cover from CAT 3 to a CAT 1 and also turned off the Instrument Landing System (ILS) and (iii) at the end of August 2002 they started turning the terminal building into a business centre (offices) without planning permission;
- (r) regrets that all of these actions were quite clearly contrary to the intention of the lease, as well as Civil Aviation Authority legislation for a code 2C airport;
- (s) places on record that it is abundantly clear that the intention of the lease/agreement was for an operational airport to be in existence for at least "the reverter period", a minimum of ten years from the date of opening;
- (t) strongly asserts that rules and regulations should be abided by, and the

closure of Sheffield City Airport was done in a most unsatisfactory manner, causing Sheffield one of its worst civic lost opportunities;

- (u) further notes that Sheffield City Airport closed to all traffic in 2008, and that an area of eighty acres of prime development land, described as the best site on the M1 corridor between Leeds and Leicester, was transferred to Sheffield Business Parks Ltd, for a notional £1.00, which has never been collected; and
  - (v) further regrets that the City has lost an airport and has allowed Peel Holdings to profit from the land developments.
- 8.6 Following a right of reply from Councillor Robert Murphy, the amendment moved by Councillor Jack Scott, as altered at the meeting, was put to the vote and was carried.
- 8.6.1 (NOTE: Councillors Simon Clement-Jones, Bob Pullin, Richard Shaw, Mohammed Mahroof, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayris, Gail Smith, David Baker, Penny Baker, Vickie Priestley and Mike Levery voted for paragraphs (a) to (i) of the amendment and voted against paragraphs (j) and (k) of the amendment, and asked for this to be recorded.)
- 8.7 The amendment moved by Councillor Ian Auckland was then put to the vote and was negated.
- 8.8 The amendment moved by Councillor Douglas Johnson was then put to the vote and was also negated.
- 8.9 The amendment moved by Councillor John Booker was then put to the vote and was also negated.
- 8.9.1 (NOTE: Councillors Kaltum Rivers, Douglas Johnson, Robert Murphy, Martin Phipps and Alison Teal voted for paragraphs (m) to (s) and (u) and (v) of the amendment, and abstained from voting on paragraphs (l) and (t) of the amendment, and asked for this to be recorded.)
- 8.10 The original Motion, as amended, was then put as a Substantive Motion in the following form and carried:-

RESOLVED: That this Council:-

- (a) welcomes the recent news that Doncaster Sheffield Airport has been named the best in the UK following a survey of passengers;
- (b) believes the development and future growth of the Airport represents an economic opportunity for the region and could lead to the development of significant job and business growth and improved local and national transport connectivity;

- (c) notes that phase two of the Finningley and Rossington Regeneration Route Scheme will play a significant role in supporting the development of the Airport as well as supporting other economic opportunities in the area such as the inventive and job creating iPort;
- (d) welcomes that phase one has been a catalyst for business expansion of the Airport with 55% passenger growth over the past two years, making it one of the fastest growing airports in the UK;
- (e) notes that the Great Yorkshire Way has helped to create over 400 new jobs at the Airport itself and many more with over 100 businesses occupying another half a million square feet of space there;
- (f) notes that the road scheme has also opened the door to major housing projects and the wider regeneration of the local community;
- (g) welcomes the comments from the Mayor of Doncaster: "We always said Great Yorkshire Way was the route to jobs and growth. The pace and scale of private sector development delivered as a result of this new road in just two years is quite remarkable. We must remember that none of this existed a couple of years ago. The impact on our economy and the wider region is simply startling. Hundreds of millions of pounds worth of private sector investment has come into Doncaster, over 1,400 new jobs have so far been created and hundreds of new homes have been built";
- (h) notes the overwhelming evidence illustrating the disparity in transport spending between the north and the south of England and supports the growing campaign across the north of England to get a fairer transport settlement for the North of England;
- (i) is astounded that, instead of campaigning for a fairer settlement for the north of England, the Green Party are calling on the removal of economic development projects in the region, such as HS2, and believes it should not be an 'either/or' situation in improving transport infrastructure and connections for Doncaster Sheffield Airport or funding the development of an improved local transport network in the region;
- (j) welcomes that the people of South Yorkshire overwhelmingly rejected what this Council regards as the anti-jobs Green Party candidate in the recent Sheffield City Region mayoral election and instead elected Mayor Dan Jarvis to secure the transport investment and economic growth the region needs, including supporting the implementation of the 2015 Sheffield City Region deal; and
- (k) believes that all companies should pay their fair share of tax and believes that a more effective means of tackling tax avoidance would be pursued under a Labour government than under the current government and previous coalition government.

- 8.10.1 (NOTE: 1. Councillors Simon Clement-Jones, Bob Pullin, Richard Shaw, Mohammed Mahroof, Joe Otten, Colin Ross, Martin Smith, Roger Davison, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Sue Auckland, Steve Ayriss, Gail Smith, David Baker, Penny Baker, Vickie Priestley and Mike Levery voted for paragraphs (a) to (i) of the Substantive Motion and voted against paragraphs (j) and (k) of the Substantive Motion, and asked for this to be recorded; and
2. Councillors Kaltum Rivers, Douglas Johnson, Robert Murphy, Martin Phipps and Alison Teal voted for paragraph (h) of the Substantive Motion and abstained from voting on paragraphs (a) to (g) and (i) to (k) of the Substantive Motion, and asked for this to be recorded.)

## **9. APPOINTMENT OF THE INDEPENDENT PERSONS**

- 9.1 RESOLVED: On the Motion of Councillor Peter Rippon, seconded by Councillor David Baker, that this Council appoints Mr. David Waxman and Ms. Jo Cairns as Independent Persons, as created under the Localism Act 2011, for a term of four years, in accordance with the details outlined in the report of the Director of Legal and Governance now submitted.

## **10. MINUTES OF PREVIOUS COUNCIL MEETING**

- 10.1 RESOLVED: On the Motion of Councillor Peter Rippon, seconded by Councillor Dianne Hurst, that the minutes of the meeting of the Council held on 4<sup>th</sup> July 2018, be approved as a true and accurate record.

## **11. REPRESENTATION, DELEGATED AUTHORITY AND RELATED ISSUES**

- 11.1 RESOLVED: On the Motion of Councillor Peter Rippon, seconded by Councillor Dianne Hurst, that:-

(a) approval be given to the following changes to the memberships of Committees, Boards, etc.:-

Children, Young People and Family Support Scrutiny and Policy Development Committee	-	Councillor Tony Downing to replace Councillor Chris Rosling-Josephs
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Healthier Communities and Adult Social Care Scrutiny and Policy Development Committee	-	Councillor Chris Rosling-Josephs to replace Councillor Tony Downing
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Corporate Parenting Board	-	Councillors Talib Hussain, Ian Saunders and Sophie Wilson to fill vacancies
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(b) representatives be appointed to serve on other bodies as follows:-

Sheffield City Region Combined Authority Scrutiny Committee	- Councillors Ian Auckland and Dawn Dale to serve as substitute members of the Committee
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