

SHEFFIELD CITY COUNCIL

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Wednesday 17 September 2014 by the Cabinet.

Date notified to all members: 23 September 2014

The end of the call-in period is 4:00 pm on 29 September 2014

Unless called-in, the decision can be implemented from 30 September 2014

Item No

8. DISPOSAL OF SITES FOR AFFORDABLE HOUSING

8.1 The Executive Director, Place submitted a report in relation to the disposal of affordable housing.

8.2 **RESOLVED:** That Cabinet:-

- (a) notes the ongoing issues regarding securing development finance for affordable housing and supports the principle of assisting Registered Providers where appropriate by offering flexibility around mortgagee exclusion clauses;
- (b) supports the requests from Registered Providers for mortgagee exclusion clauses on the schemes named in Section 6.12 of the report subject in the case of new disposals, to the Registered Provider entering into an agreement for lease with the lease to be granted upon completion of the construction and that the Director of Capital and Major Projects be authorised to negotiate or renegotiate terms for the leases as appropriate and to instruct the Director of Legal and Governance to complete the necessary legal documentation; and
- (c) delegates authority to the Director of Capital and Major Projects, in consultation with the Director of Regeneration and Development Services and the Cabinet Member for Homes and Regeneration, in relation to social housing sites that have previously been disposed of by way of a long lease, to consider and where appropriate agree future requests from Registered Providers to vary the terms of those leases to include mortgagee exclusion clauses and to instruct the Director of Legal and Governance to complete the necessary legal documentation.

8.3 Reasons for Decision

8.3.1 The 2013 Strategic Housing Market Assessment identified an annual requirement for 725 affordable homes in addition to the projected supply. Whilst the Council is embarking on a Stock Increase Programme for Council Housing, the Housing Revenue Account does not have sufficient resources to meet the projected need

for affordable housing. Further investment is required from Registered Providers and the Homes and Communities Agency.

8.3.2 As grant funding to Registered Providers reduces, they must look to maximise the potential of their existing asset base to realise additional resources for new affordable housing supply. By accepting a small measure of risk in granting Registered Provider's requests for mortgage exclusion clauses, the Council would increase Registered Provider development capacity by 20% at no financial cost to itself.

8.3.3 The Council's emerging Housing Delivery Investment Plan is designed to accelerate total housing delivery across all sectors. Removing restrictions on mortgages as a barrier to delivery would significantly improve delivery within the social sector.

8.4 **Alternatives Considered and Rejected**

8.4.1 The refusal of Registered Provider's requests for mortgage exclusion clauses would absolutely protect the ongoing social housing status of any social housing built by Registered Providers on Council land. However, it would not increase the available funding for social housing and may lead to some Registered Providers ceasing to develop in Sheffield.

8.5 **Any Interest Declared or Dispensation Granted**

None

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

None

8.7 **Respective Director Responsible for Implementation**

Simon Green, Executive Director, Place

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

Economic and Environmental Wellbeing

9. **REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING 2014/15 MONTH 3 (AS AT 30/6/14)**

9.1 The Executive Director, Resources submitted a report providing the Month 3 monitoring statement on the City Council's Revenue Budget and Capital Programme for June.

9.2 **RESOLVED:** That Cabinet:-

- (a) notes the updated information and management actions provided by this report on the 2014/15 Revenue Budget position;

- (b) in relation to the Capital Programme, approves:-
- (i) the proposed additions to the Capital Programme listed in Appendix 1 of the report, including the procurement strategies and delegations of authority to the Director of Commercial Services or nominated Officer, as appropriate, to award the necessary contracts following stage approval by Capital Programme Group;
 - (ii) the proposed variations and slippage in Appendix 1; and notes
 - (iii) the latest position on the Capital Programme including the current level of delivery and forecasting performance; and
 - (iv) the exercise of delegated authority to vary approved amounts by Directors of Service.

9.3 Reasons for Decision

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

9.4 Alternatives Considered and Rejected

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

9.5 Any Interest Declared or Dispensation Granted

None

9.6 Reason for Exemption if Public/Press Excluded During Consideration

None

9.7 Respective Director Responsible for Implementation

Eugene Walker, Executive Director, Communities

9.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny

10. SHEFFIELD FLOOD AND WATER MANAGEMENT CAPITAL PROGRAMME 2014 TO 2021

10.1 The Executive Director, Place submitted a report in relation to the Flood and Water Management Capital Investment Programme 2015-2021.

10.2 **RESOLVED:** That Cabinet:-

- (a) approves the inclusion of Sheffield's Capital Investment proposals in the Government's Flood Risk Management Grant in Aid programme (2015-2021) as outlined in section 4 of the report;
- (b) authorises Council Officers to open discussions with potential partner investors in the proposed Capital Programme of schemes and to clarify lead officer/capacity in the area of funds management;
- (c) authorises Officers to compile the necessary business cases to support the grant applications and seek approval from the appropriate Outcome Programme Boards; and
- (d) delegates authority to the Executive Director, Place in conjunction with the Interim Director of Legal Services, the Interim Director of Finance and the Interim Director of Commercial Services (or their nominated representatives), subject to revenue funding being made available, as outlined in section 6.7 of the report, to accept tenders and award contracts for the preparation of detailed business cases necessary to support submissions to the Environment Agency to secure Government flood grant in aid costs.

10.3 **Reasons for Decision**

10.3.1 To secure much needed capital investment in the City's critical flood and damage infrastructure.

10.4 **Alternatives Considered and Rejected**

10.4.1 Do nothing

Discounted. Government has indicated that this is a unique opportunity for LLFAs and the Environment Agency to register schemes within a much more stable medium term programme of FDGIA investment to 2021. The City Council is determined to maximise this opportunity to invest in Sheffield's critical flood and drainage infrastructure, therefore, the 'do nothing' option is discounted.

10.4.2 Split programme responsibility between: (a) the Environment Agency as main river authority to lead and deliver all principal river projects; and (b) Sheffield City Council as LLFA to lead and deliver ordinary watercourse projects

Discounted. The capital schemes forming the programme require partnership investment in order for them to achieve the desired priority score using the

Environment Agency's prioritisation methodology. Sheffield City Council is best placed to use its position within the City to mobilise funding partners and to secure alternative sources of funding. This approach has been shown to work by the Lower Don Valley Flood Protection Scheme. In addition, the programme is essential to delivering corporate outcomes, some of which are not direct functions of the Environment Agency and therefore the City Council is able to direct where funding is applied. Clearly, delivery within Government's medium term investment period is in the overall functional interests of the City Council and therefore this option is discounted.

10.4.3 Split the programme and only register some schemes with Government

Discounted. This option would require the Council to decide to put one area above another and thereby increase the risk of flooding in the deselected area. As mentioned earlier this would be a lost opportunity to improve the resilience of significant parts of the City at a time when flood protection is increasing in priority for the Government and funds are being made available. That opportunity may not come again for some time.

10.4.4 Sheffield City Council as LLFA to lead and deliver the full programme supported by the Environment Agency as key programme partner and adviser

Preferred. This is the preferred option to ensure that the City benefits fully from this unique investment opportunity to become more resilient to flooding and the effects of climate change. Sheffield City Council has begun the process of building expertise and resources in this area with the formation of a Flood and Water Management Group that will lead delivery of the programme. Plans are for the Capital Delivery Service to provide full time project and funds management support to the programme with the Environment Agency's regional partnership team providing technical, legal and programme management expertise and advice.

10.5 **Any Interest Declared or Dispensation Granted**

None

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

None

10.7 **Respective Director Responsible for Implementation**

Simon Green, Executive Director, Place

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

Economic and Environmental Wellbeing

11. STATUTORY CHANGES AT OUGHTIBRIDGE PRIMARY, THE ROWAN PRIMARY AND BECTON SCHOOL - FEEDBACK FROM CONSULTATION

11.1 The Executive Director, Children, Young People and Families submitted a report providing feedback on consultation which had taken place on changes to three Sheffield schools – an increase in capacity at Oughtibridge Primary, an increase in capacity at The Rowan Primary (Special) and a change of age range at Becton School (Hospital School) and sought a final decision on the proposals.

11.2 **RESOLVED:** That Cabinet approves:-

- (a) an expansion at Oughtibridge Primary from 45 places per year to 60 places per year, starting in the Reception intake in September 2015 and that a capital approval submission will be brought forward in due course;
- (b) an expansion at The Rowan Primary (Special School) from 68 to 90 places overall, starting in September 2015 on condition that the capital scheme receives planning permission by 1st May 2015;
- (c) a change in age range at Becton School (Hospital School) from 11-18 to 5-18 with a change to the proposed start date of 1st September 2014 to 1st October 2014; and notes
- (d) that the Rowan School expansion capital scheme is the subject of an approval request in the Month 3 Budget Monitoring report.

11.3 Reasons for Decision

11.3.1 Consultation has been conducted to listen to concerns and to test the levels of support for the proposals from parents, school staff, governors and the community. Overall the positive response to consultation reflects the wide ranging support for the proposals.

11.3.2 The proposal at the Rowan is the only one to gain a significant negative response, yet the key issues raised are not concerned with the principle of increasing the number of places at the school. The issues around parking traffic that have been raised are important considerations and therefore the recommendation is to proceed with the condition that the scheme receives planning permission. This is where the impact of the development on highways would be properly considered.

11.3.3 In line with the Regulations, once statutory notices have been published and consultation concluded, a decision must be reached by the decision maker (in this case, the Local Authority), otherwise the proposals must be formally withdrawn. It has not been possible to complete the process for Becton in line with the initial proposal to implement from 1st September 2014. Under its powers under the Regulations, Cabinet is asked to amend the proposal to change the implementation date to 1st October 2014. This has no practical implications as existing arrangements will continue and changes to financial arrangements would not come in until the new financial year in April 2015.

11.4 Alternatives Considered and Rejected

11.4.1 The alternative options would be to provide the capacity at alternative schools or not to provide the capacity at all. Analysis shows that this additional capacity is required to meet growing demand. The consultation process allowed for all alternative proposals to be put forward, including providing the capacity at a different school. No alternatives came forward during consultation and the proposals were largely supported.

11.5 Any Interest Declared or Dispensation Granted

None

11.6 Reason for Exemption if Public/Press Excluded During Consideration

None

11.7 Respective Director Responsible for Implementation

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

11.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Children, Young People and Family Support

12. SHEFFIELD CITY CENTRE BUSINESS IMPROVEMENT DISTRICT

12.1 The Executive Director, Place submitted a report seeking approval for development of a Sheffield City Centre Business Improvement District (BID). The BID has been proposed by the private sector in an attempt to add to the economic growth and social well-being of Sheffield City Centre.

12.2 **RESOLVED:** That Cabinet:-

- (a) notes and approves the proposal of the existence of the City Centre BID scheme;
- (b) authorises the Council's Returning Officer to run the ballot subject to the receipt of the materials required by the Business Improvement Districts (England) Regulations 2004 to the delegated officer;
- (c) notes that following a successful ballot the BID Champions Group will seek to set up a BID Company
- (d) should the ballot be successful delegates authority either to the Executive Director, Place (or an officer nominated by him) or the Cabinet Member for Business, Skills and Development to sit as the Sheffield City Council Board Member on the BID Board;

- (e) notes that the Executive Director, Place, in consultation with the Director of Finance and the Interim Director, Legal and Governance and Cabinet Member for Business, Skills and Development be authorised to:-
 - (i) take such steps as (s)he feels appropriate to assist in the delivery of the development and implementation of the City Centre BID project;
 - (ii) formally approve the BID Business Plan and associated documents, negotiate, agree and complete the Financial Operating Agreement and Memorandum of Understanding and the BID Levy Rules between Sheffield City Council and Sheffield City Centre BID Champions Group; and
 - (iii) confirm the Baseline City Centre Management and Major Events services relevant to the BID for the 5 years of the BID term.

12.3 Reasons for Decision

- 12.3.1 The BID will bring new, private and public sector investment to the City Centre which will complement the existing offer. The BID is an opportunity for businesses based in Sheffield to invest in the future of the City Centre and be responsible for the allocation of these funds.
- 12.3.2 Given the City's long desired aim to improve the City Centre officers feel the BID is a key 'strategic component' which will help this aim come to fruition. A BID would provide a very real opportunity which many other towns and cities across the UK are already grasping. The time is right for Sheffield to adopt this model and give the business community a voice and the power to help change the City Centre for the better.
- 12.3.3 The ambitions for the City Centre fall across a number of the City's stated strategic objectives, those being a 'strong and competitive economy' and a 'vibrant City' together with other opportunities to support other outcomes 'a great place to live' and 'safe and secure communities'. A BID would complement and support these ambitions.
- 12.3.4 A BID can provide a tangible and workable strategic relationship in an open and transparent way with the business community and will help to identify key themes and projects we can work on together, both for them as a business community and for the wider Sheffield population, to come and enjoy the ever improving offer available in the City Centre at this time.
- 12.3.5 A BID will be organised by the business community, creating not only a strong voice but the economic capacity to enact practical change.

12.4 Alternatives Considered and Rejected

- 12.4.1 Do nothing. The billing authority may only veto a BID on the grounds stipulated in the legislation, therefore if a BID proposer approaches the billing authority with

a proposal the authority is obliged to engage to some extent with the concept. Sheffield City Council could decide not to engage beyond the narrow level of involvement dictated in the legislation and regulations. Refusing or failing to engage would be a missed opportunity to work together with the business community to build a successful future for the City Centre.

- 12.4.2 Create a voluntary contribution scheme. The City Centre Retailers group have discussed a voluntary contribution scheme; however the variation in management and organisation between companies made such a concept very difficult for some businesses to engage in as permission by central management may be refused. In contrast the majority of major companies and chains are accustomed to participating in BIDs. A BID would have a financially secure five year operational life, would be accountable to all eligible businesses and would be led by the business community which a voluntary scheme may not be.
- 12.4.3 Sheffield City Council to provide additional funds on top of the current service level. Given the current budget position the City Council could not invest a further £800,000 in the City Centre without causing serious budget reductions in other key Council services.

12.5 **Any Interest Declared or Dispensation Granted**

None

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

None

12.7 **Respective Director Responsible for Implementation**

Simon Green, Executive Director, Place

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

Economic and Environmental Wellbeing

13. DOMESTIC ABUSE SERVICES PROCUREMENT

- 13.1 The Executive Director, Communities submitted a report outlining the procurement plan for community based domestic abuse services in Sheffield, which was necessary as current contracts were coming to an end in March 2015.

13.2 **RESOLVED:** That Cabinet:-

- (a) approves the commissioning and procurement plan for domestic abuse services outlined in the report;
- (b) delegates authority to the Director of Commissioning (or their nominated representative) to take the necessary steps to implement the

commissioning and procurement plan for domestic abuse services in consultation with the Director of Commercial Services and the Director of Legal and Governance or their nominated representatives; and

- (c) delegates authority to the Director of Commissioning to award the contracts to the successful tenderers.

13.3 Reasons for Decision

- 13.3.1 This re-procurement exercise is necessary for compliance with Council standing orders. It is also informed by the Domestic Abuse needs assessment and the performance management of existing contracts over the past year. A Domestic and Sexual Violence and Abuse strategy has recently been developed which recognises the impact of domestic abuse on thousands of people in Sheffield every year, and commits the Council to continuing to provide support services to those affected.
- 13.3.2 The inclusion of training services in the scope of the two other contracts will enable economies of scale to be exploited. This will help us to limit the increased investment in domestic abuse services next year to just under £70,000 – far less than the actual pressure on services which amounts to around £200,000.
- 13.3.3 Officers did consider moving to a single contract for community based domestic abuse services but feel that the proposed arrangements will enable officers to ensure adequate focus is on both early intervention and prevention, and meeting the immediate safety needs of people who are in a very high risk, potentially life-threatening situation.

13.4 Alternatives Considered and Rejected

- 13.4.1 The possibility of merging all three contracts was considered. This was rejected in order to ensure that both High Risk and Medium/Standard Risk client groups are seen as important and given adequate focus by the successful providers. This way officers feel certain that providers should be clear about the outcomes wanted for both groups of service users.
- 13.4.2 The option of not procuring domestic abuse services at all was also considered. This was rejected as domestic abuse is recognised as a priority by the Safer and Sustainable Communities Partnership in its Partnership Plan for 2014-17. Domestic Abuse was identified as a priority as 'There had been an increase in the number of domestic abuse incidents reported to the Police over the last few years, and an increase in the number of high risk cases referred to the Multi-Agency Risk Assessment Conference (MARAC) over the last year. This reflects greater clarity from professionals and the public on how to access support for domestic abuse. Referral processes between the Police and domestic abuse services are more robust and the availability of the domestic abuse helpline has increased, meaning that victims feel more able to report. Just under a quarter are repeat victims and a quarter have mental health problems. Information about the support services available must be widely distributed and those suffering must continue to be supported to be able to safely report it. There are things that

all organisations can do to further this, including increasing the wider knowledge of domestic abuse including an understanding of risk issues, how to report it and how to access support.

- 13.4.3 A Domestic and Sexual Violence and Abuse Strategy has also recently been developed for the City which outlines the impact of domestic abuse on people and services in the City. Not procuring domestic abuse services in the City would be counter to the commitment contained in the strategy to 'continue to ensure the **provision of good quality services** that are responsive to local need, and get it right first time. We will do this by:-

Commissioning efficient and responsive services whose staff can demonstrate understanding of the needs of users, and effectively performance managed.

13.5 **Any Interest Declared or Dispensation Granted**

None

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

None

13.7 **Respective Director Responsible for Implementation**

Laraine Manley, Executive Director, Communities

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

Safer and Stronger Communities

14. **TERMINATION OF THE SCOWERDONS, WEAKLAND, AND NEWSTEAD (SWAN) DEVELOPMENT AGREEMENT**

- 14.1 The Executive Director, Place submitted a report in relation to the termination of the Scowerdons, Weakland and Newstead (SWaN) Development Agreement.

- 14.2 **RESOLVED:** That Cabinet approves the termination of the Scowerdons, Weakland and Newstead (SWaN) Development Agreement:.

14.3 **Reasons for Decision**

- 14.3.1 The Development Agreement between SCC and Home Group to deliver new, mixed tenure housing on the estates is no longer fit for purpose, and any future development under the Agreement would not be financially beneficial for either party. A mutual decision to terminate the Development Agreement at No Fault would allow the Council to find alternative options for the redevelopment of the remaining land.

14.4 **Alternatives Considered and Rejected**

14.4.1 **Continue with the Development Agreement and continue to hand land over in phases to Home Group for development:** Future phases will not meet the Development Agreement's key financial indicators and so will not be financially viable. Phases will not be handed over for development if they are not financially viable, so this option was rejected.

14.4.2 **Terminate the Development Agreement at Home Group's Fault:** A failure to meet the key financial indicators (KFIs) for an individual phase is not specifically mentioned as a material breach of the warranties and obligations of Home Group under the terms of the Development Agreement. The Development Agreement sets out a procedure for addressing failure to meet the KFIs, which includes deferring phases and re-running the financial appraisal. If the KFIs are still not met, and the parties cannot agree steps to preserve the KFIs, then the Development Agreement terminates as a No Fault Termination. This option was therefore rejected.

14.4.3 **Allow the Development Agreement to 'time out':** the Development Agreement will automatically terminate at No Fault in March 2018 (the Longstop Date). This option would mean that the Council could do nothing with the land until the Longstop Date is reached, so this option was rejected.

14.5 **Any Interest Declared or Dispensation Granted**

None

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

The report contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).

14.7 **Respective Director Responsible for Implementation**

Simon Green, Executive Director, Place

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

Economic and Environmental Wellbeing