



Council

Wednesday 4 July 2012

2.00 pm

Town Hall, Sheffield, S1 2HH

The Press and Public are Welcome to Attend

COUNCIL

**Wednesday 4 July 2012, at 2.00 pm
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The Press and Public are Welcome to Attend

MEMBERS OF THE COUNCIL

THE LORD MAYOR (Councillor John Campbell)
THE DEPUTY LORD MAYOR (Councillor Vickie Priestley)

1	<i>Arbourthorne Ward</i> Julie Dore John Robson Jack Scott	10	<i>Dore & Totley Ward</i> Keith Hill Joe Otten Colin Ross	19	<i>Mosborough Ward</i> David Barker Isobel Bowler Downing
2	<i>Beauchief & Greenhill Ward</i> Simon Clement-Jones Munn Clive Skelton	11	<i>East Ecclesfield Ward</i> Garry Weatherhall Steve Wilson Wright	20	<i>Nether Edge Ward</i> Bond Anders Hanson Qurban Hussain
3	<i>Beighton Ward</i> Helen Mirfin-Boukouris Chris Rosling-Josephs Ian Saunders	12	<i>Ecclesall Ward</i> Baker Roger Davison Diana Stimely	21	<i>Richmond Ward</i> John Campbell Martin Lawton Lynn Rooney
4	<i>Birley Ward</i> Denise Fox Bryan Lodge Karen McGowan	13	<i>Firth Park Ward</i> Constance Alan Law Chris Weldon	22	<i>Shiregreen & Brightside Ward</i> Peter Price Richards Peter Rippon
5	<i>Broomhill Ward</i> Dunn Shaffaq Mohammed Stuart Wattam	14	<i>Fulwood Ward</i> Alston Andrew Sangar Janice Sidebottom	23	<i>Southey Ward</i> Leigh Bramall Tony Damms Gill Furniss
6	<i>Burngreave Ward</i> Jackie Drayton Ibrar Hussain Talib Hussain	15	<i>Gleadless Valley Ward</i> Jones Cate McDonald Tim Rippon	24	<i>Stannington Ward</i> David Baker Condliffe Vickie Priestley
7	<i>Central Ward</i> Jillian Creasy Mohammad Maroof Robert Murphy	16	<i>Graves Park Ward</i> Ian Auckland Bob McCann Reaney	25	<i>Stockbridge & Upper Don Ward</i> Alison Brelsford Crowther Philip Wood
8	<i>Crookes Ward</i> Sylvia Anginotti Frost Geoff Smith	17	<i>Hillsborough Ward</i> Janet Bragg Bob Johnson Lindars-Hammond	26	<i>Walkley Ward</i> Ben Curran Neale Gibson Nikki Sharpe
9	<i>Darnall Ward</i> Harry Harpham Mazhar Iqbal Mary Lea	18	<i>Manor Castle Ward</i> Jenny Armstrong Terry Fox Pat Midgley	27	<i>West Ecclesfield Ward</i> Trevor Bagshaw Hurst Alf Meade
				28	<i>Woodhouse Ward</i> Mick Rooney Jackie Satur Ray Satur

John Mothersole

Chief Executive

Contact:

Paul Robinson, Democratic Services

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PUBLIC ACCESS TO THE MEETING

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. Meetings of the Council are normally open to the public. 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.

Members of the public have the right to ask questions or submit petitions to Cabinet meetings. Please see the website www.sheffield.gov.uk or contact Democratic Services for further information.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk/your-city-council/council-meetings/cabinet. 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, or you can ring on telephone no. 2734552. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

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.

FACILITIES

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.

**COUNCIL AGENDA
4 JULY 2012**

Order of Business

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. MINUTES OF PREVIOUS COUNCIL MEETING

To receive the record of the proceedings of the meeting of the Council held on 13 June 2012 and to approve the accuracy thereof.

4. 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

5. MEMBERS' QUESTIONS

6. 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

7. DESIGNATION OF MONITORING OFFICER

Report of the Chief Executive.

8. NEW STANDARDS FRAMEWORK

(a) New Code of Conduct for Members and Procedures for Dealing with Complaints about Members, Establishment of a Standards Committee and Guidance Relating to Disclosable Pecuniary Interests.

Report of the Deputy Chief Executive.

(b) Members' Interests

To receive a presentation from Lynne Bird, Director of Legal Services on new requirements for registering interests and declaring them at meetings.

9. NOTICE OF MOTION GIVEN BY COUNCILLOR MAZHER IQBAL

That this Council:-

- (a) deplores the Government's shambolic mishandling of welfare reform which has seen delays to the introduction of universal credit to 2014 at the same time as other reforms, including the localisation of council tax benefit, will be implemented from 2013;
- (b) regrets that the Government's mismanagement of the economy and the failure of initiatives such as the Work Programme has contributed to an increasing benefits bill;
- (c) opposes the Government's proposals on council tax benefit localisation which will see a 10% cut in funding for council tax benefit in addition to the £170 million budget gap faced by the Council over the next four years;
- (d) believes that the localisation of council tax benefit has been completely mismanaged by the Government and should have been aligned with the introduction of universal credit;
- (e) notes research by the Institute for Fiscal Studies which indicates that the working poor will be hit hardest by the cuts to council tax benefit, completely contradicting the Government's stated aims in its welfare reform programme;
- (f) further notes research by the Local Government Association warning that the cut is also likely to hit hardest councils in the most deprived areas of the country and authorities in the wealthiest areas of the country will experience a smaller cut;
- (g) regrets that this mirrors the Government's unfair policy of giving heavy cuts to Sheffield whilst at the same time wealthier areas of the country are experiencing next to no cuts at all; and
- (h) regrets that this is a further example of this Government hitting the most vulnerable the hardest which is exemplified by cuts to housing benefit, the reassessment of incapacity benefit claimants and cuts to tax credits.

10. NOTICE OF MOTION GIVEN BY COUNCILLOR IAN AUCKLAND

That this Council:-

- (a) recalls its support for the twin-track approach of the South Yorkshire Integrated Transport Authority regarding Bus Partnerships and Quality Contracts;
- (b) welcomes improvements to some bus routes as part of the proposed bus partnership agreement but regrettably notes that many local people will lose out, such as residents on Psalter Lane, in Stocksbridge or in Ringinglow Village;
- (c) urges the South Yorkshire Passenger Transport Executive to investigate these routes in particular as part of their consultation and deliver improved services for these residents;
- (d) believes it is becoming clearer that a voluntary partnership will not deliver the fair, affordable and equitable bus service that Sheffield residents deserve;
- (e) reiterates the cross-party support in this Council for a 'Quality Contracts' strategy for Sheffield; and
- (f) therefore encourages South Yorkshire Integrated Transport Authority and this Council to deliver a fully-tendered network by continuing its pursuit of 'Quality Contracts'.

11. NOTICE OF MOTION GIVEN BY COUNCILLOR LEIGH BRAMALL

That this Council:-

- (a) is extremely concerned by the current levels of youth unemployment both in Sheffield and nationally, and believes that the actions of the current Government are hitting young people disproportionately hard;
- (b) believes that this Council must do all it can to ensure that a generation of young people are not left on the scrap heap by the heartless actions of the present Government;
- (c) welcomes that the Sheffield Apprenticeship Programme introduced by the present Administration has now given the opportunity of an apprenticeship to 100 young people;
- (d) notes this approach, which has seen £1 million invested in apprenticeships, is in stark contrast to the previous Administration whose Leader broke a promise to commit £1 million of the Council's own resources to support the Future Jobs Fund in Sheffield;
- (e) thanks partners in the public, private and voluntary sector who have employed an apprentice, noting that the Sheffield

Apprenticeship Scheme has involved a 50% Council contribution to the wages of an apprentice and a 50% employer contribution; and

- (f) welcomes the wider work taken by the present Administration to increase the uptake of apprentices in the City and the doubling of the number of apprentices funded by the Sheffield Apprenticeship Scheme to 200 and calls on any local employers who wish to take on an apprentice in the future to contact the Council.

12. NOTICE OF MOTION GIVEN BY COUNCILLOR SHAFFAQ MOHAMMED

That this Council:-

- (a) recalls the Notice of Motion proposed by Cllr Jillian Creasy at the Council meeting on 13th June 2012, and expresses disappointment at the decision of the largest party in the council chamber to oppose moving the item up the agenda, given the clear interest in the public gallery;
- (b) notes that following the change of Administration in May 2011, a further £150,000 was removed from the budget of recycling centres, and believes this was a short-sighted move given the Administration's plan to end weekly black bin collections;
- (c) understands that Blackstock Road has the highest tonnage of any recycling centre, and therefore expresses dismay at the Administration's decision to close Blackstock Road three days a week, while the recycling centre in what the Council believes to be in one of the Administration's 'favoured areas' remains open seven days a week;
- (d) furthermore, notes with disappointment the failure to avoid strikes, and regrets the effect this has had on the service for local residents;
- (e) in addition, recalls the decision of the present Administration to end the free collection of garden waste, and notes that more than a year after it was first agreed, the flexible blue bin/box offer has still not been fully rolled out;
- (f) believes the simultaneous strategies of the present Administration to end weekly black bin collections and reduce recycling services always amounted to a recipe for disaster; and
- (g) therefore, in light of the Administration's decision to enforce fortnightly bin collections, calls upon the Administration to reconsider its reductions to recycling centre opening hours.

13. NOTICE OF MOTION GIVEN BY COUNCILLOR HARRY HARPHAM

That this Council:-

- (a) believes it is important to improve the way that the Council engages with local people;
- (b) notes the Meet the Cabinet Programme introduced by the present Administration last year which provided an opportunity for members of the public to ask questions to Cabinet members and to raise issues in their local communities;
- (c) recalls that the meetings were well received and thanks all members of the public who attended the meetings;
- (d) welcomes this new way of engaging with local people;
- (e) further welcomes that the present Administration will be repeating the Meet the Cabinet initiative this year starting in October;
- (f) further welcomes that the present Administration are not only extending the initiative but enhancing it by introducing a "Question Time" style format where the first 30 minutes of the meeting will be chaired by the Community Assembly Chair and will be spent discussing an issue that matters to local people, providing a greater opportunity for members of the public to engage with the Council; and
- (g) notes that the topics for debate in each area will be set by the concerns of local people and calls on all local people who wish to raise an issue to be debated in their area to contact their local Community Assembly.

14. NOTICE OF MOTION GIVEN BY COUNCILLOR COLIN ROSS

That this Council:-

- (a) understands that as a result of this Administration's decision to end free collections of green bins, up to 30,000 bins could be shredded;
- (b) believes this is a complete waste of an asset which originally cost £600,000;
- (c) understands that many residents who do not currently benefit from a green bin, may appreciate the offer of a green bin, even at the current charge, which is believed to be extortionate; and

- (d) calls on the Cabinet Member for Environment, Waste and Streetscene to write to Veolia to ask that the green bins and the green bin collection service be offered to residents across the City.

15. NOTICE OF MOTION GIVEN BY COUNCILLOR NEALE GIBSON

That this Council:-

- (a) congratulates the organisers of Sheffield Pride for a very successful festival that brought our City together in a celebration of diversity and togetherness;
- (b) recognises the equal rights of all people and supports the campaign for Equal Marriage and calls upon the Government to support legislation to enable this at the earliest possible opportunity; and
- (c) seeks to secure marriage for gay people as a civil vehicle on the same basis as heterosexual marriage, available in a registry office and approved premises.

16. NOTICE OF MOTION GIVEN BY COUNCILLOR ANDREW SANGAR

That this Council:-

- (a) regrets that Sheffield is home to some of the worst roads in the country and rightful owner of the 'pot-hole city' title;
- (b) believes that the City could have had decent roads if millions of pounds had not been required each financial year to service the Council's debt as a result of the World Student Games;
- (c) welcomes the £2bn Highways PFI project, which will see every road in Sheffield improved and thanks councillors of the current opposition and administration parties for helping to secure the project, in particular the previous Administration, for securing the future of the project at a time of intense public spending reviews;
- (d) thanks the Coalition Government for its £1.2bn contribution to the project, in addition to investment in Sheffield's trains, trams and buses, particularly when public finances are tight as a result of the previous Government's record budget deficit;
- (e) believes investment from this project should be spread fairly across the City, and will oppose any attempt to deliver one level of standard for the Administration's 'favoured areas' and a lower

standard for local residents elsewhere in the City; and

- (f) therefore calls upon the Leader of the Council, the Cabinet Member for Environment, Waste and Streetscene and the Chief Executive to sign a "First Street, Last Street" public pledge, which will guarantee that the last street and road, and all those before, will be of the same quality as the first street and road to benefit from the Project.

17. NOTICE OF MOTION GIVEN BY COUNCILLOR SIMON CLEMENT JONES

That this Council:-

- (a) believes that Sheffield can be proud of its reputation as the greenest city in the country and considers that its parks and green spaces should be accessible to all children and young people;
- (b) notes that there are currently hundreds of disabled children living in Sheffield, including many who are wheelchair users;
- (c) however, understands that currently only four parks across the City have playgrounds that include wheelchair accessible roundabouts;
- (d) thanks the Government for investing in the Graves Park, Rose Garden playground, as part of its Aiming High for Disabled Children programme and welcomes reports that improvements to Rivelin Valley paddling pools will make the facility more accessible to wheelchair users;
- (e) believes that all new playgrounds should contain at least one piece of accessible equipment for wheelchair users and that priority be given to them when replacing old equipment; and
- (f) requests the Cabinet Member for Culture, Sport & Leisure to bring forward a report to Cabinet so that official council policy can be amended accordingly.



Chief Executive

Dated this 26 day of June 2012

The next ordinary meeting of the Council will be held on 5 September 2012 at the Town Hall

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

The existing Standards regime will be abolished from 1st July, 2012 by the Localism Act 2011. From this date, the way that your interests need to be registered and declared will change. Prejudicial and personal interests will no longer exist and they have been replaced by Disclosable Pecuniary Interests (DPIs).

The Act also requires that provision is made for interests which are not Disclosable Pecuniary Interests and requires the Council to introduce a new local Code of Conduct for Members. It is intended that provision will be made in the new Code for dealing with “personal” interests.

The Regulations in relation to Disclosable Pecuniary Interests have only recently been published by the Government and guidance is being developed for circulation to you prior to 1st July.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

Advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email lynne.bird@sheffield.gov.uk

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Minutes of the Meeting of the Council of the City of Sheffield held in the Council Chamber within the Town Hall, Sheffield, on Wednesday, 13th June 2012 pursuant to notice duly given and Summonses duly served.

PRESENT

THE LORD MAYOR (Councillor John Campbell)
THE DEPUTY LORD MAYOR (Councillor Vickie Priestley)

<p>1 <i>Arbourthorne Ward</i> Julie Dore</p>	<p>10 <i>Dore & Totley Ward</i> Colin Ross Joe Otten</p>	<p>19 <i>Mosborough Ward</i> Anthony Downing David Barker Isobel Bowler</p>
<p>2 <i>Beauchief/Greenhill Ward</i> Roy Munn Simon Clement-Jones Clive Skelton</p>	<p>11 <i>East Ecclesfield Ward</i> Joyce Wright Steven Wilson Garry Weatherall</p>	<p>20 <i>Nether Edge Ward</i> Nikki Bond Qurban Hussain Anders Hanson</p>
<p>3 <i>Beighton Ward</i> Ian Saunders Chris Rosling-Josephs Helen Mirfin-Boukouris</p>	<p>12 <i>Ecclesall Ward</i> Penny Baker Diana Stimely Roger Davison</p>	<p>21 <i>Richmond Ward</i> Lynn Rooney Martin Lawton</p>
<p>4 <i>Birley Ward</i> Bryan Lodge Denise Fox Karen McGowan</p>	<p>13 <i>Firth Park Ward</i> Sheila Constance Chris Weldon Alan Law</p>	<p>22 <i>Shiregreen & Brightside Ward</i> Sioned-Mair Richards Peter Price Peter Rippon</p>
<p>5 <i>Broomhill Ward</i> Jayne Dunn Stuart Wattam Shaffaq Mohammed</p>	<p>14 <i>Fulwood Ward</i> Sue Alston Andrew Sangar Janice Sidebottom</p>	<p>23 <i>Southey Ward</i> Tony Damms Leigh Bramall Gill Furniss</p>
<p>6 <i>Burngreave Ward</i> Jackie Drayton Ibrar Hussain Talib Hussain</p>	<p>15 <i>Gleadless Valley Ward</i> Steve Jones Tim Rippon Cate McDonald</p>	<p>24 <i>Stannington Ward</i> Katie Condliffe David Baker</p>
<p>7 <i>Central Ward</i> Robert Murphy Jillian Creasy</p>	<p>16 <i>Graves Park Ward</i> Denise Reaney Ian Auckland Bob McCann</p>	<p>25 <i>Stocksbridge & Upper Don Ward</i> Richard Crowther Philip Wood Alison Brelsford</p>
<p>8 <i>Crookes Ward</i> Rob Frost</p>	<p>17 <i>Hillsborough Ward</i> George Lindars-Hammond Robert Johnson Janet Bragg</p>	<p>26 <i>Walkley Ward</i> Neale Gibson Ben Curran</p>
<p>9 <i>Darnall Ward</i> Mary Lea Harry Harpham Mazher Iqbal</p>	<p>18 <i>Manor Castle Ward</i> Pat Midgley Terry Fox</p>	<p>27 <i>West Ecclesfield Ward</i> Adam Hurst Alf Meade Trevor Bagshaw</p>
		<p>28 <i>Woodhouse Ward</i> Jackie Satur Mick Rooney</p>

1. **INTRODUCTION OF NEW COUNCILLORS**

Members of the Council welcomed newly elected Councillors Denise Reaney (Graves Park Ward) and Joyce Wright (East Ecclesfield Ward).

2. **PRESENTATION OF SEALED RESOLUTION TO THE FORMER LORD MAYOR**

The Lord Mayor (Councillor John Campbell) presented a sealed resolution to former Councillor, Dr Sylvia Dunkley, in recognition of the official duties undertaken by her as Lord Mayor and Mr John Dunkley as the Lord Mayor's Consort during the Municipal Year 2011/12.

3. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Jenny Armstrong, Sylvia Anginotti, Keith Hill, Mohammad Maroof, John Robson, Ray Satur, Jack Scott, Nikki Sharpe and Geoff Smith.

4. **DECLARATIONS OF INTEREST**

Councillor Mick Rooney declared a personal interest in the item of business numbered 10 on the Summons concerning Dementia Services as he is a Non Executive Director of the Sheffield Health and Social Care NHS Foundation Trust.

5. **MINUTES OF PREVIOUS MEETINGS**

RESOLVED: On the Motion of Councillor Pat Midgley, seconded by Councillor Gill Furniss, that the minutes of the meeting of the City Council held on 4th April 2012 and the Annual Meeting of the Council held on 16th May 2012, both be approved as correct records.

6. **PUBLIC QUESTIONS AND PETITIONS**

6.1 *Petitions*

(a) Petition Objecting to the Recycling Cuts

The Council received a petition, containing 108 signatures, objecting to the recycling cuts.

Representations on behalf of the petitioners were made by Alistair Tice, who stated that the recycling and waste services should be brought back into the direct control of the City Council. The cuts to services at the City's waste sites had resulted in people queuing and might also cause more fly tipping and dumping of waste. He referred to six redundancies that had been made and to concerns over the treatment of the workforce by Veolia. He asked why there

was not liaison with GMB members.

Mr Tice also stated that the waste management service should not have been 'privatised' or the contract extended. There was not accountability as Veolia were able to sub-contract to other firms. There was concern that some work had been sub-contracted to a discredited employment agency. He urged the Council to address the concerns of petitioners.

The Council referred the petition to the Leader of the Council (Councillor Julie Dore), who stated that she would respond to the petition on behalf of the Cabinet Member for Environment, Waste and Streetscene (Councillor Jack Scott). She confirmed that she was a trade unionist and stated that the Administration would not make promises that they were not able to keep. She outlined that in 2011/12 and 2012/13, the Council had made savings of £80 million and £55 million respectively. In 2013/14, further savings of between £30 million and £50 million would also be made, meaning that the total saving which the Council will have made would be approximately £170 million.

The Council did not have the money to spend and had received representations from various service users about the effect on particular service areas and spending reductions were made across services.

Councillor Dore stated that there were 2 areas in relation to which she was not aware. Firstly, the profit relating to SOVA and secondly, action for employment using the Work Programme. Councillor Dore suggested that the petition and issues raised be referred to the relevant Scrutiny Committee for further consideration.

(b) Petition Objecting to the Proposed Development of a Tesco Express Store, 335/337 Ecclesall Road South

The Council received a petition containing 1850 signatures, objecting to the proposed development of a Tesco Express Store, 335/337 Ecclesall Road South.

Representations on behalf of the petitioners were made by Steve Carroll who referred to the proposals relating to the site of the former Parkhead Garage for which planning permission had been granted and extended in 2010 and in relation to which there had not been objections.

However, there was strong opposition to the new plans submitted in relation to that site, as shown by the 1850 signature petition. There were three main areas of concern. Firstly, in relation to the construction of a layby for delivery vehicles and eight parking spaces with one entry/exit point, it was thought potentially dangerous for delivery vehicles to park on a busy road. Second, residential use had been removed in the new proposals, to create space for storage and this was considered to be unacceptable because Parkhead was primarily a residential area. Third, there was concern at a potential increase in noise and loss of amenity, brought about by such factors as the installation of air conditioning units, increased traffic noise and disturbance associated with extended off-licence opening times and a cash machine.

He stated that planning shaped places and the petition demonstrated the local strong opposition to the planning proposals.

The Council referred the petition to the Cabinet Member for Business, Skills and Development (Councillor Leigh Bramall), who stated that the planning application would be submitted for consideration by the relevant Council Planning Committee and the petitioners would be welcome to attend the meeting to make representations. The petition would be referred to the Committee. The Chair of the Planning Committee had requested that a site visit be made in respect of the application.

(c) Petition Objecting to the Deterioration of Bus Services Covering Burncross, Grenoside and High Green

The Council received a petition containing 255 signatures, objecting to the deterioration of bus services covering Burncross, Grenoside and High Green.

The Council referred the petition to the Cabinet Member for Business, Skills and Development (Councillor Leigh Bramall) and to the South Yorkshire Passenger Transport Executive (SYPTTE). Councillor Bramall thanked the petitioners for presenting the petition to Council and stated that the petition would be referred to the SYPTTE with a request that they respond directly to the petition.

6.2 Public Questions

(a) Public questions concerning Household Waste Recycling Centres – Service Provision and Industrial Dispute

The following questions were asked concerning the Household Waste Recycling Centres Service and the industrial dispute in relation thereto:-

Mr Peter Davies referred to the fact that the Household Waste and Recycling Centres (HWRC) contract was part of the Veolia contract and was put out to tender in 2011 and that Councillor Julie Dore has said that in face of the Government's cuts, that the Council needed to be innovative and seek all alternatives to finding efficiencies to reduce the impact on jobs and services as much as possible. There was much concern about the three tier delivery model that made up the contract.

He stated that people were now informed that a buy out for this contract would be too expensive for the Council. He asked why didn't the Council consider putting in its own bid for the contract last year and, in asking the question, asked the Leader to bear in mind the officer response to this question when it was asked at the time of the process opening which was that the Council simply did not have the capacity to bid.

Ms Bridget Gilbert stated that the GMB trade union represented the vast majority of staff who work on the HWRC, the vast majority of Veolia employees in Sheffield; and is a fully recognised trade union by Veolia and

the Council. She added that the GMB sit on Council tender evaluation panels, and have worked for many years within the Council's processes and procedures. She asked, why did the Council refuse to allow the GMB to take part in the tender process for the contract in 2012?

Mr. Richard Brown stated that the Council, Veolia and SOVA had received several requests from the GMB with regard to the finance generated by the recycling service. The GMB had not received any response from the Council on this and, therefore had submitted a request under the Freedom of Information Act concerning payments that the Council make and receive. He stated that the response was minimal, so the GMB had put together their own estimated figures, taken from the FOI response, conversations with the workforce and the former Managing Director of the previous contractor and price lists submitted as part of the tender documentation in 2012.

Whilst the GMB accepted that these were only estimates, he asked what evidence had Council officers given to Councillor Jack Scott to show that these estimates were wrong and, if they were, why was this information included in the tender outline/guidance last year?

Mr Jim Rodgers referred to alleged comments by Councillor Jack Scott, calling the references made by the GMB about the use and abuse of workers recruited via the Action for Employment (AfE) Programme and their members in this dispute as "dangerous". He referred to comments in the press concerning the employment support programme.

However, GMB members working on HWRC sites were worried that people on the A4E programme would be used to replace them and take over their jobs, which is what has happened throughout the dispute. He asked whether it was far more dangerous to ignore the struggles of current HWRC workers in their fight for justice and fairness and a right to carry on doing the jobs that clearly still exist and for which they were employed?

Mr Anthony Robshaw asked whether the Council was aware that SOVA had brought in a former manager from a previous contractor to help run the service. Although the individual concerned is carrying out a role, 90% of which would normally be covered by foremen, SOVA have refused to include him in the vulnerability pool for redundancy selection.

When the GMB questioned this, they were told that he held a COTC certificate and was essential to their requirements. The GMB subsequently offered to put foreman through the same qualification, but SOVA refused and changed his title.

Mr Robshaw asked if the Council would agree that workers have the right to fairness in a selection procedure and that its partners should review this decision.

Mr. Alan Garnham asked whether the Council was aware that the foreman referred to above previously left the employment of the last contractor, shortly after admitting to sexual harassment and bullying and that the first person to

have lost her job since the contract was taken over was his victim and the second was her son.

Mr Steve Moremont asked whether the Council were aware that the Manager/Foreman was earning the equivalent to two of the salaries of the five workers that have now lost their jobs?

Mr Martin Lyons stated that the GMB had evidence on film and are raising the following issues, with Veolia, the Health and Safety Executive and the Department of Environment, Food and Rural Affairs. He asked if the Council was aware that, during the strike action, health and safety seems no longer to be a priority. Examples of this are when a JCB compactor has been used without a banks man, the use of stabilisers and whilst members of the public are in the vicinity; and where it appears that open skips are being used to dispose of asbestos.

Mr Chaz Lockett asked whether the Council was aware that scrap merchants were taking recyclable materials from members of the public whilst they queued to use the HWRCs.

Mr Gordon Parkes asked what guarantees could the Council give to the people of Sheffield that the HRWCs would be able to cope with the increase in demand for these services once the City move to fortnightly bin collections?

Mr Mick Brooke asked whether the Council agreed that, without compromise on the part of all parties – the GMB, the Council, Veolia and the Arbitration, Conciliation Advisory Service (ACAS), the dispute on HWRCs cannot be resolved and, if so, then why have the Council not agreed to convene a meeting along this basis, which the GMB have proposed through ACAS.

Sam Morecroft stated that the GMB have, today, handed in 600 letters from members of the public to Councillors and Members of Parliament, asking for a response to their concerns over the recycling closures and other issues relating to the dispute. He asked whether Labour Councillors will be allowed to answer those letters to their constituents or have they been instructed by their Party to refer the enquiries to Councillor Jack Scott?

In response to the above questions, the Leader of the Council (Councillor Julie Dore) stated that she had been involved in a considerable amount of discussion on budgets and services over the past year. The Council was always examining ways in which it could be innovative in relation to the provision of services. However, the scale of the financial cuts that the Council was being asked to make, amounting to £170 million over three years meant that this could not simply be achieved through making efficiencies. It involved the Council having to make massive and unprecedented cuts.

Councillor Dore stated that she was not aware of any Council response to say that it did not have the capacity in terms of submitting a tender for the Waste contract last year, There were less resources and the Council had

experienced the loss of over 1200 jobs so far. She stated that was also worried about the Council's ability to continue to deliver services in the context of diminishing resources but accepted that it was her responsibility to make sure the Council could maximise the use of resources to deliver services.

She acknowledged that the issues now raised regarding representatives of the GMB, Veolia and the Council sitting on a tender evaluation panel and potential other alternatives should be resolved as soon as possible and stated that she would raise the issues with the Cabinet Member for Environment, Waste and Streetscene (Councillor Jack Scott) on his return. Other matters would be referred to the Scrutiny Committee for consideration.

In relation to the Action for Employment Programme, Councillor Dore responded that the Government had given joint responsibility for the provision of the Programme to the SERCO Group plc, SERCO had sub-contracted work with specific groups under the programme to organisations including SOVA. She was concerned if the sub-contractors were skimming off profits.

The Council acknowledged that everyone has employment rights in relation to issues including redundancies, re-deployment and health and safety and that there needed further examination of such matters in terms of fairness. She, therefore, would request one of the Council's Scrutiny and Policy Development Committees to consider these matters.

Councillor Dore indicated that she was unable to respond on the matters raised in relation to the posts of Manager and Foreman, as she did not know the specifics of the situation. However, the Council now needed to ensure the Council's Waste contract was delivered within the context of the implementation of the 14 day waste collection service and the Council's policy of trying, as far as possible, of minimising job losses whilst maintaining services.

She stated that she would ask the Cabinet Member for Environment, Waste and Streetscene (Councillor Jack Scott) to examine the matters raised by all of the questioners so that these could be resolved.

(b) Proposed development of Tesco Express store at Parkhead

Mr John Cobbing referred to the application to build a Tesco Express Store at Parkhead, Ecclesall Road South and stated that there were concerns relating to noise associated with traffic and parking. He urged Members of the Council to visit the site of a similar store at Abbeydale Road South, Topley where there had also been complaints in relation to air conditioning units etc. He asked Members to bear this in mind in their consideration of the proposed Parkhead development which would fall within an already overcrowded site in that area.

The Cabinet Member for Business, Skills and Development (Councillor Leigh Bramall) responded that the issues raised would normally be raised within the consideration of formal planning applications and he would pass the comments made to Planning Officers so that these could be taken into account during the planning process.

(c) Provision of Social Care Services

Mr David Kirkham referred to the recent death of his father's partner and to the fact that the Adult Social Care Service had required his father to wait approximately two months for an initial assessment for care support which had created a difficult situation for his immediate family. He suggested that the Country's social care budget was underfunded by £1 billion and that, despite Andrew Lansley's delivery of an extra £648 for social care, some £115 million had been spent on maintaining existing eligibility criteria. He stated that this situation was making people in Sheffield suffer and, he asked how much longer will the Council allow its residents to suffer at austerity's bidding.

The Cabinet Member for Health, Care and Independent Living (Councillor Mary Lea) gave her condolences to Mr Kirkham's father and family. She stated that she would look into Mr Kirkham's case, but indicated that there were significant problems with the funding of adult social care locally and nationally. Over the past couple of years Andrew Dilnott had tried to build a policy consensus on the funding and response to the provision of adult social care nationally. She added, however, that the Conservative Party had withdrawn from consensual discussions, following the Dilnott report without any alternative proposals, leaving a large policy vacuum in this area.

The cost of providing adult social care in Sheffield relied on Government funding. The Council had striven, against this background to protect adult social care services, albeit at the expense of other services, with protection being afforded to front line services and eligibility criteria, but at the cost of a loss of jobs and expertise in other areas of the Council.

The Council, like many other local authorities, was waiting for the Government to bring forward proposals in this area of policy and the Council had made representations to Government a few months ago and Councillor Lea stated that she would be happy to share this correspondence with Mr Kirkham. However, she stated that the provision of adult social care was not cheap and there was a need to ensure that access to such services was available to everybody, taking into account their financial circumstances. The Government needed to examine ways of providing good quality care in the United Kingdom within a formula that was fair to everyone. The Council, for its part, would strive to protect services and provide them in an innovative manner.

(d) Public Investment in Private Corporations

Mr Nigel Slack asked why the Council believe it appropriate to support large amounts of public investment in profitable, private corporations. In asking his question Mr Slack referred to the minutes of the Council meeting of 4th April, 2012 which identified that expenditure of £6.4 million would be made to improve South Yorkshire's bus network and allow Stagecoach Sheffield to purchase 19 new green buses. He stated that Stagecoach made enormous profits and asked why the funding had been approved as well as a further £58 million to pilot an extension of the tram system from Sheffield to Rotherham which, he suggested, would be a poor investment, yielding only approximately

30 jobs.

The Cabinet Member for Business, Skills and Development (Councillor Leigh Bramall) responded that the investment referred to by Mr Slack had been provided by the Government in order to encourage the use of greener vehicles and the extension of the Supertram light rail system. In the latter case, the £58 million would be used as part of a UK trial to test new technology and identify potential problems with extending a light rail system. He added that the £58 million included potential funding to deconstruct the pilot's infrastructure should the project fail.

He believed the project was worthwhile in that it would assist in delivering future expansion of the Supertram network across the City as well as the use of green buses.

(e) Street Trading on the High Street

Mr Knowledge Kutekwa asked whether in terms of street trading on the high street, such trading was conducted on a free market or black market basis?

The Cabinet Member for Business, Skills and Development (Councillor Leigh Bramall) responded that there was a problem in terms of licensing street traders in that where if such traders were mobile they were able to avoid the regulatory framework. Alternatively, static street trading pitches were included within the legal framework and were subject to local authority licensing. Councillor Bramall indicated that he would write to Mr Kutekwa with further information on this matter.

(f) Enhancement of Riverside Development, Wicker

Mr Knowledge Kutekwa asked what progress had been made in enhancing the Riverside Development, Wicker.

The Cabinet Member for Business, Skills and Development (Councillor Leigh Bramall) indicated that the Riverside Development was being enhanced to update flood defences as this area had been the subject of some of the worst flooding in the area in 2007. There was a considerable amount of work to be undertaken in terms of the flood defence materials to be used which required the use of large blocks, which used the best quality materials obtainable in the context of the available funding. There was a wish to make these more attractive, by using artwork, although this was not a permanent solution. Discussion of the works had been undertaken with local businesses and residents and the Council would seek to access funding available from the Environment Agency for more permanent work to improve flood defences..

(g) Shops, Charities and Tax Relief on Empty Properties

Mr Knowledge Kutekwa asked a question concerning the use of empty shops by charities.

The Cabinet Member for Finance and Resources (Councillor Bryan Lodge)

responded that where shops were empty, landlords can claim business rates relief if the shops were occupied by charities. In some cases and in other areas of the Country, there were concerns about the potential misuse of this provision. However, Sheffield had been highlighted as effectively regulating these sorts of schemes and provided effective enforcement action. Councillor Lodge stated that he could provide additional information on request.

(h) Cuts in Policing Budgets

In response to a question by Mr Knowledge Kutekwa on policing, the Cabinet Member for Homes and Neighbourhoods (Councillor Harry Harpham) stated that there was much public concern regarding cuts to the police budget and this was certainly a matter raised with him by people attending his surgeries.

Cuts in expenditure affected both the frontline and led to a loss of experience at a back office level. Councillor Harpham stated that he agreed that the Government cuts were damaging and hoped that the public's anger at the situation would lead to a restoration of funding by the Government.

(i) Highways Maintenance Private Finance Initiative (PFI)

Mr Philip Abbas asked whether the Highways PFI was a good deal for Sheffield?

In his response, the Cabinet Member for Business, Skills and Development (Councillor Leigh Bramall) indicated that he believed the Highways PFI to be a good thing based on the public's reaction to the poor state of the City's roads. He added that the ability of the Council to repair roads and streetlights would be severely restricted in the absence of the PFI programme, which had numerous benefits, including for car users, pedestrians, public transport and cyclists. Improved street lighting would contribute to community safety and reducing the amount of energy used by the Council. For every £1 the Council spent, another £1 would be received from the Government.

(j) Fairness, Openness and Transparency

Mr Martin Brighton asked the following questions which were answered by the Leader of the Council (Councillor Julie Dore) as shown:-

“In but one example of false accusations against this citizen an officer has admitted that he sent a forged rent statement to the Local Government Office in a futile attempt to get this citizen and family evicted. He also admits that he was instructed to do so. The Nuremberg Trials come to mind. Neither the Council nor the officer will say who gave that order. Do the members think this behaviour is fair, or cowardly, and what will members do to ensure accountability and honesty ?”

Councillor Dore responded that she did not know who the officer referred to was and that she would need more specific details before she could respond.

“Members have frequently seen how this citizen’s questions are parried away by “playing-the-man-not-the-ball” so as to avoid being held to account. One recent example concerns the questions concerning the decade of council failure as illustrated by the Index of Multiple Deprivation figures, for which this citizen was falsely accused of being wrong, and publicly vilified. I now have the source data, which was compiled by the last government, and which vindicates everything this citizen said. Do members think this behaviour of those who answered is fair, or cowardly, and what will members do to ensure accountability and honesty ?”

Councillor Dore asked that Mr Brighton submit the information in his possession relating to deprivation so that the Council might analyse it and compare any discrepancies to the Council’s own data.

“In the real world it would be considered grossly offensive to avoid answering questions by refusing to accept them on the grounds that they are opinion, when they are based upon established fact. Such denials are in fact just bullying, as this citizen is not allowed to respond. It has been proved time and again that this ruse fails. Do members think that the behaviour of those who answered is fair, or cowardly, and what will members do to ensure accountability and honesty ?”

Councillor Dore responded that the Council also needed questions based upon fact, otherwise the only responses which Members can give are based on opinion, in response to questions which are opinion – based.

“This Council is often reminded of its need to be open, honest, transparent and accountable. How can the Council justify to adhere to these principles when, for example, it withholds information allegedly contained within the Newton Report for six years, before being forced to disclose one sanitised version of the report ?”

Councillor Dore stated that the Newton Report had been published and was in the public domain. She understood that it was intended to publish the report earlier but at that time this was not possible because of criminal proceedings.

“The Information Commissioner’s Office (ICO) has now sent documents showing how the legal department of this Council, upon instruction, has sent material knowingly lying to the information commissioner on several occasions. Examples include falsely claiming to the ICO that this citizen’s first-ever request on one subject was refused because of a history of multiple questions on the subject, and on another occasion claiming that this citizen prevents other citizens from asking questions. All absolute lies. Do members consider that the repeated failures of senior elected members to hold their executives to account to be fair, or cowardly collusion, and how will members ensure an effective remedy ?”

Councillor Dore indicated that she was unaware of the case Mr Brighton was referring to and requested that he should provide further details in writing to the Chief Executive to clarify the matter. She added that Mr Brighton attended most Council and Cabinet meetings and was given the opportunity to ask

questions at these meetings and would continue to be afforded such opportunities.

6.3 The Diamond Jubilee celebrations

The Lord Mayor (Councillor John Campbell) referred to the success of the Diamond Jubilee celebrations to mark the 60th anniversary of Her Majesty, The Queen's accession to the throne.

RESOLVED: that the Lord Mayor be requested to write to Her Majesty, The Queen, on behalf of the Council, to convey the congratulations of the City Council on the success of her recent Diamond Jubilee celebrations, recognising the 60th anniversary of her accession to the throne on 6th February 1952.

7. MEMBERS' QUESTIONS

7.1 Urgent Business

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

7.2 Questions

A schedule of questions to Cabinet Members, submitted in accordance with Council Procedure Rule 16, and which contained written answers, was circulated and supplementary questions under the provisions of Council Procedure Rule 16.4 were asked and were answered by the appropriate Cabinet Members.

7.3 South Yorkshire Joint Authorities

There were no questions relating to the discharge of the functions of the South Yorkshire Joint Authorities for Fire and Rescue, Integrated Transport, Pensions or Police under the provisions of Council Procedure Rule 16.6 (i).

8. REPRESENTATION, DELEGATED AUTHORITY AND RELATED ISSUES

RESOLVED: On the Motion of Councillor Pat Midgley, seconded by Councillor Gill Furniss, that approval be given to the following changes to the memberships of Committees, Panels, Groups, etc and to representatives on external bodies:-

Cabinet Highways Committee	-	Councillor Jack Scott to replace Councillor Isobel Bowler
Healthier Communities and Adult Social Care Scrutiny Committee	-	Councillor Jackie Satur to replace Councillor Ibrar Hussain

Children, Young People and Family Support Scrutiny Committee	-	Councillor Mohammad Maroof to fill a vacancy
Licensing Committee	-	Councillors Nikki Sharpe and George Lindars-Hammond to fill vacancies
West and North Planning and Highways Committee	-	Councillors Janet Bragg and Roy Munn to fill vacancies
	-	Councillor Adam Hurst to replace Councillor Richard Crowther
City Centre, South and East Planning and Highways Committee	-	Councillor Richard Crowther to replace Councillor Adam Hurst
Planning and Highways Committee Substitute Members	-	Councillors Ian Auckland, Penny Baker, Roger Davison, Joe Otten, Denise Reaney, Andrew Sangar and Clive Skelton to fill vacancies
Audit Committee	-	Councillors Anders Hanson and Joe Otten to fill vacancies
Senior Officer Employment Committee	-	Councillors Simon Clement-Jones, Shaffaq Mohammed and Colin Ross to fill vacancies
Adoptions and Fostering Panel	-	Councillors Nikki Sharpe, Jenny Armstrong and Geoff Smith to fill vacancies
	-	Councillors Alison Brelsford, Clive Skelton and Diana Stimely to fill vacancies
Appeals and Collective Disputes Committee	-	Councillors Bob McCann, Vickie Priestley and Denise Reaney to fill vacancies
School Admissions Forum	-	Councillor Keith Hill to fill a vacancy
Access Liaison Group	-	Councillor Denise Reaney to fill a vacancy
Adoptions and Fostering Panel	-	Councillors Alison Brelsford, Clive Skelton and Diana Stimely to fill vacancies
Allotments and Leisure Gardens Advisory Group	-	Councillor Keith Hill to fill a vacancy

Assembly Chairs Group	-	Councillors Alison Brelsford, Ben Curran, Mazher Iqbal, Pat Midgley, Cate McDonald, Peter Price, Andrew Sangar, Ray Satur and Garry Weatherall to fill vacancies
Building Schools for the Future Strategic Board	-	Councillor Colin Ross to fill a vacancy
Corporate Members Governance Group	-	Councillors Julie Dore, Harry Harpham and Pat Midgley to fill vacancies
	-	Councillors Shaffaq Mohammed, Colin Ross and Clive Skelton to fill vacancies
	-	Councillor Jillian Creasy to fill a vacancy
Corporate Parenting Panel	-	Councillors Sue Alston and Clive Skelton to fill vacancies
Cycle Forum	-	Councillor Jillian Creasy to fill a vacancy
Disabled Persons Housing Strategy Monitoring and Scrutiny Group	-	Councillor Penny Baker to fill a vacancy
Environmental Performance Working Party	-	Councillor David Baker to fill a vacancy
Fairer Charging Commission	-	Councillor Clive Skelton to fill a vacancy
Fairtrade Working Group	-	Councillor Katie Condliffe to fill a vacancy
Information Services Steering Group	-	Councillors Simon Clement-Jones and Joe Otten to fill vacancies
	-	Councillors Neale Gibson, Ian Saunders and Martin Lawton to fill vacancies
Member Development Cross Party Working Group	-	Councillors Rob Frost and Diana Stimely to fill vacancies
	-	Councillors Gill Furniss, Pat Midgley, Garry Weatherall and Richard Crowther to fill vacancies
Monitoring and Advisory Group (Adult Services)	-	Councillor Clive Skelton to fill a vacancy

	-	Councillor Mary Lea to fill a vacancy
Motorists Forum	-	Councillor Leigh Bramall to fill a vacancy
Planning Committee Advisory Group	-	Councillors Trevor Bagshaw and David Baker to fill vacancies
Planning Policy Advisory Group	-	Councillors Trevor Bagshaw, Katie Condliffe and Bob McCann to fill vacancies
Sheffield Conservation Advisory Group	-	Councillor Vickie Priestley to fill a vacancy

Other External Organisations (*number of places)

Burngreave New Deal for Communities Company (to wind down August 2011)	Cllr Jackie Drayton		
Charities/Educational Foundations:-			
Anne Reresby Trust, High Green (1)*	Cllr Phillip Wood		
Church Burgess (1)	Mr David Heslop		
The Bradfield Feoffee Educational Foundation Charity (1)	Cllr Janet Bragg		
Norton Educational Foundation and Non-Educational Trusts (2)	Cllr Martin Lawton	Cllr Ian Auckland	Rev. Joy Adams, Mrs Beverley Ashmore and Mr. Phillip Shaddock
Poors Land (Ecclesall Bierlow Charity) (2)	Cllr Peter Price	Cllr Roger Davison	Mr. John Neil and Mr. Mike Pye
Turies Educational Foundation – Nominative Trust (1)	Cllr Garry Weatherall		

Beighton Relief in Need Charity (1)	Cllr Ian Saunders		
ACIS Local Management Committee (2)	Councillors Jenny Armstrong and Martin Lawton		
Chevin Housing Board (2)	Cllrs Bob Johnson and Pat Midgley		
Countryside and Rights of Way Act 2000 – Local Access Forum (2)	Cllr Peter Price	Cllr Trevor Bagshaw	
Creative Sheffield Board (1)	Cllr Leigh Bramall	Cllr Roger Davison	
Duke of Edinburgh's Award Scheme – Sheffield Council (2)	Cllr Alan Law	Mr Alan Hooper	
Early Years Development and Childcare Partnership Funding Panels (1)	Cllr Jackie Drayton		
Education Partnership Board (1)	Cllr Jackie Drayton		
Emergency Planning Shared Services Joint Committee (2) (appointments made by the Executive Leader)	Cllr Jack Scott		
Environment Agency – Yorkshire Regional Flood Defence Committee (1)	Cllr Ibrar Hussain		
Great Places Housing Group (2)	Cllrs Pat Midgley and Jackie Satur		
Groundwork Sheffield Trust (2)	Cllr Martin Lawton	Cllr Ian Auckland	
Joint Advisory Committee for the South Yorkshire	Cllr Steve Wilson	Cllr Trevor Bagshaw	

Archaeology Service (2)			
Learning Disabilities Partnership Board (2)	Cllr Mary Lea	Cllr Clive Skelton	
Local Enterprise Partnership (1)	Cllr Julie Dore		
Local Government Association:- General Assembly (2) Rural Commission (2) Urban Commission (2)	Cllr Harry Harpham Cllr Tony Damms Cllr Harry Harpham	Cllr Colin Ross Cllr Trevor Bagshaw Cllr Roger Davison	
Local Government Yorkshire and Humber Employers Committee (1)	Cllr Harry Harpham		
Longley Park Sixth Form College (1)	Cllr Alan Law		
Manor and Castle Development Trust (2)	Cllrs Martin Lawton and Pat Midgley		
Meadowhall Education Centre (1)	Cllr Jackie Drayton		
Mental Health Partnership Board (2)	Cllr David Barker	Cllr Clive Skelton	
National Coal Mining Museum for England – Liaison Committee (1)	Cllr Garry Weatherall		
Parking and Traffic Regulations Outside London (PATROL) Joint Committee (1)	Cllr Leigh Bramall		
Parkwood Landfill Liaison Group (4)	Cllrs Jackie Drayton, Ibrar Hussain and Talib Hussain	(1) vacancy	

Seven Hills Leisure Trust (1)	Cllr Peter Price		
Sheffield City Trust Group Finances and General Purposes Committee (1)	Cllr Peter Price		
Sheffield Adult Safeguarding Partnership (SASP) Board (1)	Cllr Mary Lea		
Sheffield Business Adviser Panel (2)	Cllrs Julie Dore and Leigh Bramall		
Sheffield Carers and Young Carers Board (1)	Cllr David Barker		
Sheffield City Trust (1) (1 Member observer)	Cllr Steve Wilson		
Sheffield Clean Air Partnership (2)	Cllr Leigh Bramall	Cllr Ian Auckland	
Sheffield Compact (1)	Cllr Karen McGowan		
Sheffield Executive Board (2)	Cllr Julie Dore	Cllr Shaffaq Mohammed	
Sheffield First for Health and Wellbeing (2)	Cllr Mary Lea	Cllr Clive Skelton	
Sheffield 0-19+ Partnership Board (2)	Cllr Jackie Drayton	Cllr Colin Ross	
Sheffield 0-19+ Executive Board (1)	Cllr Jackie Drayton		
Sheffield Galleries and Museums Trust – Directors and Members (3)	Cllrs Cate McDonald and Tim Rippon		Mr Michael Day
Sheffield Health and Social Care Foundation Trust - Council of Governors (2)	Cllr David Barker		
Sheffield Homes Board of Directors (2)	Cllrs Karen McGowan and Tony		

	Damms		
Sheffield Teaching Hospitals NHS Foundation Trust (1)	Cllr Mary Lea		
Sheffield Homes Local Boards:- (Community Assembly Nominations)			
South East Area Board (2)			
South West Area Board (2)			
North West Area Board (2)			
North Area Board (2)			
East Area Board (2)			
Central Area Board (2)			
Sheffield Industrial Museums Trust – Directors and Members (3)	Cllrs Ben Curran and Steve Wilson Mr S. Bennett		
Sheffield International Venues Ltd – Board of Directors (1)	Cllr Peter Price		
Sheffield Lyceum Trust Ltd – Directors and Members (3)	Cllrs Janet Bragg and Jackie Drayton		
Sheffield Media and Exhibition Centre Ltd – Directors and Members (2)	Cllrs Bob Johnson and Tim Rippon		
Sheffield Safer and Sustainable Communities Partnership (2)	Cllr Mazher Iqbal	Cllr Penny Baker	
Sheffield Tobacco Control Programme Accountable Board (2)	Cllr Ibrar Hussain	Cllr Clive Skelton	
Sheffield Theatres Trust –	Cllrs Pat	Ms. Camilla	

Directors and Members (3)	Midgley and	Jordan	
Sanctuary Housing Local Board (2)	Cllrs Sioned-Mair Richards and Peter Rippon		
South East Sheffield Eco Advisory Group (formerly South East Sheffield Countryside Advisory Group) (1)	Cllr Ray Satur		
South Yorkshire Forest Partnership Steering Group (1)	Cllr Isobel Bowler		
South Yorkshire Green Business Club (2)	Cllr Leigh Bramall		
South Yorkshire Joint Advisory Committee on Archives (2)	Cllr Steve Wilson	Cllr Trevor Bagshaw	
South Yorkshire Leaders' Group (1)	Cllr Julie Dore		
South Yorkshire Passenger Transport Users' Advisory Group (1)	Cllr Chris Rosling-Josephs		
South Yorkshire Trading Standards Joint Committee (2 and 1 observer)	Cllrs Chris Rosling-Josephs and Stuart Wattam	(1) vacancy	
Southey/Owlerton Area Regeneration Board (4)	Cllrs Leigh Bramall, Tony Damms, Bob Johnson and Sioned-Mair Richards		
University of Sheffield Court (ex officio positions wef 2/8/02 - Ch Ex; Leader; Exec Dir, CYP; Lord Mayor) (1)	Cllr Julie Dore		
University Technical College	Cllr Jackie		

Trust Board (1)	Drayton		
Upperthorpe and Netherthorpe Healthy Living Centre Trust (1)	Cllr Ben Curran		
Voluntary Action Sheffield (1)	Cllr Geoff Smith		
Welcome to Yorkshire Tourist Board (1)	Cllr Isobel Bowler		
Yorkshire Ambulance Service Trust (1)	Cllr Mary Lea		
Yorkshire and Humber Regional Migration Partnership (1)	Cllr Mazher Iqbal		
Yorkshire and Humber Grid for Learning Consortium Joint Committee	Cllr Ian Saunders		
University of Sheffield Enterprise Advisory Board (1)	Cllr Leigh Bramall		

9. CHANGES TO THE CONSTITUTION

RESOLVED: On the Motion of Councillor Pat Midgley, seconded by Councillor Gill Furniss, that approval be given to the proposed changes to the following Parts of the Constitution, as set out in the Appendices to the report of the Deputy Chief Executive now submitted:-

- (a) Part 4 – Amended Council Procedure Rule 13.1(b)
- (b) Part 4 – Revised Financial Procedure Rules (Financial Regulations)
- (c) Part 5 – Revised Officers’ Code of Conduct

10. NEW STANDARDS FRAMEWORK

RESOLVED: On the Motion of Councillor Pat Midgley, seconded by Councillor Gill Furniss, that this Council:-

- (a) re-adopts the Model Code of Conduct for Members in the Constitution, with Parts two and three to remain in force only until new regulations come into force relating to Members’ interests;

- (b) agrees that any Standards complaint made after 1st July, 2012 be dealt with in accordance with the procedure which will be subsequently adopted by the Council; and
- (c) agrees that an Independent Person be appointed in compliance with the Localism Act and gives authority for the Monitoring Officer to make the appropriate arrangements for the recruitment and selection of an Independent Person.

11. **TRIBUTES TO FORMER COUNCILLORS**

The Lord Mayor referred to former Councillors Jack Clarkson, Diane Leek, Paul Scriven, Gail Smith and Colin Taylor, all of whom had not be re-elected at the Municipal Elections on 3 May 2012. Members of the Council paid tribute to all of the former Members' contributions to the work of the Council and the manner in which they had performed their duties.

12. **NOTICE OF MOTION CONCERNING REGIONAL PUBLIC SECTOR PAY AND THE BEECROFT REPORT**

It was moved by Councillor Ben Curran, seconded by Councillor Leigh Bramall, that this Council:-

- (a) notes that the Chancellor of the Exchequer's announcement in the 2012 Budget, in which he announced a series of ill thought through measures such as pasty tax, caravan tax and the charities tax which have now resulted in a series of embarrassing u-turns, also included the Government's desire to introduce 'more market facing' public sector pay which could mean regional or local public sector pay;
- (b) further notes this recommendation has come in advance of the Pay Review Bodies reporting on the issue in July and September 2012;
- (c) further notes there has been no independent assessment of the impact and consequences this policy could have for public services or the economies of low pay regions;
- (d) believes that the Government's claim that public sector pay is 'crowding out' the private sector is not supported by evidence, particularly at a time of high unemployment, when there are currently 7.5 Job Seeker's Allowance claimants for every job vacancy across Sheffield;
- (e) believes public sector employers already have some flexibility to adjust pay in response to local conditions, and higher rates are paid in London and the South East;
- (f) acknowledges that workers in Sheffield are paid £28 less per week than the British average;

- (g) notes that this will have a disproportionate impact on women, as 65% of public sector workers are female;
- (h) believes that this is yet another Government proposal which will have a harmful effect on Sheffield's economy;
- (i) fears that lower pay in Sheffield could lead to many public sector workers moving to other areas where they could earn more for doing the same job;
- (j) is concerned reducing the pay of the 82,900 public sector workers in Sheffield will dramatically reduce spending power and have a negative impact on the private sector;
- (k) believes this policy will not improve the pay of private sector workers but instead could encourage further depression of wages in all sectors;
- (l) is further concerned that if the Beecroft report, commissioned by the Department of Business Innovation & Skills and prepared by venture capitalist and millionaire donor to the Conservative Party, Sir Adrian Beecroft, was implemented in full we would see the biggest ever attack on the rights of people at work;
- (m) notes that Beecroft proposes scrapping Unfair Dismissal, and in his original report, which was leaked to the national media, states that this would allow employers to sack employees "simply because they did not like them";
- (n) further notes that there is no evidence to support the recommendations of the Beecroft report and believes that Britain is not in recession because of employment regulations but because of the Government's economic policies;
- (o) supports Early Day Motion (EDM) 132 which calls on the Government not to proceed with the Report's recommendation for no fault dismissal; and
- (p) resolves that the Chief Executive writes to the Chancellor of the Exchequer and Chief Secretary to the Treasury stating this Council's opposition to plans for regional public sector pay and the recommendations of the Beecroft Report which threaten to attack the rights of people at work.

Whereupon, it was moved by Councillor Ian Auckland, seconded by Councillor Simon Clement Jones, as an amendment, that the Motion now submitted be amended by:-

- (1) the deletion of all the words in paragraph (a) and the substitution of the following words therefor:-
 - (a) recalls the policy of the previous Government to introduce

flexibility in regional pay bargaining and notes reports that Government figures are considering extending this policy;

- (2) the deletion of the word "Government's" in paragraph (d);
- (3) the deletion of all the words after the word "report" in paragraph (n);
- (4) the deletion of paragraph (h) and the relettering of paragraphs (i)-(n) as new paragraphs (h)-(m); and
- (5) the addition of new paragraphs (n), (o) and (p) as follows and the relettering of original paragraphs (o) and (p) as new paragraphs (q) and (r):-
 - (n) welcomes reports that the Deputy Prime Minister has dismissed regional public sector pay plans;
 - (o) further welcomes comments from the Secretary of State for Business, Innovation and Skills describing plans contained in the Beecroft Report as "complete nonsense";
 - (p) praises the previous Administration for implementing a £250 pay award for low-paid council staff and recalls with disappointment that the current Administration did not adopt the intention of the previous Administration to proceed with the award as a two-year annual increase;

(With the consent of Council and on the advice of the Chief Executive, Paragraph 5 (p) of Amendment 1 above, as presented on the list of amendments submitted to the Chief Executive and circulated at the meeting, was altered, as follows:

The substitution (after the words "recalls with disappointment") of the words: "... the decision of the current Administration not to proceed with the award as a two-year annual increase, as was intended by the previous Administration." by the following words:

" ... that the current Administration did not adopt the intention of the previous Administration to proceed with the award as a two-year annual increase ...".)

On being put to the vote, Paragraphs 5 (n) and (o) of the amendment were carried and all other paragraphs were negatived.

(Note: Councillors Jillian Creasy and Robert Murphy voted for paragraphs 1 and 2 and against paragraphs 3, 4 and 5 of the amendment and asked for this to be recorded.)

After a right of reply from Councillor Ben Curran, the original Motion, as amended, was put as a Substantive Motion in the following form and carried:-

RESOLVED: That this Council:-

- (a) notes that the Chancellor of the Exchequer's announcement in the 2012 Budget, in which he announced a series of ill thought through measures such as pasty tax, caravan tax and the charities tax which have now resulted in a series of embarrassing u-turns, also included the Government's desire to introduce 'more market facing' public sector pay which could mean regional or local public sector pay;
- (b) further notes this recommendation has come in advance of the Pay Review Bodies reporting on the issue in July and September 2012;
- (c) further notes there has been no independent assessment of the impact and consequences this policy could have for public services or the economies of low pay regions;
- (d) believes that the Government's claim that public sector pay is 'crowding out' the private sector is not supported by evidence, particularly at a time of high unemployment, when there are currently 7.5 Job Seeker's Allowance claimants for every job vacancy across Sheffield;
- (e) believes public sector employers already have some flexibility to adjust pay in response to local conditions, and higher rates are paid in London and the South East;
- (f) acknowledges that workers in Sheffield are paid £28 less per week than the British average;
- (g) notes that this will have a disproportionate impact on women, as 65% of public sector workers are female;
- (h) believes that this is yet another Government proposal which will have a harmful effect on Sheffield's economy;
- (i) fears that lower pay in Sheffield could lead to many public sector workers moving to other areas where they could earn more for doing the same job;
- (j) is concerned reducing the pay of the 82,900 public sector workers in Sheffield will dramatically reduce spending power and have a negative impact on the private sector;
- (k) believes this policy will not improve the pay of private sector workers but instead could encourage further depression of wages in all sectors;
- (l) is further concerned that if the Beecroft report, commissioned by the Department of Business Innovation & Skills and prepared by venture capitalist and millionaire donor to the Conservative Party, Sir Adrian Beecroft, was implemented in full we would see the biggest ever attack on the rights of people at work;

- (m) notes that Beecroft proposes scrapping Unfair Dismissal, and in his original report, which was leaked to the national media, states that this would allow employers to sack employees “simply because they did not like them”;
- (n) further notes that there is no evidence to support the recommendations of the Beecroft report and believes that Britain is not in recession because of employment regulations but because of the Government’s economic policies;
- (o) welcomes reports that the Deputy Prime Minister has dismissed regional public sector pay plans;
- (p) further welcomes comments from the Secretary of State for Business, Innovation and Skills describing plans contained in the Beecroft Report as “complete nonsense”;
- (q) supports Early Day Motion (EDM) 132 which calls on the Government not to proceed with the Report’s recommendation for no fault dismissal; and
- (r) resolves that the Chief Executive writes to the Chancellor of the Exchequer and Chief Secretary to the Treasury stating this Council’s opposition to plans for regional public sector pay and the recommendations of the Beecroft Report which threaten to attack the rights of people at work.

(Note: 1.The Deputy Lord Mayor (Councillor Vickie Priestley) and Councillors Simon Clement-Jones, Clive Skelton, Shaffaq Mohammed, Rob Frost, Colin Ross, Joe Otten, Penny Baker, Diana Stimely, Roger Davison, Sue Alston, Andrew Sangar, Janice Sidebottom, Denise Reaney, Ian Auckland, Bob McCann, Anders Hanson, Katie Condliffe, David Baker, Alison Brelsford and Trevor Bagshaw voted for paragraphs (b) (c) (e) (f) (g), (i) to (m) and (o) to (r) and against paragraphs (a), (d), (h) and (n) of the above Motion and asked for this to be recorded.

2. Councillors Jillian Creasy and Robert Murphy voted for paragraphs (a) to (n) and (q) and (r) and against paragraphs (o) and (p) of the Motion and asked for this to be recorded.)

13. **NOTICE OF MOTION CONCERNING DEMENTIA SERVICES**

It was moved by Councillor Clive Skelton, seconded by Councillor Rob Frost, that this Council:-

- (a) recalls Sheffield City Council’s Revenue Budget 2012/13 which states “it is proposed therefore to decommission the existing resource centre provision” for dementia sufferers;
- (b) expresses disappointment that the budget amendment proposed by the

main opposition group, which would have reversed this decision by saving £300,000 on full time trade union officials, was rejected;

- (c) notes the Dementia Strategy agreed by the Council's Cabinet on 23rd May 2012, which failed to give any guarantee about the future of the centres;
- (d) further notes with disappointment that the Cabinet of the same date agreed the closure of Sevenfields and Hazlehurst Intermediate Care Centres, despite the complete lack of progress in finding a site for the proposed 120-bed replacement facility;
- (e) believes that this represents a complete mishandling of the closure by the present Administration and offers little support to users of dementia centres currently threatened with closure;
- (f) understands that more than 500 local residents have signed a petition against the closure of these three dementia care centres and that the number of signatures continues to grow; and
- (g) calls upon the Administration to offer peace of mind to users, families and staff of Bolehill View, Hurfield View, and Norbury by reversing their budget decision and ruling out closure as an option.

Whereupon, it was moved by Councillor Mary Lea, seconded by Councillor Harry Harpham, 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 substitution of the following words therefor:-

- (a) regrets that the Council has had to reduce spending by £55 million in the 2012/13 budget and that by 2015/16 the Council will have £170m less to spend than it did in 2011/12 and regrets that the main opposition group continue to fully support the level of cuts imposed on the Council by the Conservative-led Government;
- (b) notes that the spending cut for adult social care overall is less than that of many other council services and that the access criteria for care services has remained unchanged;
- (c) recalls that the policy of reviewing resource centres was started by the previous Administration, who consulted on the future of Foxwood and Ravenscroft and Cabinet in 2010 agreed that "further consideration will be needed on the future of all the existing resource centres and that a report should be brought to Cabinet in due course.";
- (d) regrets that as a result of the Council's financial position a £385,000 reduction has been identified from dementia services, however notes that £85,000 of this reduction relates to the previous Administration's decision to close Foxwood;
- (e) confirms that the target for reduction will now be subject to an extensive

consultation with people who use the services, their families, staff and trade unions;

- (f) welcomes the commitment of the present Administration that no one who currently attends these centres will have their overall service reduced through any changes;
- (g) believes that the future care of Sheffield people who suffer with dementia is a vitally important issue and reiterates the Council's commitment to developing services for people with dementia and their families;
- (h) acknowledges that people affected by dementia and their families will be anxious about the impact of the cuts, however, believes that in light of the Council's financial position they are unavoidable; and
- (i) confirms the Council's commitment to support and protect people with dementia and their families, and to consult with them to fund services in the face of unprecedented cuts in funding that the City has received from the Government.

On being put to the vote, the amendment was carried

After a right of reply by Councillor Clive Skelton, the original Motion, as amended, was then put as a Substantive Motion in the following form and carried:-

RESOLVED: That this Council:-

- (a) regrets that the Council has had to reduce spending by £55 million in the 2012/13 budget and that by 2015/16 the Council will have £170m less to spend than it did in 2011/12 and regrets that the main opposition group continue to fully support the level of cuts imposed on the Council by the Conservative-led Government;
- (b) notes that the spending cut for adult social care overall is less than that of many other Council services and that the access criteria for care services has remained unchanged;
- (c) recalls that the policy of reviewing resource centres was started by the previous Administration, who consulted on the future of Foxwood and Ravenscroft and Cabinet in 2010 agreed that "further consideration will be needed on the future of all the existing resource centres and that a report should be brought to Cabinet in due course.";
- (d) regrets that as a result of the Council's financial position a £385,000 reduction has been identified from dementia services, however notes that £85,000 of this reduction relates to the previous Administration's decision to close Foxwood;
- (e) confirms that the target for reduction will now be subject to an extensive

- consultation with people who use the services, their families, staff and trade unions;
- (f) welcomes the commitment of the present Administration that no one who currently attends these centres will have their overall service reduced through any changes;
 - (g) believes that the future care of Sheffield people who suffer with dementia is a vitally important issue and reiterates the Council's commitment to developing services for people with dementia and their families;
 - (h) acknowledges that people affected by dementia and their families will be anxious about the impact of the cuts, however, believes that in light of the Council's financial position they are unavoidable; and
 - (i) confirms the Council's commitment to support and protect people with dementia and their families, and to consult with them to fund services in the face of unprecedented cuts in funding that the City has received from the Government.

14. **NOTICE OF MOTION CONCERNING NATIONAL HEALTH SERVICE FUNDING**

It was moved by Councillor Mary Lea, seconded by Councillor David Barker, that this Council:-

- (a) notes that in a speech on 24th April, 2012, the Secretary of State for Health, Andrew Lansley, M.P. argued that funding allocated to Clinical Commissioning Groups should be weighted towards the age of their patient population instead of levels of deprivation;
- (b) further notes research by Durham University public health professor Clare Bambra, that an age only funding formula would see a major transfer of NHS funds from the North to the healthier and more affluent South;
- (c) agrees with comments by Professor Bambra that severing the link with deprivation "will lead to a considerable shift of healthcare funding away from the neediest, poorer areas of the North and the inner cities towards the least needy, most affluent, and most elderly areas of the South."
- (d) opposes changes to NHS funding which according to Professor Bambra's figures could see Sheffield lose over £70 million per year at the same time as the NHS in Surrey would gain over £400 million;
- (e) believes that this is the latest example of the Government taking funding away from areas with the highest levels of deprivation to the benefit of the wealthiest areas in the country; and

- (f) believes this is part of a cynical political move to take money from areas with the most need and divert it to Conservative heartlands and calls on all Sheffield MPs to stand up for Sheffield and oppose changes to funding formulas that would disadvantage areas with the greatest need.

(At the request of the mover of the Motion (Councillor Mary Lea) and with the consent of the Council and the seconder, the following alterations were made to the Motion as detailed on the Summons for this meeting:

At Paragraph (a): the replacement of the words “ based on” with the words “weighted towards”; Paragraph (b) the replacement of the words “these proposed changes” with the words “an age only”; and Paragraph (d): the deletion of the word “these” after the word “opposes”.)

Whereupon, it was moved by Councillor Clive Skelton, seconded by Councillor Shaffaq Mohammed, as an amendment, that the Motion now submitted be amended by:-

- (1) the deletion in paragraph (a) of all of the words after the words “Groups should” and their substitution by the words “take greater account of the age of the patient population”;
- (2) the deletion of paragraphs (b)-(f); and
- (3) the addition of new paragraphs (b)-(f) as follows:-
 - (b) believes that Professor Bambra’s analysis is flawed, given that it is premised on a proposal that has never been suggested or supported by the Government;
 - (c) supports the Government’s decision to ring-fence NHS spending from the spending reductions that were forced by the previous Government’s record national deficit;
 - (d) welcomes the £26 million increase in the 2011-12 revenue allocation for Sheffield Primary Care Trust (PCT) and the additional £27 million increase in 2012-13;
 - (e) recalls comments by the Shadow Health Secretary, Andy Burnham in June 2010 that it would be “irresponsible” to increase NHS spending and notes with concern the implication that a Labour government would have cut Sheffield’s allocation rather than increase it; and
 - (f) supports the Government’s policy of increasing funding for Sheffield PCT, as opposed to the implication by the Shadow Health Secretary that he would cut its funding.

On being put to the vote, the amendment was negated.

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

RESOLVED: That this Council:-

- (a) notes that in a speech on 24th April, 2012, the Secretary of State for Health, Andrew Lansley, M.P. argued that funding allocated to Clinical Commissioning Groups should be weighted towards the age of their patient population instead of levels of deprivation;
- (b) further notes research by Durham University public health professor Clare Bambra, that an age only funding formula would see a major transfer of NHS funds from the North to the healthier and more affluent South;
- (c) agrees with comments by Professor Bambra that severing the link with deprivation “will lead to a considerable shift of healthcare funding away from the neediest, poorer areas of the North and the inner cities towards the least needy, most affluent, and most elderly areas of the South.”
- (d) opposes changes to NHS funding which according to Professor Bambra’s figures could see Sheffield lose over £70 million per year at the same time as the NHS in Surrey would gain over £400 million;
- (e) believes that this is the latest example of the Government taking funding away from areas with the highest levels of deprivation to the benefit of the wealthiest areas in the country; and
- (f) believes this is part of a cynical political move to take money from areas with the most need and divert it to Conservative heartlands and calls on all Sheffield MPs to stand up for Sheffield and oppose changes to funding formulas that would disadvantage areas with the greatest need.

(Note: The Deputy Lord Mayor (Councillor Vickie Priestley) and Councillors Simon Clement-Jones, Clive Skelton, Shaffaq Mohammed, Rob Frost, Colin Ross, Joe Otten, Penny Baker, Diana Stimely, Roger Davison, Sue Alston, Andrew Sangar, Janice Sidebottom, Denise Reaney, Ian Auckland, Bob McCann, Anders Hanson, Katie Condliffe, David Baker, Alison Brelsford and Trevor Bagshaw voted for paragraphs (a) to (d) and against paragraphs (e) to (f) of the Motion and asked for this to be recorded.

15. NOTICE OF MOTION CONCERNING EARLY YEARS REVIEW

It was moved by Councillor Colin Ross, seconded by Councillor Andrew Sanger, that this Council:-

- (a) believes early years are the most important in a child’s development and that children’s centres across Sheffield provide a vital service to the communities they serve;

- (b) thanks the Liberal Democrats' initiative for this Government to expand the entitlement to free childcare to 1,900 disadvantaged two-year-olds in Sheffield;
- (c) notes the Review of Early Years agreed by the Council's Cabinet on 21st March 2012, which states *'there will be a rationalisation of buildings and as a result children's centres may reduce'*;
- (d) notes with distress reports in The Sheffield Star on 29th May 2012, that three local centres could face closure and regrets that the families and staff were informed through the media rather than by the Council;
- (e) believes that the Leader of the Council should apologise to affected families and live up to her pledge to be transparent by being open and honest with families and staff about her plan to close children's centres; and
- (f) calls upon the Administration to release details to families and staff, of which children's centres in Sheffield are earmarked for closure.

Whereupon, it was moved by Councillor Jackie Drayton, seconded by Councillor Julie Dore, as an amendment, that the Motion now submitted be amended by the deletion of paragraphs (b) to (f) and the addition of new paragraphs (b) to (i) as follows:-

- (b) therefore welcomes the previous Government's transformation of early years services through numerous measures including the creation of Sure Start Children's Centres, expanding childcare provision and increasing the number of health visitors;
- (c) regrets the actions of the Liberal Democrats in the Coalition Government in supporting the abolition of the Area Based Grant (£18 million per year to Sheffield) and the Sure Start Grant (£21 million) and replacing them with the Early Intervention Grant (£24 million), leaving the Council with a £15 million funding gap;
- (d) welcomes the approach taken by the present Administration in commissioning a review of the early years service in full consultation with providers, to produce a long term view of the future of the service, especially given the considerable financial pressures on the service that have resulted from the Government's cuts;
- (e) supports plans to help early years providers in the VCF and independent sectors to work together more innovatively to ensure their sustainability and a flexible, affordable and sufficient childcare service to meet local needs;
- (f) notes that the findings of the first stage of the review were announced in March and work is now ongoing to reshape services based on the needs of children and families;

- (g) confirms that the focus of the Early Years is to provide a core offer of early years services for all children and families, in the face of unprecedented Government cuts which means that the way these services are provided may have to change;
- (h) further confirms that no decision has been made on any centres and deplores the scaremongering of the major opposition group who have fully supported all Coalition Government cuts to the early years service; and
- (i) believes that the review has been an open and transparent process and the present Administration remains committed to delivering a high quality early years service in spite of the unfair cuts supported by the Liberal Democrats in Government.

On being put to the vote, the amendment was carried.

(Note: Councillors Jillian Creasy and Robert Murphy voted for paragraphs (b) (e) (f) and (g), against paragraph (i), and abstained on paragraphs (c), (d) and (h) of the amendment and asked for this to be recorded.)

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

RESOLVED: That this Council:-

- (a) believes early years are the most important in a child's development and that children's centres across Sheffield provide a vital service to the communities they serve;
- (b) therefore welcomes the previous Government's transformation of early years services through numerous measures including the creation of Sure Start Children's Centres, expanding childcare provision and increasing the number of health visitors;
- (c) regrets the actions of the Liberal Democrats in the Coalition Government in supporting the abolition of the Area Based Grant (£18 million per year to Sheffield) and the Sure Start Grant (£21 million) and replacing them with the Early Intervention Grant (£24 million), leaving the Council with a £15 million funding gap;
- (d) welcomes the approach taken by the present Administration in commissioning a review of the early years service in full consultation with providers, to produce a long term view of the future of the service, especially given the considerable financial pressures on the service that have resulted from the Government's cuts;
- (e) supports plans to help early years providers in the VCF and independent sectors to work together more innovatively to ensure their sustainability and a flexible, affordable and sufficient childcare service to meet local needs;

- (f) notes that the findings of the first stage of the review were announced in March and work is now ongoing to reshape services based on the needs of children and families;
- (g) confirms that the focus of the Early Years is to provide a core offer of early years services for all children and families, in the face of unprecedented Government cuts which means that the way these services are provided may have to change;
- (h) further confirms that no decision has been made on any centres and deplores the scaremongering of the major opposition group who have fully supported all Coalition Government cuts to the early years service; and
- (i) believes that the review has been an open and transparent process and the present Administration remains committed to delivering a high quality early years service in spite of the unfair cuts supported by the Liberal Democrats in Government.

(Note: Councillors Jillian Creasy and Robert Murphy voted for paragraphs (a) (b) (e) (f) and (g), against paragraph (i), and abstained on paragraphs (c) (d) and (h) of the Motion and asked for this to be recorded.)

16. NOTICE OF MOTION CONCERNING SHEFFIELD WEDNESDAY AND SHEFFIELD UNITED FOOTBALL CLUBS

RESOLVED: On the Motion of Councillor Steve Wilson, seconded by Councillor Roger Davison, that this Council:-

- (a) congratulates Sheffield Wednesday FC and their supporters for winning promotion to the Championship;
- (b) thanks all supporters who attended the civic reception held on Wednesday, 9th May, 2012 and notes that event was attended by thousands of Sheffield Wednesday fans;
- (c) notes that Sheffield United FC were extremely unfortunate not to secure promotion as well and hopes that they will secure promotion to the Championship next season; and
- (d) believes that it is good for the City to have both football teams playing football at the highest levels and hopes that both Sheffield Wednesday and Sheffield United will return to the Premier League in the future.

(At the request of the mover of the Motion (Councillor Steve Wilson) and with the consent of the Council and the seconder, the following alteration was made to the Motion as detailed on the Summons for this meeting:-
the replacement in Paragraph (b) of the word "March" with the word "May".)

17. NOTICE OF MOTION CONCERNING TRANSPORT INVESTMENT

It was moved by Councillor Ian Auckland, seconded by Councillor Alison Brelsford, that this Council:-

- (a) recalls the motion tabled to this Council on 4th April, 2012, which highlighted the millions of pounds the Coalition Government is investing in Sheffield's roads, buses, trams and trains;
- (b) welcomes the announcement since that meeting of a Government investment of £58 million into a Tram/Train pilot for Sheffield and Rotherham;
- (c) notes that this investment will provide dozens of new jobs, boost the local economy, and put South Yorkshire on the cutting edge of green transport;
- (d) understands that the results of this pilot may open the opportunity to expand the Tram/Train down similar routes to other communities, such as Stocksbridge, Woodhouse or Dore and Totley; and
- (e) notes with pleasure the support for Tram/Train of the Council Leader and the Cabinet Member for Transport and praises Liberal Democrats in Government, in particular the MP for Sheffield Hallam, for securing this investment for Sheffield.

Whereupon, it was moved by Councillor Leigh Bramall, seconded by Councillor Chris Rosling-Josephs, as an amendment, that the Motion now submitted be amended by:-

- (1) the substitution, in paragraph (a), of the words "highlighted the millions of pounds the Coalition Government is investing in Sheffield's roads, buses, trams and trains" by the words "called upon the Government to fund a number of projects critical to improving the transport infrastructure of the Sheffield City Region";
- (2) the deletion, in paragraph (e), of all the words after the word "notes" and their substitution by the words "the work of several local partners to secure this investment including the Council, all Sheffield MPs and South Yorkshire Passenger Transport Executive"; and
- (3) the addition of a new paragraph (f) as follows:-
 - (f) supports the Leader of the Council's joint letter with other relevant local authority leaders calling on the Government to press ahead with the electrification of the Midland Mainline.

On being put to the vote, the amendment was carried.

It was then moved by Councillor Robert Murphy, seconded by Councillor Jillian Creasy, as a further amendment, that the Motion now submitted be amended

by the addition of two new paragraphs as follows:-

- (i) believes that the transportation of bicycles on trains is an important part of an integrated transport policy; and
- (i) will make efforts to ensure that this service is not lost on replacement tram/trains.

On being put to the vote, the amendment was carried.

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

RESOLVED: That this Council:-

- (a) recalls the motion tabled to this Council on 4th April, 2012, which called upon the Government to fund a number of projects critical to improving the transport infrastructure of the Sheffield City Region;
- (b) welcomes the announcement since that meeting of a Government investment of £58 million into a Tram/Train pilot for Sheffield and Rotherham;
- (c) notes that this investment will provide dozens of new jobs, boost the local economy, and put South Yorkshire on the cutting edge of green transport;
- (d) understands that the results of this pilot may open the opportunity to expand the Tram/Train down similar routes to other communities, such as Stocksbridge, Woodhouse or Dore and Totley;
- (e) notes the work of several local partners to secure this investment, including the Council, all Sheffield MPs and South Yorkshire Passenger Transport Executive;
- (f) supports the Leader of the Council's joint letter with other relevant local authority leaders calling on the Government to press ahead with the electrification of the Midland Mainline;
- (g) believes that the transportation of bicycles on trains is an important part of an integrated transport policy; and
- (h) will make efforts to ensure that this service is not lost on replacement tram/trains.

18. **NOTICE OF MOTION CONCERNING WASTE COLLECTION AND RECYCLING**

It was moved by Councillor Jillian Creasy, seconded by Councillor Robert

Murphy, that this Council:-

- (a) recognises that the introduction of fortnightly black bin collections will increase the pressure for householders to recycle their waste;
- (b) recognises the valuable service provided by the 5 recycling centres across the City which allow members of the public and small businesses to dispose of waste in a socially and environmentally responsible manner and that a reduction in this service may lead to more fly-tipping;
- (c) recognises that, due to global resource depletion, the value of materials is increasing and the profit to be made from re-using and recycling is rising;
- (d) would prefer any such profit to be used to maintain and improve the service to the public and the business community and to create local job opportunities rather than boost the income of profit-making national or multinational companies and their share-holders;
- (e) recognises that the front line workers and their union representatives can provide inside knowledge about services and make useful suggestions about more efficient and innovative ways of running services;
- (f) is therefore disappointed that the recent retendering of the recycling centre service is based on reduced opening hours and loss of jobs and believes that there has been a failure to set up sustainable and future-proof arrangements; and
- (g) notes that similar mistakes are being made across the whole field of waste management and urges the new Cabinet Member for Environment, Waste and Streetscene to undertake meaningful discussions with the GMB Union and to visit small and medium enterprises (SMEs) involved in waste management and recycling in the City.

Whereupon, it was moved by Councillor David Baker, seconded by Councillor Andrew Sangar, as an amendment, that the Motion now submitted be amended by:-

- (1) the addition of a new paragraph (b) as follows:-
 - (b) therefore regrets the Administration's decision to reduce recycling services by ceasing the free garden waste service and imposing additional cuts to household waste recycling centres;
- (2) the relettering of original paragraphs (b)-(f) as new paragraphs (c)-(g); and
- (3) the addition of new paragraphs (h) and (j) as follows and the relettering

of original paragraph (g) as new paragraph (i):-

- (h) expresses further disappointment that reductions in opening days have been distributed using what it believes to be a favoured areas formula, rather than fairly across the City;
- (j) furthermore urges the Administration to reconsider its decision to cease the free garden waste collection service.

On being put to the vote, the amendment was negatived.

It was then moved by Councillor Leigh Bramall, seconded by Councillor Ibrar Hussain, as a further amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the substitution of the following words therefor:-

- (a) regrets that the Council has had to reduce spending by £55 million in 2012/13 and that by 2015/16 the Council will have £170m less to spend than it did in 2011/12;
- (b) notes that to meet this unprecedented financial gap in the budget, the Council has had to make changes to waste services through the introduction of Alternate Week Collections and changing the opening hours of the five Household Waste Recycling Centres;
- (c) acknowledges that moving to Alternate Week Collections will save the Council £2.5 million per year and the altered opening times will save the Council £478k and believes that this move is unavoidable due to the budget position imposed by Central Government;
- (d) notes that the Council makes every effort to provide the best possible waste service, including sufficient opening hours at the Household Waste Recycling Centres to offer a sustainable service, working within the severe financial constraints imposed by the Government;
- (e) further notes that under current plans, Sheffield's five Household Waste Recycling Centres will be open a total of 23 days every week;
- (f) further notes that despite claims that unaccounted or undeclared profit is being made on recyclable materials from the Centres, no evidence has been provided to substantiate such claims and that if any evidence is forthcoming then claims will be investigated thoroughly;
- (g) believes that unless and until such evidence is provided, the Council must make the saving outlined in the budget and has no option but to continue with the changes to opening hours at Household Waste Recycling Centres; and
- (h) notes that in their budget, the smallest opposition group did not propose to reverse the savings to Household Waste Recycling Centres and believes that to act responsibly they should come forward with the

required savings if they wish to reverse the reduction in opening hours.

On being put to the vote, the amendment was carried.

(At the request of the mover of the amendment (Councillor Leigh Bramall) and with the consent of Council and the seconder, Paragraph (a) of the above amendment, as presented on the list of amendments submitted to the Chief Executive and circulated at the meeting, was altered, as follows:

The replacement of the words "Conservative-led Government is reducing Sheffield Council's budget", with the following words: "Council has had to reduce spending".)

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

RESOLVED: That this Council:-

- (a) regrets that the Council has had to reduce spending by £55 million in 2012/13 and that by 2015/16 the Council will have £170m less to spend than it did in 2011/12;
- (b) notes that to meet this unprecedented financial gap in the budget, the Council has had to make changes to waste services through the introduction of Alternate Week Collections and changing the opening hours of the five Household Waste Recycling Centres;
- (c) acknowledges that moving to Alternate Week Collections will save the Council £2.5 million per year and the altered opening times will save the Council £478k and believes that this move is unavoidable due to the budget position imposed by Central Government;
- (d) notes that the Council makes every effort to provide the best possible waste service, including sufficient opening hours at the Household Waste Recycling Centres to offer a sustainable service, working within the severe financial constraints imposed by the Government;
- (e) further notes that under current plans, Sheffield's five Household Waste Recycling Centres will be open a total of 23 days every week;
- (f) further notes that despite claims that unaccounted or undeclared profit is being made on recyclable materials from the Centres, no evidence has been provided to substantiate such claims and that if any evidence is forthcoming then claims will be investigated thoroughly;
- (g) believes that unless and until such evidence is provided, the Council must make the saving outlined in the budget and has no option but to continue with the changes to opening hours at Household Waste Recycling Centres; and

- (h) notes that in their budget, the smallest opposition group did not propose to reverse the savings to Household Waste Recycling Centres and believes that to act responsibly they should come forward with the required savings if they wish to reverse the reduction in opening hours.

(Note: Councillors Jillian Creasy and Robert Murphy voted for Paragraphs (a) and (e), against Paragraphs (c), (d), (g) and (h) and abstained from voting on Paragraphs (b) and (f) of the Motion and asked for this to be recorded.)

19. NOTICE OF MOTION CONCERNING THE OLYMPIC TORCH RELAY

RESOLVED: On the Motion of Councillor Harry Harpham, seconded by Councillor Joe Otten, that this Council:-

- (a) celebrates the passing of the Olympic Torch through Sheffield on Monday 25th and Tuesday, 26th June, 2012;
- (b) notes that the route will include a community event at Hillsborough Park, running past the Sheffield Children's Hospital and the Crucible and Lyceum Theatres;
- (c) further notes that when the Olympic Torch Relay comes through Sheffield, 48 people will carry the Flame on its journey through the City and congratulates all torchbearers for being selected;
- (d) encourages as many local people as possible to welcome the torch to Sheffield by attending one of the events in Hillsborough or the city centre, as well as cheering it from the road side and attending the evening celebration to be held in Barkers Pool; and
- (e) welcomes the beginning of the London 2012 Olympics on 27th July, 2012 and hopes that local people enjoy the three day event to be held at Don Valley Stadium between 3rd - 5th August where they can watch Sheffield heptathlete, Jessica Ennis, compete in the Olympics on the giant screen.

20. NOTICE OF MOTION CONCERNING ENGAGING WITH LOCAL PEOPLE

It was moved by Councillor Robert Murphy, seconded by Councillor Jillian Creasy, that this Council:-

- (a) notes the low turnout at the recent local elections for Sheffield City Council with just 32.77%, less than 1 in 3 of those registered, actually voting;
- (b) believes that inaccessibility and lack of transparency in Council matters is partly responsible for this apathy;

- (c) believes that the timing of meetings such as Full Council and Scrutiny Committees during normal working hours makes it difficult for many members of the public to attend;
- (d) believes that every effort should be made to increase access to and transparency of the decision making processes of Sheffield City Council;
- (e) believes that the audio of the debates and decision making parts of Full Council meetings should be made available through electronic media;
- (f) believes that the Council should be open to allowing recordings of such proceedings by members of the general public;
- (g) believes that after an initial evaluation, further council meetings that are open to the public should be made similarly accessible; and
- (h) therefore instructs the Chief Executive to bring forward plans to enable audio of Full Council meetings to be made available through electronic media, including the Council's website.

Whereupon, it was moved by Councillor Shaffaq Mohammed, seconded by Councillor Joe Otten, as an amendment , that the Motion now submitted be amended by the insertion of the words “provided the cost can be met within existing budgets” at the end of paragraph (e).

On being put to the vote, the amendment was negatived.

It was then moved by Councillor Julie Dore, seconded by Councillor Mazher Iqbal, as an amendment, that the Motion now submitted be amended by the deletion of paragraphs (b) to (h) and the addition of new paragraphs (b) to (g) as follows:-

- (b) believes that apathy and low voter turnout in elections are complex long term national trends and the Council attempts to address this locally by improving accessibility and engaging with local people;
- (c) welcomes action by the present Administration to engage with local people through writing to every household in Sheffield to consult on the 2012/13 budget and introducing the new Meet the Cabinet initiative;
- (d) notes that other councils across the country webcast meetings on the internet and that upon investigation into webcasting by the cross party Modernisation Working Group, it was considered to be costly, with set-up costs around £100,000 and annual costs between £21,000 and £48,000 and evidence from other authorities indicating that viewing figures are very low;
- (e) notes that when the issue was considered by the cross party Modernisation Working Group, it was decided not to progress with webcasting due to the costs involved;

- (f) therefore believes that there are better and more cost effective ways of engaging with local people and encouraging their involvement in decision making processes; and
- (g) requests the Chief Executive, in consultation with the Leader of the Council, to bring forward a wide range of plans to improve how the Council engages with local people.

On being put to the vote, the amendment was carried.

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

RESOLVED: That this Council:-

- (a) notes the low turnout at the recent local elections for Sheffield City Council with just 32.77%, less than 1 in 3 of those registered, actually voting;
- (b) believes that apathy and low voter turnout in elections are complex long term national trends and the Council attempts to address this locally by improving accessibility and engaging with local people;
- (c) welcomes action by the present Administration to engage with local people through writing to every household in Sheffield to consult on the 2012/13 budget and introducing the new Meet the Cabinet initiative;
- (d) notes that other councils across the country webcast meetings on the internet and that upon investigation into webcasting by the cross party Modernisation Working Group, it was considered to be costly, with set-up costs around £100,000 and annual costs between £21,000 and £48,000 and evidence from other authorities indicating that viewing figures are very low;
- (e) notes that when the issue was considered by the cross party Modernisation Working Group, it was decided not to progress with webcasting due to the costs involved;
- (f) therefore believes that there are better and more cost effective ways of engaging with local people and encouraging their involvement in decision making processes; and
- (g) requests the Chief Executive, in consultation with the Leader of the Council, to bring forward a wide range of plans to improve how the Council engages with local people.

(Note: 1.The Deputy Lord Mayor (Councillor Vickie Priestley) and Councillors Simon Clement-Jones, Clive Skelton, Shaffaq Mohammed, Rob Frost, Colin

Ross, Joe Otten, Penny Baker, Diana Stimely, Roger Davison, Sue Alston, Andrew Sangar, Janice Sidebottom, Denise Reaney, Ian Auckland, Bob McCann, Anders Hanson, Katie Condliffe, David Baker, Alison Brelsford and Trevor Bagshaw voted for paragraphs (a) (b) (d) (e) and (g) and against paragraphs (c) and (f) of the above Motion and asked for this to be recorded.

2. Councillors Jillian Creasy and Robert Murphy voted for paragraphs (a), (b) and (d) to (g) and abstained on paragraph (c) of the Motion and asked for this to be recorded.)

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SHEFFIELD CITY COUNCIL Report to Council

Report of: Chief Executive

Date: 4 July 2012

Subject: Designation of Monitoring Officer

Author of Report: John Mothersole

Summary:

This report outlines the role of the Monitoring Officer and recommends that the Director of Legal Services be designated as Monitoring Officer with effect from 1st August 2012.

Recommendations:

Council is invited to:

1. Note the role of the Monitoring Officer.
2. Resolve to designate the Director of Legal Services as Monitoring Officer from the 1st August 2012

Background Papers:

No documents which require listing were used in the preparation of this report.

Category of Report: OPEN

Report of the Chief Executive

Report to Council

Designation of Monitoring Officer

1. Introduction

- 1.1. The Council has a duty to designate one of its officers as Monitoring Officer. The Monitoring Officer is currently the Deputy Chief Executive who will retire in August 2012 and her post will be deleted.
- 1.2. This means that the Council has to decide which officer should now act as Monitoring Officer.

2. Detail

- 2.1 The Monitoring Officer has an important role to play within the Council. Initially the duties of the post were confined to reporting actual or potential illegality and / or maladministration to full Council.
- 2.2 The role was enhanced by the Local Government Act 2000. The Act introduced a provision which applies to Councils operating executive arrangements (like Sheffield) for the Monitoring Officer to report to the Executive (Cabinet) rather than Council where the decision or action relates to an executive function.
- 2.3 The role now also includes:
 - Supporting the voluntary Standards regime
 - Contributing to the promotion and maintenance of high standards of conduct within the Council;
 - Maintaining and updating the Constitution;
 - Advising on vires issues, maladministration and impropriety;
 - Attending all meetings of the Cabinet whether public or private;
 - Maintaining systems and processes for ensuring that allegations of breaches of the Code of Conduct for Members are dealt with in accordance with the voluntary framework;
 - Establishing and maintaining registers of members interests, gifts and hospitality;
 - Playing an important role in the relationship between Parish Councillors and the Standards Committee;
 - Acting as a point of contact for advice and / or queries by elected members;
- 2.4 Legality and high standards of conduct are crucial to the Council's performance and reputation and thus the role of Monitoring Officer is very important to the authority. It is vital that the Monitoring Officer enjoys the appropriate status within the authority and has access to decision making processes at both Member and officer level.
- 2.5 For this reason, I am recommending to Council that the Director of Legal Services is designated as Monitoring Officer.

2.6 The Monitoring Officer has a duty to appoint one or more officers as Deputy Monitoring Officer to act when s/he is absent on leave. This is his / her duty personally and cannot be exercised by the Council. I understand that it is the Director of Legal Service's intention to appoint the two Assistant Directors of legal Service as Deputy Monitoring Officers – both have Standards experience.

3. Financial Implications

3.1 There are no financial implications arising from the recommendations in this report.

4. Legal Implications

4.1 The authority has a duty under s.5 Local Government and Housing Act 1989 to designate one of its officers as Monitoring Officer and to provide that officer with staff, accommodation and other resources as s/he considers sufficient to allow those duties to be performed.

4.2 The Monitoring Officer is one of three important statutory roles. The other two are the Head of the Paid Service (the Chief Executive) and the Chief Finance Officer (in Sheffield the Director of Corporate Resources). The head of the paid service may also be the Chief Finance Officer, providing s/he holds an appropriate qualification, but may not be the Monitoring Officer.

5. Human Resources Implications

5.1 None arising.

6. Equality of Opportunities Implications

6.1 There are no equality of opportunities implications arising directly from this report.

7. Recommendations

7.1 Council is invited to

- 1) Note the role of the Monitoring Officer.
- 2) Resolve to designate the Director of Legal Services as Monitoring Officer from the 1st August 2012.

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SHEFFIELD CITY COUNCIL Report to Council

8

Report of: Deputy Chief Executive

Date: 4th July 2012

Subject: New Standards Framework

Author of Report: Lee Adams, Monitoring Officer

Summary:

The law relating to Standards and Members' conduct was changed by the Localism Act 2011. From 1st of July 2012, the Act requires that each Local Authority have a Members' Code of Conduct and appoint at least one Independent Person as defined by the Act. The Authority will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members. The Standards Board for England and the statutory penalties for breaching the Code of Conduct have been abolished by the Localism Act. There is a duty to have a process to deal with complaints but no prescribed process. There is no requirement that a Standards Committee be established to deal with complaints but it is recommended by this report that a Standards Committee be established as a Committee of full Council. The Act also abolishes Personal and Prejudicial Interests and introduces Disclosable Pecuniary Interests (DPIs). An authority must adopt within its Code of Members' Conduct a method of dealing with non pecuniary interests.

Recommendations:

That the Council:-

- (1) Adopts the Code of Conduct set out at Appendix 1 of this report.
- (2) Adopts the procedure for investigating complaints and the sanctions as set out at Appendix 2 of this report.
- (3) Establishes a Standards Committee in accordance with the amended Article 9 in Part 2 and the terms of reference in Part 3 of the Constitution, as set out in Appendices 3 and 4 of this report, and agrees to disapply proportionality to the Committee as set out at paragraph 3.3.2 of the report.
- (4) Note the Guidance on Disclosable Pecuniary Interests circulated by the Monitoring Officer set out at Appendix 5.

- (5) Delegates to the Monitoring Officer the power to make such amendments to the Code of Conduct and the procedure for investigating complaints as are required by guidance and regulation when they are issued by the Government and direct that any amended document be circulated to all members forthwith.
- (6) That an Independent Person be appointed in compliance with the Localism Act.
- (7) Approves the revised Monitoring Officer Protocol as set out in Appendix 6 of the report and that the Constitution be amended accordingly.

Background Papers: Constitution of Sheffield City Council

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial implications
NO
Legal implications
YES – Cleared by Lynne Bird
Equality of Opportunity implications
NO
Tackling Health Inequalities implications
NO
Human Rights implications
NO
Environmental and Sustainability implications
NO
Economic impact
NO
Community Safety implications
NO
Human Resources implications
NO
Property implications
NO
Area(s) affected
None
Relevant Scrutiny Committee if decision called in
N/A
Is the item a matter which is reserved for approval by the City Council?
Yes
Press release
NO

New Standards Framework

1. Introduction

- 1.1 The Localism Act 2011 abolishes the pre existing Standards Regime and introduces new provisions. From the 1st of July 2012 mandatory provisions in relation to Members' conduct are abolished and replaced by a duty to adopt a Code of Conduct. Prejudicial and Personal Interests are abolished and replaced by Disclosable Pecuniary Interests (DPIs) and a requirement to adopt procedures to deal with other personal interests.

The Authority will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members.

The statutory penalties for breach of the Code have been abolished and breaches be dealt with by existing powers and by agreement of the Members of the Council. The Act introduces criminal offences in relation to DPIs.

This report sets out a Code of Conduct and a procedure for investigating complaints and sanctions to be applied for consideration by Full Council.

2. Changes Introduced by the Localism Act

- 2.1 In summary the main provisions relating to standards are:-

1. to abolish Standards Board for England from January 2012
2. to remove the First-tier Tribunal's (Local Government Standards in England) jurisdiction over member conduct
3. the authority will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members
4. to remove the national Code of Conduct but imposes a duty to adopt a code which upholds specified principles and contain provisions relating to declarations of interest
5. breach of the code or pre determination does not invalidate any decision made by the Council
6. to allow councils to choose how complaints are investigated
7. remove existing sanctions for breach of the Code
8. to introduce a new role of independent person
9. impose a duty to have in place procedures to receive and deal with a complaint
10. to create a criminal offence relating to failure to register or declare DPIs

2.2 Independent Person

- 2.2.1 The Council must appoint at least one Independent Person who cannot be one of the current independent members of the Standards Committee. The Independent Person must be consulted before the authority makes a finding as to whether a member has failed to comply with the Code or decides on action to be taken in respect of a member. They may be

consulted by the authority in respect of a standards complaint at any other stage. It is proposed that Sheffield City Council jointly appoint a panel of Independent persons with Barnsley and the South Yorkshire Joint Secretariat to cover holidays and conflict of interests.

3. Changes Required to Comply with the Act

3.1 Code of Conduct

3.1.1 There is no set format for a Code of Conduct. However, the new Code of Conduct has to give effect to seven principles which correspond broadly with Paragraphs 3 to 7 of the current Code of Conduct. They are:-

- (a) selflessness;
- (b) integrity;
- (c) objectivity;
- (d) accountability;
- (e) openness;
- (f) honesty;
- (g) leadership.

The Council may add other relevant issues.

It is proposed that a simplified version of the current code with the addition of updated provisions relating to equalities be adopted. A draft code is attached at appendix 1.

3.1.2 The Code should contain details of the registration and disclosure of interests other than DPIs – effectively, replacing the current personal interest's provisions. The Act requires that the Code contains "appropriate" provisions for this purpose; the code recommended for adoption by Council contains provisions very similar to the original Personal interests. The term Personal Interests has been retained but there are some differences to the previous definition under old legislation. Prejudicial Interests no longer exist and have been replaced by DPIs. The provisions for DPIs are included in the Members' Code of Conduct so breach of the provisions will constitute breach of the Code.

3.2 Investigating a Complaint

3.2.1 There is a duty to have a procedure to deal with breach of the Code but there is currently no guidance on what it should contain. A suggested procedure is set out at appendix 2. It is recommended the procedure be more flexible than the pre existing statutory scheme, able to deal with issues quicker and be less resource intensive.

3.2.2 It is recommended that the Monitoring Officer, in consultation with the Independent Person take steps to mediate and resolve issues and that only the more serious matters are referred to the Standards Committee. In some cases the matter can be heard on the basis of written information supplied to the Monitoring Officer and, in others, an investigation by an officer may be required.

- 3.2.3 Where a formal investigation finds evidence of failure to comply with the Code of Conduct, there may yet be an opportunity for resolution, avoiding the necessity of a hearing. Sometimes the investigation report can cause a Member to recognise that his/her conduct was at least capable of giving offence, or identify other appropriate remedial action, and the complainant may be satisfied by recognition of fault and an apology or other remedial action. However, it would only be appropriate for the Monitoring Officer to agree a resolution after consultation with the Independent Person where a breach is found.
- 3.2.4 In all other cases, where the formal investigation finds evidence of a failure to comply with the Code of Conduct, the Standards Committee can determine whether the Member did fail to comply with the Code of Conduct and what action, if any, is appropriate as a result. It is possible for determinations to take place after a full oral hearing or upon written submissions. Sanctions are no longer statutory and disqualification for breach of the Code is no longer possible although a Member may be suspended by a court if they breach the provisions relating to DPLs.

3.3 Standards Committee

- 3.3.1 In line with the Local Government Act 2000, the Council has established a Standards Committee comprising 5 elected Members (one of which should be the Cabinet Member whose remit includes ethical standards in the Council), 4 Independent Lay Members and 3 Parish Councillor representatives, to recommend the adoption of a Code of Conduct for Members and to provide advice and training in relation to ethical standards and in addition to consider any allegation of misconduct. The political balance rules do not apply to the Standards Committee.
- 3.3.2 The Localism Act repealed section 55 of the Local Government Act 2000, which provides for the current statutory Standards Committee described in 3.3.1. So there is no requirement for a Standards Committee. However, it is recommended that a Standards Committee is retained. It will be a Committee of Council, without the unique features which were conferred by the previous legislation. Following discussion with the Corporate Members' Governance Group, it is proposed that the Committee should comprise not more than 8 Members of the City Council with proportionality disappplied (5 Labour and 3 Liberal Democrat members, (with one member from each group to be present at each meeting)).
- 3.3.3 The current members, who are not members of the Council, will be invited to remain as non-voting co-opted members (the 4 existing Independent Members of the Standards Committee and 1 representative of the three Parish/Town Councils). This to maintain the expertise they have acquired in relation to Standards issues. Revisions to Article 9 in Part 2 and the terms of reference for the Committee in Part 3 of the Constitution to reflect the changes are contained at appendices 3 and 4 of the report.
- 3.3.4 The Act does not give the Council or its Standards Committee any powers to impose sanctions, such as suspension, requirements for training or an

apology from a Member. So, where a failure to comply with the Code of Conduct is found, the range of actions which the Authority can take in respect of the Member is limited and the Council is free to adopt the sanctions it wishes to apply some of which will rely on voluntary compliance by elected members. It is recommended that Council agree that the following sanctions, as set out in the procedure for investigation, be adopted:-

- Recommending to the Member's Group Leader (or in the case of ungrouped 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 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.
- Recommending that an apology be given.
- That the Member is censured in writing and a copy of the letter to be published on the Council's website.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

5. LEGAL IMPLICATIONS

The legal implications are set out in the body of this report.

6. RECOMMENDATIONS

That the Council:-

1. Adopts the Code of Conduct set out at Appendix 1 of this report.
2. Adopts the procedure for investigating complaints and the sanctions as set out at Appendix 2 of this report.
3. Establishes a Standards Committee in accordance with the amended Article 9 in Part 2 and the terms of reference in Part 3 of the Constitution, as set out in Appendices 3 and 4 of this report, and agrees to disapply proportionality to the Committee as set out at paragraph 3.3.2 of the report.

4. Notes the Guidance on Disclosable Pecuniary Interests circulated by the Monitoring Officer set out at Appendix 5.
5. Delegates to the Monitoring Officer the power to make such amendments to the Code of Conduct and the procedure for investigating complaints as are required by guidance and regulation when they are issued by the Government and direct that any amended document be circulated to all members forthwith.
6. That an Independent Person be appointed in compliance with the Localism Act.
7. Approves the revised Monitoring Officer Protocol as set out in appendix 6 of the report and that the Constitution be amended accordingly.

Lee Adams
Deputy Chief Executive

SHEFFIELD CITY COUNCIL – MEMBERS’ CODE OF CONDUCT

Introduction

This Code applies to members of this authority when you act in your role as a Member and it is your responsibility to comply with the provisions of this Code. Members include all Elected Members and co opted members.

The Code sets out the standards which are required of all members of the authority in carrying out their duties, and in their relationships with the Council and its officers.

Members are a representative of this authority and the public will view you as such, therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code is based upon the following principles of public life which each should comply with:

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

This Code does not cover matters under the Localism Act 2011 where criminal sanctions will apply.

General Obligations

1. When acting in your role as a member of the authority you:
 - 1.1 Must treat others with respect.
 - 1.2 Must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of members.
 - 1.3 Must not bully or intimidate any person
 - 1.4 Must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -
 - (i) You have the consent of a person authorised to give it;
 - (ii) You are required by law to do so;
 - (iii) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) The disclosure is -
 - (a) reasonable and in the public interest;
 - (b) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (c) you have consulted the Monitoring Officer prior to its release.
 - 1.5 Must not prevent another person from gaining access to information to which that person is entitled by law.
 - 1.6 Must not conduct yourself in a manner which would reasonably be regarded as bringing your authority into disrepute.
 - 1.7 Must not use your position to improperly confer or secure an advantage or disadvantage to yourself or any other person.
 - 1.8 Must be clear when communicating with the media or speaking in public that you do not give the impression you are acting in an official capacity when you are acting in a personal capacity.
2. When using or authorising the use by others of the resources of the authority you:-
 - 2.1 Must act in accordance with the authority's reasonable requirements including the requirements of the authority's ICT policy and the policies

listed at appendix A, copies of which have been provided to you and which you are deemed to have read;

- 2.2 Must make sure that such resources are not used improperly for political purposes (including party political purposes); and
- 2.3 Must have regard to any applicable Code of Publicity and take into account the guidance issued to Members on the use of social media.

Bias

3. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you are not prohibited from participating in a decision in your political role as member. However, you must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
4. When making a decision, you must consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.
5. Members must comply with the Protocol for Member/Officer Relations and respect the impartiality and integrity of the authority's statutory officers and its other employees.

Equalities

6. Members must ensure that they adhere to all related legal requirements, such as the Race Relations Act, Sex Discrimination Act, Disability Discrimination Act and the Human Rights Act.
7. Members must promote equality and inclusion by providing an environment free from harassment, discrimination, and victimisation and bullying and by treating people with respect, regardless of their age, disability, gender, race, religion/ belief, sexual orientation or marriage/ civil partnership status.
8. Members must act in accordance with the Council's Equality Policy and Single Equality Scheme and the Council's Harassment, Discrimination, Victimisation and Bullying Policy.
9. Members must have regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 to:
 - Eliminate discrimination, harassment and victimisation
 - Advance equality of opportunity
 - Foster good relations.

LIST OF POLICIES

- **Sheffield City Council Electronic Communications Policy**
- **Members' ICT Usage Policy**

PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS

Complaints

- 1 Allegations of breaches of the Code of Conduct should be made in writing to the Monitoring Officer (MO) by any Elected Member, Officer, and partner of the Council or resident of Sheffield.
- 2 The MO will decide if this allegation is a potential breach of the code. If the matter complained of does not constitute a potential breach of the code the MO will inform the complainant.
- 3 If the MO believes there may be a potential breach of the Code they may take the following actions in consultation with the Independent Person without determining if an actual breach has taken place:-
 - Take such steps as they think appropriate to prevent a future breach of the Code including training, guidance, 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.
 - Obtain further information from the complainant or other relevant individual/body.
- 4 The MO, after taking the above steps as appropriate, will decide, in consultation with the Independent Person, if the matter should be investigated.
- 5 The MO will take into account when deciding if the matter should be investigated :-
 - The seriousness of the allegation.
 - The effectiveness of the remedies available.
 - If a significant amount of time has elapsed since the events which are the subject of the complaint.
 - The benefits of an independent consideration of the allegation.
 - If the allegation relates to a cultural or recurring issue relating to standards within the Council.

- If the matter should be dealt with by some other method, e.g. police investigation.
 - If complaints have been made about the Member relating to similar issues in the past.
 - The impact on the complainant or reputation to the Council caused by the conduct.
 - If the complaint appears to be trivial or vexatious or is part of a series of complaints from the complainant.
 - The conduct occurred during political debate or could be regarded as a political expression of views or opinion
- 6 It is expected that only a minority of potential breaches will be referred to the Standard Committee.

Procedure for Investigations

7. If the matter is to be investigated, the complainant and subject of the complaint will be informed by the MO. The Elected Member will be given full details of the allegation and have 14 days to submit a response, witness statements and any relevant information. The Member will be asked to express a preference for a written or oral hearing should the matter be referred to the Standards Committee.
8. The MO will supply the complainant with copies of any documents produced in accordance with paragraph 3 or 7 above. The complainant may provide a written response and further evidence if they choose to do so. They must respond within 14 days of receipt of the information. The MO or Independent Person may advise and assist either party with the written information to be supplied.
9. The Independent Person and the MO will consider the complaint and responses to decide if any further information should be obtained by the MO or if an internal or independent investigation is required on all or any aspect of the complaint.
10. The MO in consultation with the Independent Person shall decide when the investigation process set out in 7 to 9 above is complete and if evidence of a breach is found. If no evidence is found no further action will be taken and the MO will inform the complainant.
11. Where the investigation finds evidence of failure to comply with the Code of Conduct, the MO, in consultation with the Independent Person, may attempt a local resolution, avoiding the necessity of a hearing by identifying other appropriate remedial action. It would only be appropriate for the MO to agree a local resolution after consultation with the Independent Person and subject to a summary report for information being submitted to the Standards Committee.

Standards Committee

12. If evidence of a breach is found on investigation and the matter cannot be resolved, the MO will refer the matter to the Standards Committee. The Standards Committee will meet to consider the allegation and make clear findings as to the facts on the matter and whether, in its opinion, a breach of the Code of Conduct has occurred. This decision will be made upon the papers submitted if the Member agrees. If the member does not agree to a paper consideration he/she will be asked to attend the Standards Committee to give oral representations and present their evidence. The Member may, with the consent of the Committee obtained prior to the meeting, present witnesses.
The Standards Committee will give reasons for its decision. The Committee will meet in public unless the Chair decides all or some of the meeting should be held in private subject to the Access to Information requirements. The MO will attend the meeting and can provide advice to the Committee.
13. The Committee shall decide if a breach of the Code has taken place and what sanction, if any, it should recommend.
14. The MO will inform the complainant and the Member of the outcome in writing within 7 days.
15. The findings and decision of the Standards Committee will be publicly available on the Council's website and copies will be supplied to the MO, Chief Executive and Member concerned, Leaders of the political party concerned, the Whips and the complainant.

Remedies

16. If the Standards Committee finds a breach of the Code has occurred they may make one of the following recommendations and may specify to whom they wish them to be directed: Recommending to the member's Group Leader (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
17. Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
18. Instructing the Monitoring Officer to arrange training for the member;
19. That policies/procedures are amended;
20. That a briefing/information note be issued;
21. That an apology be given;
22. That the member is censured in writing and a copy of the letter is published on the Council's website.

Appeals

23. It is not intended that an Appeal procedure would be used as a matter of course. If, however, the Standards Committee Chair and MO agree that the nature of the decision may have a significant impact on the member against whom findings are made or has important implications for the Council as a whole, they may allow an appeal to the Standards Committee of another authority with whom a reciprocal agreement exists. If no suitable Committee is available the appeal will be dealt with by the Chief Executive.

Reports

24. A bi-annual report will be presented to Members of the Standards Committee on the complaints received and how they were dealt with. An annual report will be prepared for Council in relation to all Standards Complaints.

Article 9 - The Standards Committee

9.01 Standards Committee

The Council (in this Article 'the City Council') will establish a Standards Committee to determine complaints under the Code of Members Conduct referred to it by the Monitoring Officer and promote high standards of Councillor Conduct.

9.02 Composition

- (a) **Committee Membership.** The Standards Committee will comprise not more than eight Members of the City Council with proportionality disapplied (5 Labour and 3 Liberal Democrat members, with one Member from each Party to be present at each meeting) and, on an interim basis until guidance is issued by the Government, the membership will also include up to 5 non-voting co-opted members (the 4 existing Independent Members of the Standards Committee and 1 representative of the three Parish/Town Councils);
- (b) **Chair and Deputy Chair.** The Chair and Deputy Chair of the Committee and of its Sub-Committees shall be appointed by the Committee or Sub Committee.
- (c) **Quorum.** The quorum for meetings of the Committee and any of its Sub-Committees shall be three and must include representatives of two political parties

9.03 Sub Committees

9.04 Role and Functions

The Standards Committee and its Sub-Committees will have the terms of reference set out in Part 3 of this Constitution. The Committee will exercise the following role and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, Co opted Members;
- (b) advising the Council on the adoption or revision of the Councillors' Code of Conduct and Protocols relating to Councillor and Officer behaviour;
- (c) discharging, the functions of hearing complaints against Councillors concerning the Councillors' Code of Conduct referred by the Monitoring Officer;
- (d) the exercise of the above functions in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.

STANDARDS COMMITTEE

Terms of Reference

- (a) Promoting and maintaining high standards of conduct by Councillors, Co-opted Members Representatives on Committees and Sub-Committees.
- (b) Assisting Councillors, Co-opted Members and Representatives to observe the Councillors' Code of Conduct.
- (c) Advising the Council on the adoption or revision of the Councillors' Code of Conduct and Protocols relating to Councillor and Officer behaviour.
- (d) Monitoring the operation of the Councillors' Code of Conduct.
- (e) Advising, training or arranging to train Councillors, Co-opted Members and Representatives on matters relating to the Members' Code of Conduct.
- (f) Discharging the functions of, hearing complaints against Councillors concerning the Members' Code of Conduct referred to them by the monitoring Officer.
- (g) The exercise of the above functions in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.
- (h) Advising the Council on the adoption and revision of its Whistle-blowing Policy and monitoring the operation of that Policy.
- (i) Monitoring and reviewing procedures relating to gifts, hospitality and personal interests, for Councillors and officers.
- (j) Monitoring the Council's response to complaints to the Ombudsman.
- (k) Undertaking such other functions as the Council may delegate to the Committee.

DECLARATIONS OF INTERESTS

From the 1st of July the way interests need to be registered and declared will change. It is important that you enter your interests on a new Register of Interests as failure to do so without reasonable cause will be a **criminal offence**.

The existing Standards regime is abolished from the 1st of July by the Localism Act. Prejudicial and Personal Interests will no longer exist and have been replaced by **Disclosable Pecuniary Interests (DPI)**. The way interests are declared has also changed.

What is a DPI?

The interests members must register are set out below they include the interests of you and your spouse/partner:-

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or financial benefit in respect of any expenses incurred in carrying out duties as a member, or towards the election expenses.

This includes any payment or financial benefit from a trade union

This does not include hospitality payments e.g. going to a football match.

Contracts

Any contract which is made between the member (or a body in which the relevant person has a beneficial interest) and the Council under which goods or services are to be provided or an existing contract delivering goods and services.

Land

Any beneficial interest in land which is within the area of the Council.

Licences (property)

Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

Tenancies held by Companies in which the member has a beneficial interest

Any tenancy where the landlord is the Council; and

Securities (shares, debentures etc) Any beneficial interest in securities of a body where —

(a) that body has a place of business or land in the area of Council and

(b)

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body

There are more detailed rules if the shares held by a company are divided into more than one class.

What is different about the interests?

1. “Employment” applies only to employment or a business carried on for profit or gain, so excludes unpaid work for public, voluntary and charitable bodies.
2. “Contracts” does not apply to a beneficial interest of a family member other than spouse.
3. “Beneficial interest” includes directors, but not employees who may benefit e.g. a performance bonus from the existence of the contract.

What is different?

1. Where a member has a DPI, it is a criminal offence to fail to register that interest within 28 days of being elected, fail to declare an unregistered interest at a meeting and to participate in a relevant item of business.
2. Registration of interests is required for the member and their spouse or partner. The old requirement was for interests of the member only.
3. DPIs have a broader definition than the existing prejudicial interest. It is a DPI even if there is no likelihood that it might prejudice the member’s perception of the public interest. This means that a decision which has only a minimal impact on a member’s property or employer can trigger a criminal offence if it is not registered.
4. DPIs do not include matters likely to affect the wellbeing or financial standing of the member, or his/her family or friends.
5. There are no legal requirements in relation to registration other than registration within 28 days of being elected but the draft Members’

Code of Conduct will require that interests are updated at least annually.

What stays the same?

1. The Monitoring Officer keeps the register and any changes should be notified to Democratic Services.
2. In exceptional circumstances a dispensations can be granted to participate in relevant business even if a member has a DPI. 3. The Council will adopt its own rules for declaring interests which are not DPIs in the Members' Code of Conduct. Failure to comply with the Code is not a criminal offence.
4. Gifts and Hospitality have not been included as a DPI and will be dealt with under the Members' Code of Conduct.
5. Similar provisions to the old scheme exist for not disclosing the details of sensitive interests publically when it could be harmful.

How do DPIs affect a Member's ability to make decisions and participate in meetings?

- If a member has a DPI in any matter to be considered, or being considered, at the meeting they can not participate further in any discussion of the matter at the meeting, or participate in any vote.
- If the DPI is not registered they must declare it to the meeting and notify the Monitoring Officer within 28 days.
- A member of the Cabinet can not make an ICM decision if he/she has a DPI in that decision.
- The Members' Code of Conduct may make provision for the member to leave the room when they have a DPI.

Offences

A member if found guilty of an offence can be barred from holding office for up to five years and be fined up to £ 5000.

A member commits an offence if, without reasonable excuse, they —

1. fail to notify the Monitoring Officer of any relevant DPIs within 28 days of taking up office, fail to disclose an unregistered interest at a meeting or fail to notify the Monitoring Officer when they have made such a disclosure at a meeting.
2. participate in any discussion or votes when they have a DPI.

3. are an executive member and make a decision in which they have a DPI.
4. provide information that is false or misleading in relation to a DPI and is aware:
 - (a) that the information is false or misleading, or
 - (b) is reckless as to whether the information is true and not misleading.

A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions and not the Council or an individual.

What about Interests which are not DPIs

The Act requires that provision is made for interests which are not DPIs. It is intended that we make provision in the new Members' Code of Conduct for dealing with "personal interests" in decision making and meetings. This will apply to interests relating to the member's family and friends, and bodies such as employers and companies, to ensure that members still disclose such interests even where they do not preclude the member from participating in the decision-making process. Non-compliance with these provisions may breach the Members' Code of Conduct but will not amount to a criminal offence.

There is no legal requirement to register gifts and hospitality but the Code will require registration of a value over £50.

The following provisions will be in the Code for Consideration by full Council on the 4th of July

Other Interests

- 1.1 In addition to the requirements relating to DPIs, 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.
- 1.2 You have a personal interest where –
 - 1.2.1 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

- 1.2.2 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

Gifts and Hospitality

- 2.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.
- 2.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 2.3 This duty to notify the Monitoring Officer does not apply where the gift is accepted on behalf of the Council and does not apply to the role of Lord Mayor.

Disclosable Pecuniary Interests

You must -

- 1.1 comply with the statutory requirements to register, disclose and withdraw (to include leaving the room) from participating in respect of any matter in which you have a DPI.
- 1.2 ensure that your register of interests is kept up to date at least annually.
- 1.3 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.
- 1.4 “Meeting” means any meeting organised by or on behalf of the authority, including –
 - 1.4.1 any meeting of the Council, or a Committee or Sub-Committee of Council;
 - 1.4.2 any meeting of the Cabinet and any Committee of the Cabinet;
 - 1.4.3 in taking a decision as a Ward Councillor or as a Member of the Cabinet.

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