



# Council

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**Wednesday 1 October 2014**

**2.00 pm**

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

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

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## COUNCIL

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**Wednesday 1 October 2014, at 2.00 pm**  
**Council Chamber, Town Hall, Pinstone Street, Sheffield, S1 2HH**

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

### MEMBERS OF THE COUNCIL

THE LORD MAYOR (Councillor Peter Rippon)  
THE DEPUTY LORD MAYOR (Councillor Talib Hussain)

1	<i>Arbourthorne Ward</i> Julie Dore Mike Drabble Jack Scott	10	<i>Dore &amp; Totley Ward</i> Joe Otten Colin Ross Martin Smith	19	<i>Mosborough Ward</i> David Barker Isobel Bowler Tony Downing
2	<i>Beauchief &amp; Greenhill Ward</i> Simon Clement-Jones Roy Munn Richard Shaw	11	<i>East Ecclesfield Ward</i> Pauline Andrews Steve Wilson Joyce Wright	20	<i>Nether Edge Ward</i> Nasima Akther Nikki Bond Qurban Hussain
3	<i>Beighton Ward</i> Helen Mirfin-Boukouris Chris Rosling-Josephs Ian Saunders	12	<i>Ecclesall Ward</i> Penny Baker Roger Davison Diana Stimely	21	<i>Richmond Ward</i> John Campbell Lynn Rooney Paul Wood
4	<i>Birley Ward</i> Denise Fox Bryan Lodge Karen McGowan	13	<i>Firth Park Ward</i> Sheila Constance Alan Law Chris Weldon	22	<i>Shiregreen &amp; Brightside Ward</i> Peter Price Sioned-Mair Richards Peter Rippon
5	<i>Broomhill Ward</i> Jayne Dunn Stuart Wattam Brian Webster	14	<i>Fulwood Ward</i> Sue Alston Andrew Sangar Cliff Woodcraft	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> Steve Jones Cate McDonald Tim Rippon	24	<i>Stannington Ward</i> David Baker Katie Condliffe Vickie Priestley
7	<i>Central Ward</i> Jillian Creasy Robert Murphy Sarah Jane Smalley	16	<i>Graves Park Ward</i> Ian Auckland Steve Ayris Denise Reaney	25	<i>Stocksbridge &amp; Upper Don Ward</i> Jack Clarkson Richard Crowther Philip Wood
8	<i>Crookes Ward</i> Rob Frost Anne Murphy Geoff Smith	17	<i>Hillsborough Ward</i> Bob Johnson George Lindars-Hammond Josie Paszek	26	<i>Walkley Ward</i> Olivia Blake Ben Curran Neale Gibson
9	<i>Darnall Ward</i> Harry Harpham Mazher Iqbal Mary Lea	18	<i>Manor Castle Ward</i> Jenny Armstrong Terry Fox Pat Midgley	27	<i>West Ecclesfield Ward</i> John Booker Adam Hurst Alf Meade
				28	<i>Woodhouse Ward</i> Mick Rooney Jackie Satur Ray Satur

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John Mothersole

Chief Executive

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Contact:

Paul Robinson, Democratic Services

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## **PUBLIC ACCESS TO THE MEETING**

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

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

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

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

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

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## **FACILITIES**

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

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

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**COUNCIL AGENDA  
1 OCTOBER 2014**

**Order of Business**

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**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

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

**3. MINUTES OF PREVIOUS COUNCIL MEETING**

To receive the record of the proceedings of the meeting of the Council held on 3<sup>rd</sup> September, 2014 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**

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

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

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

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

<http://sheffielddemocracy.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13165&path=0>)

**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. CHANGES TO THE CONSTITUTION**

Report of the Chief Executive.

**8. AUDIT COMMITTEE ANNUAL REPORT 2013-14**

To receive the annual report of the Audit Committee on the work it has undertaken during 2013-14.

The Chair of the Committee (Councillor Ray Satur) will briefly introduce the report.

**9. NOTICE OF MOTION GIVEN BY COUNCILLOR BRIAN WEBSTER**

That this Council:

- (a) notes with concern reports by the Director of Public Health that poor air quality is estimated to cause 500 premature deaths in Sheffield each year (constituting approximately 10% of all deaths) by causing and exacerbating serious health conditions including cardiovascular and respiratory diseases and cancer;
- (b) regrets that levels of nitrogen oxides (NOx) in many parts of Sheffield continue to regularly exceed EU Limit Values instituted as part of the 2008 air pollution directive, and notes that the UK will be subject to financial penalties should these values continue to be exceeded from 2015;
- (c) thanks campaigners, community groups and residents for helping to highlight the scale of air pollution problems in Sheffield through Community Air Quality Monitoring and the creation of the Sheffield Air Map;
- (d) agrees with Public Health England's assessment that local authorities have a responsibility to take a leading role in tackling poor air quality, particularly where it results primarily from motor vehicle emissions;
- (e) welcomes the steps that the Council has taken towards exploring options for reducing air pollution in Sheffield, including the adoption of the Air Quality Action Plan (AQAP) and the completion of the Low Emission Zone Feasibility Study;
- (f) recalls that the AQAP agreed in 2012 aimed to bring NOx levels down to EU Limit Values by 2015, and notes that it is now clear that this target will be missed;

- (g) understands that the scientific evidence suggests that any delays in implementation of the AQAP and Low Emission Zone will lead directly to preventable premature deaths in Sheffield;
- (h) therefore urges the Administration to proceed as quickly as possible with implementation of the AQAP and the creation of a Low Emission Zone;
- (i) regrets that a number of recent decisions have been taken that will be to the detriment of air quality in Sheffield;
- (j) will give air pollution and the associated health risks and premature deaths as much weighting as other factors in Council decision-making and strategic planning;
- (k) therefore recommends that officers include air quality impacts as a separate section in the 'Implications' section of all reports; and
- (l) encourages Members to attend the 'Air Quality and Health in Sheffield' conference on 17<sup>th</sup> October, 2014.

#### **10. NOTICE OF MOTION GIVEN BY COUNCILLOR BEN CURRAN**

That this Council:

- (a) acknowledges the many letters and emails received from members of the public regarding tax evasion;
- (b) acknowledges the petition and questions asked at Full Council on 2nd July, 2014 about excluding, from contracts, companies that have committed 'grave misconduct';
- (c) believes that local government can be a leader in promoting ethical procurement practices, which has been demonstrated by the Administration's work on using the procurement process to expand take-up of the Living Wage in the city;
- (d) notes the 'Procurement policy note 03/14: promoting tax compliance';
- (e) notes that under the Public Contracts Regulations 2006, a public body may reject a bid where the organisation has 'committed grave misconduct in the course of their business or profession';
- (f) notes that the UN Human Rights Council endorsed Guiding Principles on Business and Human Rights for implementing the UN "Protect, Respect and Remedy" Framework on 16 June 2011, which provides a global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity;

- (g) notes that the 'Fair Tax Mark' is a useful way for organisations to provide an indication that they are accountable to stakeholders as well as shareholders when it comes to tax;
- (h) directs the Chief Executive to assess the 'Procurement policy note 03/14: promoting tax compliance', the Public Contracts Regulations 2006, the 'Guiding Principles on Business and Human Rights for implementing the UN "Protect, Respect and Remedy" Framework', the Social Value Act, and other relevant legislation;
- (i) directs the Chief Executive to produce a report as the basis for a draft policy for use as part of the procurement procedures of this Council which seeks to:
  - (i) limit the opportunity in the Council's procurement process for companies who avoid paying tax;
  - (ii) consider the ways in which the 'Fair Tax Mark' may be included in the procurement process to encourage more ethical behaviour; and
  - (iii) limit the opportunity in the Council's procurement process for companies who commit grave misconduct;
- (j) requires that those who represent this Council when making decisions regarding investments that fund the pensions payable to past and present employees of this Authority take tax abuse into consideration when assessing the suitability of those companies in the shares of which such funds might be invested; and
- (k) directs that the Chief Executive present the report to the cross-party Overview and Scrutiny Management Committee for consideration.

## **11. NOTICE OF MOTION GIVEN BY COUNCILLOR MARY LEA**

That this Council:

- (a) acknowledges that today, 1<sup>st</sup> October, has been designated by the United Nations as 'Older Peoples Day' and, in recognition of this, supports the National Pensioners Convention claim that older people are an asset not a burden to society;
- (b) welcomes that the main aim for the day is to be a celebration of the achievements and contributions that older people make to our society and the economy, and that Older People's Day supports the campaign to challenge negative attitudes and outdated stereotypes;
- (c) shares the ambition of the present Administration to make Sheffield the best place in the UK to live, grow up and grow older and wants

Sheffield to be the leading age friendly city in the UK; and

- (d) supports the framework 'A City for All Ages: Making Sheffield a Great Place to Grow Older' and will continue to work towards its implementation.

## **12. NOTICE OF MOTION GIVEN BY COUNCILLOR COLIN ROSS**

That this Council:

- (a) wishes to place on record its thanks to the outgoing Master Cutler and wholeheartedly welcomes his recent comments in The Sheffield Star (Thursday, 11th September) which point to a more balanced economic recovery taking place;
- (b) is heartened by his optimistic assessment on the future of manufacturing and in particular welcomes the series of gains he outlines, which include:
  - (i) a long term plan to grow the manufacturing industry in the UK;
  - (ii) tax relief on energy and innovation;
  - (iii) the huge expansion of apprenticeships posts;
  - (iv) support for the Advanced Manufacturing Centre, which has created a magnet for new businesses and helped to create thousands of new jobs; and
  - (v) progress towards a more balanced economy; and
- (c) notes this record is in sharp contrast with the record of the previous Government, who oversaw a more rapid decline in the manufacturing industry than the Government of Margaret Thatcher, and welcomes the fact that we have a Government that finally 'gets it'.

## **13. NOTICE OF MOTION GIVEN BY COUNCILLOR LEIGH BRAMALL**

That this Council:

- (a) welcomes recent news that jobs have been created in Sheffield and supports the work of the present Administration to support private sector development and bring jobs to Sheffield;
- (b) welcomes a series of announcements including:
  - (i) the expansion of XLN from London to Sheffield which will



- create 300 jobs in the city;
  - (ii) the development of Kilner Way retail park which will create approximately 600 jobs in the city;
  - (iii) the approval of the IKEA planning application which will create around 700 jobs in the city;
  - (iv) the progress of the Factory of the Future which has also been given planning permission and notes that this development will put Sheffield at the forefront of hi-tech, advanced manufacturing and research and welcomes the collaborative work with the University of Sheffield to ensure the development of this project; and
  - (v) the start of work to construct Sheffield's first Grade A office development since the recession, to further develop the city's attraction to the financial and business sector to broaden the city's economy and create jobs;
- (c) further notes this Administration's work to grow the city's small and medium enterprise (SME) business base and create jobs through a series of projects funded through the Keep Sheffield Working Fund, including:
- (i) the award winning RISE graduate internship project;
  - (ii) a project to help SMEs begin exporting or export more; and
  - (iii) a project to help SMEs with high growth potential to become bigger, better businesses employing more people;
- (d) further welcomes Chinese investors recently confirming they see Sheffield as a great place to invest on the announcement of new plans for a £60m Chinese-backed development on the edge of the city centre;
- (e) confirms that the Council has been actively engaged in facilitating many of these initiatives for a considerable period of time, and as such they represent positive developments secured in the face of the longest recession since the second world war, demonstrating this Administration's commitment to developing jobs and prosperity; and
- (f) confirms that the Council will continue to work proactively with the private and public sector to deliver more jobs and therefore calls on the main opposition group on the Council to stop talking the city down with its claims the Administration is anti-business.

#### 14. NOTICE OF MOTION GIVEN BY COUNCILLOR NEALE GIBSON

That this Council:

- (a) calls upon all Sheffield MP's to support the call to the Minister for Education to make teaching of Personal, Social, Health and Economic (PSHE) education a mandatory part of the National Curriculum for all Schools in England and Wales;
- (b) believes that PSHE education makes a major contribution to schools' statutory responsibilities to provide a curriculum that is broadly based, balanced and meets the needs of all pupils; under Section 78 of the Education Act 2002 and the Academies Act 2010 such a curriculum must:
  - (i) promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society; and
  - (ii) prepare pupils at the school for the opportunities, responsibilities and experiences of later life;
- (c) notes that the statutory duties of Maintained schools also includes:
  - (i) promoting children and young people's wellbeing (Wellbeing is defined in the Children Act 2004 as the promotion of physical and mental health; emotional wellbeing; social and economic wellbeing; education, training and recreation; recognition of the contribution made by children to society; and protection from harm and neglect.); and
  - (ii) promoting community cohesion (Education and Inspections Act 2006; Education Act 2002);
- (d) believes that PSHE education cannot and should not exist in isolation; it must be part of a whole school approach, and that the relationship between PSHE education provision and school ethos is hugely important;
- (e) notes that PSHE education can be defined as a planned programme of learning through which children and young people acquire the knowledge, understanding and skills they need to manage their lives, now and in the future;
- (f) believes that as part of a whole school approach, PSHE education develops the qualities and attributes pupils need to thrive as individuals, family members and members of society; and
- (g) calls upon the Minister of State for Education to make the teaching of PSHE a mandatory part of the National Curriculum.

**15. NOTICE OF MOTION GIVEN BY COUNCILLOR ANDREW SANGAR**

That this Council:

- (a) recognises that the provision of a nutritious meal at midday is an important step in increasing the educational attainment of pupils;
- (b) therefore warmly welcomes the provision of Free School Meals for all infant pupils, introduced by the Government on the initiative of the Deputy Prime Minister and Sheffield MP Nick Clegg;
- (c) is delighted that the provision of Free School Meals has successfully rolled out in Sheffield, with all Sheffield schools offering a meal and 92.5% of schools being able to prepare a meal on site thanks to the £1.5m investment spent on upgraded facilities;
- (d) places on record its thanks to all the staff involved whose hard work made the successful roll out of Free School Meals possible;
- (e) is delighted that this initiative has led to the creation of 130 new jobs and saves local families, on average, £400 a year per child; and
- (f) supports the Liberal Democrat policy of extending free school meals to all primary school pupils.

**16. NOTICE OF MOTION GIVEN BY COUNCILLOR PAULINE ANDREWS**

That this Council:-

- (a) supports the petition to extend the M92 bus service to run to Grenoside Crematorium, and believes that this extended route would benefit community transport and passengers alike as it would be used far more;
- (b) recognises that not everyone has their own transport, and therefore many people have to spend quite a considerable amount of money on taxis or ask people for lifts and on occasions may indeed have to physically resort to walking the long distance to the Crematorium from both Halifax Road (Salt Box Lane) and Skew Hill Lane;
- (c) notes that currently the only bus service that caters for the area of the Crematorium is the M92 which stops at Main Street, Grenoside;
- (d) is concerned that both the elderly and people with mobility issues are having to walk from Main Street up to the Crematorium, a distance of approximately 1 mile, up a very steep gradient, and that the highway is dangerous after the location of the Cow and Calf Public House, as there are no footpaths on either side of the roadway, there is no street lighting, and there is a feeling of

isolation as it opens up to fields and countryside, all of which is of great concern to public safety;

- (e) recognises the danger to pedestrians of having to walk along the narrow roadway, and at times having to face fast moving traffic which is compounded during winter and dark nights;
- (f) supports people in their grief to be independent and not have to rely on other people for lifts; not only do people visit the Crematorium for funerals but also like to take flowers to show their respect for loved ones lost;
- (g) is disappointed that South Yorkshire Passenger Transport Executive have not heeded public calls to provide a safe extended bus service to Grenoside Crematorium that the people of Sheffield would more than appreciate; and
- (h) directs that a copy of this motion be forwarded to the South Yorkshire Passenger Transport Executive.

#### **17. NOTICE OF MOTION GIVEN BY COUNCILLOR JOE OTTEN**

That this Council:

- (a) welcomes the decision of the people of Scotland to remain part of the UK and believes that this is in the best interests of the UK as a whole and congratulates the Scottish people on the very large turnout;
- (b) notes the assurances made by the leaders of the three main UK parties to give further powers to the Scottish Parliament and further notes that these have led to renewed debate on devolution in other areas of the UK, including the English regions;
- (c) believes that powers should be exercised at the most appropriate level, and that this demands devolution within the UK, co-operation within the European Union and that the United Kingdom should continue;
- (d) welcomes the IPPR (Institute for Public Policy Research) North report 'Decentralisation Decade', the Deputy Prime Minister's Northern Futures project, the City Deals and Growth Deals; and
- (e) believes that for devolution to work, elected politicians must take responsibility for their own decisions.

A handwritten signature in black ink, appearing to read "John Netherland", with a long horizontal flourish underneath.

Chief Executive

Dated this 23 day of September 2014

**The next ordinary meeting of the Council will be held on 5 November 2014 at the Town Hall**

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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



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

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

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

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

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

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# Agenda Item 3

Minutes of the Meeting of the Council of the City of Sheffield held in the Council Chamber, Town Hall, Pinstone Street, Sheffield, S1 2HH, on Wednesday 3 September 2014, at 2.00 pm, pursuant to notice duly given and Summonses duly served.

## PRESENT

THE LORD MAYOR (Councillor Peter Rippon)  
THE DEPUTY LORD MAYOR (Councillor Talib Hussain)

1	<i>Arbourthorne Ward</i> Julie Dore Mike Drabble Jack Scott	10	<i>Dore &amp; Totley Ward</i> Joe Otten Colin Ross Martin Smith	19	<i>Mosborough Ward</i> David Barker Isobel Bowler Tony Downing
2	<i>Beauchief &amp; Greenhill Ward</i> Simon Clement-Jones Roy Munn Richard Shaw	11	<i>East Ecclesfield Ward</i> Pauline Andrews Steve Wilson Joyce Wright	20	<i>Nether Edge Ward</i> Nikki Bond
3	<i>Beighton Ward</i> Chris Rosling-Josephs Ian Saunders	12	<i>Ecclesall Ward</i> Penny Baker Roger Davison Diana Stimely	21	<i>Richmond Ward</i> John Campbell Lynn Rooney Paul Wood
4	<i>Birley Ward</i> Denise Fox Bryan Lodge Karen McGowan	13	<i>Firth Park Ward</i> Sheila Constance Alan Law Chris Weldon	22	<i>Shiregreen &amp; Brightside Ward</i> Peter Price Sioned-Mair Richards Peter Rippon
5	<i>Broomhill Ward</i> Jayne Dunn Stuart Wattam Brian Webster	14	<i>Fulwood Ward</i> Sue Alston Andrew Sangar Cliff Woodcraft	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> Cate McDonald Tim Rippon	24	<i>Stannington Ward</i> David Baker Katie Condliffe Vickie Priestley
7	<i>Central Ward</i> Jillian Creasy Robert Murphy	16	<i>Graves Park Ward</i> Ian Auckland Steve Ayris	25	<i>Stocksbridge &amp; Upper Don Ward</i> Jack Clarkson Richard Crowther
8	<i>Crookes Ward</i> Rob Frost Anne Murphy Geoff Smith	17	<i>Hillsborough Ward</i> Bob Johnson George Lindars-Hammond Josie Paszek	26	<i>Walkley Ward</i> Olivia Blake Ben Curran Neale Gibson
9	<i>Darnall Ward</i> Harry Harpham Mary Lea	18	<i>Manor Castle Ward</i> Jenny Armstrong Terry Fox Pat Midgley	27	<i>West Ecclesfield Ward</i> John Booker Adam Hurst Alf Meade
				28	<i>Woodhouse Ward</i> Jackie Satur Ray Satur

**1. MINUTES SILENCE**

Former Councillor Dennis Metcalfe

The Lord Mayor (Councillor Peter Rippon) reported that former Councillor Dennis Metcalfe passed away on 12<sup>th</sup> August, 2014. Mr Metcalfe was appointed to the City Council on 7<sup>th</sup> May, 1992, as a Labour Councillor, representing the former Handsworth Ward, and served until May, 1996. Members paid tribute to former Councillor Metcalfe later in the meeting.

75<sup>th</sup> Anniversary of the Outbreak of World War 2

The Lord Mayor reported that September 2014 marked the 75<sup>th</sup> anniversary of the outbreak of World War 2, which began in September 1939.

Council observed one minute's silence in respect of former Councillor Dennis Metcalfe and in honour of all those who gave their lives in the conflicts of both World Wars, 1914-1918 and 1939-1945.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Nasima Akther, Qurban Hussain, Mazher Iqbal, Steve Jones, Helen Mirfin-Boukouris, Denise Reaney, Mick Rooney, Sarah Jane Smalley and Philip Wood.

**3. DECLARATIONS OF INTEREST**

Councillor Adam Hurst declared a personal interest in respect of the urgent of item of business concerning Child Exploitation as he is an employee of Rotherham Metropolitan Borough Council and has been since 2005.

Councillor Jack Clarkson declared a personal interest in respect of item of business numbered 9 on the Summons for this meeting (Notice of Motion concerning Social Housing) as he is a landlord.

**4. MINUTES OF PREVIOUS COUNCIL MEETINGS**

RESOLVED: On the Motion of Councillor Pat Midgley, seconded by Councillor Gill Furniss, that the minutes of the Special and Ordinary meetings of the Council held on 2<sup>nd</sup> July 2014 be approved as a correct record.

**5. URGENT ITEM OF BUSINESS: NOTICE OF MOTION GIVEN BY COUNCILLOR JULIE DORE**

**Child Sexual Exploitation**

The Lord Mayor (Councillor Peter Rippon) announced the proposal that an urgent of business be considered at this point in the proceedings. Council Procedure Rule 26 states that “An item of business may be considered at a meeting of the Council, a Committee or Sub-Committee as a matter of urgency, where it has not been possible to give five clear working days’ notice, on the recommendation of the Chair but the reason for such urgency must be recorded in the minutes. Any non-confidential or non-exempt report relating to such item must be made available for public inspection once it has been issued.”

The Leader of the Council (Councillor Julie Dore) had requested that the Council considers an additional Notice of Motion concerning child sexual exploitation. This follows the publication, after the Council agenda had been published, of Professor Alexis Jay’s report into child sexual exploitation in Rotherham. In view of the nature of the issue and its relevance to Sheffield and the timing of the publication of Professor Jay’s report, the Lord Mayor stated that he was satisfied that there are clear reasons for taking this Notice of Motion as an urgent item of business.

The proposed Motion was circulated to Members of the Council on 2 September 2014 and was published on the Council’s website. Copies of the Motion were made available in the Council Chamber and Public Gallery.

**RESOLVED:** On the Motion of Councillor Julie Dore, seconded by Councillor Colin Ross, that this Council:-

- (a) notes with horror and disgust the extent and nature of child sexual exploitation in Rotherham described in the report by Professor Alexis Jay OBE;
- (b) believes that the position of Shaun Wright, the Police and Crime Commissioner, is now untenable and that he no longer has the confidence of the public;
- (c) therefore calls upon the Police and Crime Commissioner to resign with immediate effect;
- (d) notes the current inability of any agency or public group to remove the postholder from office, and calls on the Government to rectify this unacceptable position;
- (e) agrees that an assessment will be carried out of Professor Jay’s report, and that this assessment will benchmark practice in Sheffield against the situation described in that report, identifying any additional improvements that can be made; and
- (f) confirms that this assessment will be reported within approximately two months to the Cabinet, the relevant Scrutiny Committee and the independently chaired Safeguarding Children Board.

## **6. PUBLIC QUESTIONS AND PETITIONS AND OTHER COMMUNICATIONS**

### **6.1 Petitions**

#### **6.1.1 Petition Requesting Resurfacing and Other Road Safety Measures on Mill Road, Ecclesfield**

The Council received a petition containing 78 signatures and requesting resurfacing and other road safety measures on Mill Road, Ecclesfield.

Representations on behalf of the petitioners were made by Fran Holland and Lorraine Ricketts.

Fran Holland stated that Mill Road was in a very poor condition and she drew particular attention to the concerns regarding road safety. Motorists had restricted vision owing to vehicles being parked on both sides of the narrow road. There were 62 dwellings on Mill Road, predominantly comprising terraced housing, pre-fabs or bungalows and 43 properties had no off-road parking. Residents had to pull out into the traffic. Access was required to the doctors' surgery, which caused people to park on the road and contributed to existing congestion.

Bus drivers had expressed concern about the congestion on Mill Road and the difficulty for adults and children in crossing the road safely was also of great concern. Between 7 and 13 vehicles per minute used the road according to a recent traffic survey.

Lorraine Ricketts stated that dust and gravel was thrown up by passing traffic, which damaged residents' parked cars and there were HGVs using the road both day and night, which woke people from their sleep. Mill Road was not built to withstand such levels of traffic. It was recommended that a one-way system was introduced on Mill Road from the Common to Church Street, which would improve safety. Weight restrictions might also be introduced. Vehicles travelled faster than the present 30 mph speed limit and it was suggested that speed cameras were installed to enforce the speed limit. She said that an accident was waiting to happen on Mill Road.

The Council referred the petition to Councillor Jack Scott, Cabinet Member for Environment, Recycling and Streetscene. Councillor Scott responded that the resurfacing works which were part of the Streets Ahead project had been scheduled for 2017. However, he had spoken with the local Councillors and Mill Road would now be resurfaced later in 2014 instead, because of the condition of the Road.

In relation to other concerns regarding safety, speed and enforcement, the Council had a duty of care. He suggested that a meeting be arranged for local people to meet with him and local ward councillors so that an action plan could be developed.

6.2 Public Questions

6.2.1 Public Question concerning the Sheffield Federation of Tenants and Residents Associations

James Turton submitted information and several questions concerning the Sheffield Federation and asking the Council to support the Federation, which it was intended would act as an umbrella organisation for Tenants and Residents' Associations. On behalf of the Federation, he asked the Council for a first year grant of £ 61,500. If the Council was not willing to make such a grant, he asked for the reasons for this to be publically stated by the Council.

In response, the Deputy Leader of the Council and Cabinet Member for Homes and Neighbourhoods, Councillor Harry Harpham, stated that he did support the idea of an independent, democratic and accountable federation, which was able to help the Council to deliver a better housing service and one which would serve tenants well. He said that he would need to see clear evidence that the Federation was supported by Tenants and Residents' groups across the City.

Councillor Harpham stated that he would provide a more detailed response to the questions in writing to Mr Turton.

6.2.2 Public Question concerning Field Sports

Knowledge Kutekwa referred to the closing of the Don Valley Stadium and to an absence to facilities for field athletics in Sheffield, which had caused some young athletes to seek alternative provision in Manchester, for example. He asked that a balance be reached between spending cuts and the availability of such sports facilities.

The Cabinet Member for Culture, Sport and Leisure, Councillor Isobel Bowler responded that facilities for field athletics were accommodated at the re-opened Woodburn Road Stadium, which was run by Sheffield Hallam University for the City. Two Sheffield athletics clubs transferred to the Stadium and used the track and field facilities there. In fact, the in-field at the Stadium was considered to be better than that previously situated at Don Valley as it did not endure damage, which had sometimes resulted from the multiple uses of Don Valley, for example, Rugby League. She said that the Sheffield Hallam University City Athletics Stadium was a good facility at which athletics could take place in Sheffield.

6.2.3 Public Question Concerning Freebee Bus Service and Moor Market

Valerie Wilson stated that the traders at the Moor Market were losing customers because of the Market's location and the removal of the city centre Freebee Bus service. Some stalls were closing and trade was decreasing, affecting people's income and jobs. She believed the environment of the market was more akin to a shopping mall.

The Freebee Bus service was withdrawn after the Moor market was opened. The bus service had been very reliable and was a good service for people who found

it difficult to travel in the City Centre. She asked City Councillors to visit the Moor Market for themselves to find out how things are at the Market and she specifically asked Councillor Leigh Bramall, the Cabinet Member for Business, Skills and Development, to meet with her at the Moor Market.

In response, the Cabinet Member for Business, Skills and Development, Councillor Leigh Bramall, stated that he was willing to meet with traders at the Moor market and that he had visited the Markets many times and had spoken with people there. He believed that people should not talk-down the Moor Market. 62,000 people visited the Market every week, although he recognised that this was not as many people as had been previously anticipated.

He had met with traders 3 weeks ago with his Cabinet Advisor, Councillor Chris Rosling-Josephs, who was also a member of the National Market Traders Federation. Traders of food and drink were doing well, but it was recognised that some traders were not doing so well. The Council's role was to create an environment where well run businesses could be successful and prosper.

In a recent radio phone in on the subject of the Moor Market, some people clearly said they did like it and it was probably a matter of personal opinion as to whether or not somebody liked the Market itself.

The Freebee bus service was withdrawn as the result of Government budget reductions to the local councils in South Yorkshire that, in turn, funded the Passenger Transport Executive, which had operated the Freebee Bus. Due to cuts to their own budgets, Councils reduced the funding they provided to the Passenger Transport Executive. The Passenger Transport Authority, having considered its budget position, decided to withdraw the Freebee bus services, which operated in both Sheffield and Rotherham. However, in Rotherham a modified service operated, which ran from the town centre to the Parkgate shopping centre and would be funded by the owners of the shopping centre for approximately two years until the opening in 2016 of the Tram-Train service between Sheffield and Parkgate.

He said that the cuts to local government had been disproportionate and funding reductions had been made across Council services. Footfall in the Moor market was measured and there had not been a change in footfall since the Freebee Bus service ended. More buses served the new Market than the Castle Market.

The route of the rapid transit scheme was being examined to see whether the route of the former Freebee bus might be replicated in some form in Sheffield City Centre. He pointed out that First Bus charge a flat fare of 50 pence to travel anywhere in the City Centre, although more might be done to promote that offer. Pensioners could also use bus services for free. He emphasised that the withdrawal of the Freebee bus service was not something that the Council would have wanted to happen.

#### 6.2.4 Public Question Concerning Leopold Street

Jonathan Marsden asked if the Council could please rename Leopold Street as it



was named after King Leopold of Belgium, who he said was responsible for mass murder in the Congo.

In response, the Cabinet Member for Environment, Recycling and Streetscene, Councillor Jack Scott, stated that, whilst he was aware of the genocide which took place in the Congo, he would have to conduct some research into when and after whom Leopold Street in Sheffield was named. He undertook to respond to Mr Marsden in writing once he had obtained more information.

#### 6.2.5 Public Question Concerning Workfare

Jonathan Marsden asked for the City Council to send out a strong message that charities using Workfare-indentured Jobseekers Allowance labour were not welcome in Sheffield and will not receive funding from the Council or European Union Funding for which the Council was responsible. This included 'Help to Work' and 'Community Work Placements'.

In response, the Cabinet Member for Finance and Resources, Councillor Ben Curran, stated that he would provide an answer on behalf of the Cabinet Member for Communities and Public Health, who was not able to attend this Council meeting. He said that he believed that work should pay and that he was aware that there were examples of Workfare having acted as a substitute for paid work. He said that people should be properly employed and that a Motion concerning Workfare schemes had been passed at the meeting of Council in July, which pledged that the Council would not use any Workfare placements and would also encourage contractors not to use the schemes.

Councillor Curran stated that he would ask Councillor Mazher Iqbal, the Cabinet Member for Communities and Public Health, to respond to Mr Marsden in writing on the issues of grant allocations to charities. He added that there were many charities which did contribute greatly to the City.

#### 6.2.6 Public Question Concerning Public Questions

Marcus O'Hagan referred to a question, which he had raised at the Council meeting on 5 February 2014 and which concerned responses given by Cabinet Members to public questions. He stated that Councillor Dore had responded at that meeting with regards to the production of written advice for members of the public concerning how they can ask questions of the Council. He now asked Councillor Dore to provide a progress report on this issue, including where it had been discussed and where the minutes of such discussion can be accessed.

Marcus O'Hagan stated that he had received a written communication from the Information Commissioner concerning a question which he had raised in January 2014 and requiring that the Council provide a written response to the question. He stated that this communication was received from the Information Commissioner's Office on 30<sup>th</sup> April and, as yet, there had been no response from the Council. Having waited four months he asked, will an answer ever come?

Councillor Julie Dore, the Leader of the Council, responded that with regard to opportunities for the public to ask questions, the Council's Corporate Members' Group had discussed on several occasions, how the public questions process might be improved, such as by adding opportunities at the end of Council meetings and permitting questions by email. The Health and Wellbeing Board had, when people were not able to attend a meeting, set up a link through Skype. In other words, the Council was always looking at ways in which people could use different ways to ask questions, such as by telephone, email, Councillors' surgeries, Cabinet in the Community and budget engagement events.

The issue had been discussed at meetings, including the Corporate Members' Group and other meetings of leading Councillors and Council Officers. Whilst the minutes of Corporate Members' Group were not a public record, it may be possible to provide information to Mr O'Hagan as to when the issue of public questions had been discussed.

#### 6.2.7 Public Question Concerning South Yorkshire Police and Child Safeguarding

Marcus O'Hagan stated that, with regard to South Yorkshire Police and Children's safeguarding, he had made the Council aware over several years that the reporting of safeguarding matters was a flawed procedure. He said that he had brought questions concerning such matters to the Council in the past and he had not been allowed to ask them.

He asked what measures were in place to protect the children of Sheffield from the same abuses which have occurred in Rotherham?

Councillor Julie Dore, the Leader of the Council, responded that the Council did not stop people speaking with the Council on the issue of child safeguarding. She requested Mr O'Hagan to provide more detail concerning the occasion(s) to which he referred.

Councillor Jackie Drayton, the Cabinet Member for Children, Young People and Families, stated that she was sorry if My O'Hagan felt that the reporting of safeguarding was a flawed procedure. She said that this was a dedicated service and it was expected that the service would respond to all enquiries. At meetings of Council, if a question identified an individual person, then the person asking the question may have been asked not to ask the question in public, but instead to report the matter to the Cabinet Member. This was a process which had been used whilst she had been Cabinet Member. She suggested if Mr O'Hagan had specific concerns that he writes to her and she would make sure the matter was taken to officers and was investigated.

In relation to measures to protect children in Sheffield, Councillor Drayton stated that the Council aimed to prevent, protect, pursue and prosecute. The child sexual exploitation service was an independent service in Sheffield Futures and it included social workers and dedicated youth workers and police officers. The service had been in place since 2001 and had been Home Office funded and subject to evaluation and scrutiny. Her Majesty's Inspector of Constabulary had inspected that service and it had also been externally scrutinised by Ofsted. Such

external evaluation helped to develop the service.

Sheffield also had a Child Safeguarding Board. Child exploitation was a priority for the programme and training included that issue. The processes in Sheffield were robust and the City was considered an example of best practice by the Inspector of Constabulary and Ofsted. Innovative work had been undertaken with the taxi and the hospitality trades to increase knowledge and awareness. Sheffield had adopted the phrase “say it if you see it” so people understand terminology such as grooming and exploitation. Councillor Drayton stated that she could send Mr O’Hagan further information.

Councillor Drayton stated that Sheffield should, despite the service performing well, also make sure it reassess processes and there was a policy of the Executive Director and Cabinet Member selecting case files at random and scrutinising what was happening in relation to those particular cases. The Council also had a Scrutiny Committee which considered issues relating to children, young people and families and it had in place the Corporate Parenting Panel. Councillors also went to see for themselves work in this area. The Council needed to remain vigilant as it could always do better.

#### 6.2.8 Public Question Concerning Investment Funds

Martin Brighton asked would this chamber please remind all those who answer questions that whatever they say can be checked and also remind this chamber of the seriousness and consequences should any statements prove untrue. He asked: please can the Council answer question 6 to the Full Council of 2 July. The question asked whether the Council had “any plans, however tentative, to seek investment funds from any institution in any way associated with supporting any proscribed organisation”.

In response, Councillor Julie Dore, the Leader of the Council, stated that she was not aware of any bids or applications of this nature to any of these organisations. She asked Mr Brighton to bring to her attention any such cases.

#### 6.2.9 Public Question Concerning Complaints

Martin Brighton stated that it is recorded by this Council, and in this chamber, how he was subject to sanction (i.e. he had emails blocked for a while) for which an alleged contributory factor was councillor complaints. He asked would those councillors now come forward and provide the evidence to support their complaints.

Councillor Julie Dore, the Leader of the Council, stated that the Council’s Chief Executive would respond in writing to Mr Brighton.

#### 6.2.10 Public Question Concerning Recognition Policy

Martin Brighton stated that the Cabinet Member for Housing had said that he would be politically foolish if he were to approve something that tenants did not want. He asked, given that the Recognition Policy Review Group voted 12:2

against, and City-Wide TARAs voted 38:2 against, why has the rejected Recognition Policy been 'signed off'.

Councillor Harry Harpham, the Deputy Leader of the Council and Cabinet Member for Homes and Neighbourhoods stated that with regard to the Recognition Policy, no votes had been taken at any point in the review process.

6.2.11 Public Question Concerning Tenants and Residents' Association

Martin Brighton stated that renewed use of Freedom of Information (FoIA) upon this Council has demonstrated that there is no evidence to support the allegations against BNTARA, all questions were answered, there were no genuine 'issues and concerns', and the recent council statement confirmed that due process had not been applied anyway. He asked will this Council now explain the real reason why BNTARA is being abused.

Councillor Harry Harpham, the Deputy Leader of the Council and Cabinet Member for Homes and Neighbourhoods, stated that he answered questions on this subject on many occasions and he had nothing to add to the answers that he already provided.

6.2.12 Public Question Concerning Racism Awareness Training

Martin Brighton stated that at the last Full Council, when both ITV and BBC cameras were present, the Cabinet Member for Housing stated that Racism Awareness Courses had been arranged. To date, use of FoIA via council departments and external providers has established that not only were no courses held, but none were planned. He asked: would the Cabinet Member please explain.

Councillor Harry Harpham, the Deputy Leader of the Council and Cabinet Member for Homes and Neighbourhoods, responded that there were no racism awareness courses arranged during August. He understood that Louise Nunn, the officer responsible for delivering training for TARAs and employees had responded to Mr Brighton's enquiry.

6.2.13 Public Question Concerning Recognition Policy (2)

Martin Brighton stated that, in this chamber, it has been explained that the proposed new TARA Recognition Policy excludes or limits democratically elected residents from community volunteering processes that decide how money should be spent. He asked: is it therefore appropriate that the Cabinet Member Advisor on this issue be a Resident who purchased a council house, allegedly because of fears over where the government of the time was going.

Councillor Harry Harpham, the Deputy Leader of the Council and Cabinet Member for Homes and Neighbourhoods, responded that tenants and residents were treated equally and the Recognition Policy for TARAs does not discriminate between elected representatives.

6.2.14 Public Question Concerning Complaints (2)

Mr Brighton asked: has this Council ever suppressed complaints, etc. on grounds of political pragmatism, damage limitation, or reputation management?

Councillor Julie Dore, the Leader of the Council responded that she had never suppressed such information on the grounds referred to in Mr Brighton's question and nor was she aware that the Council had done so. If there was evidence or specific examples, then she asked that Mr Brighton bring this to her attention.

6.2.15 Public Question Concerning Transatlantic Trade and Investment Partnership (TTIP)

Nigel Slack referred to the motions on the agenda of the Council meeting concerning the NHS and to the People's March for the NHS. He asked if the Council will undertake to use their influence with members of the National Labour Party, through local MPs and other contacts, to persuade the party to drop their support for the TTIP whilst ever it contains the condition that the NHS will be available for privatisation.

Councillor Mary Lea, the Cabinet Member for Health, Care and Independent Living, responded that the health reforms proposed by the Government were both unexpected and without a mandate and would allow privatisation throughout the country. There was a two tier system already in operation in some places, in cases where a clinical commissioning group was unable to offer care, this would be referred to a private provider, including some surgical procedures.

The TTIP was of particular concern because of the potential effect on the NHS and GP Practices. The Shadow Secretary of State for Health, Rt Hon Andy Burnham MP had written to the Chief Executive of the NHS, requesting that no clinical services contracts were signed before the next General Election and MEPs would demand exemption for the NHS from the TTIP. The City Council will lobby the Government to make sure the NHS remains exempt from TTIP.

6.2.16 Public Questions Concerning Child Sexual Exploitation

Nigel Slack asked if the Police and Crime Commissioner was going to be present at the Extraordinary meeting of the Police and Crime Panel to be held on 9 September and whether the Panel were in a position to instigate an investigation into possible criminal actions?

Councillor Julie Dore, the Leader of the Council, stated that, if there was a by-election for the post of Police and Crime Commissioner, the cost would be borne by the Home Office.

Councillor Harry Harpham stated that the Police and Crime Commissioner would have to attend a meeting of the Police and Crime Panel, providing that he had been given adequate notice of 5 days. Councillor Harpham stated that, as the Chair of the Panel, he had called a meeting for 9<sup>th</sup> September 2014. However, the Police and Crime Commissioner was summoned to London to attend a Home

Office Parliamentary Select Committee. In these circumstances, the Select Committee took precedence over the South Yorkshire Police and Crime Panel. Councillor Harpham explained that it was therefore intended to re-arrange the Panel meeting.

The Police and Crime Panel could only remove a Police and Crime Commissioner from office if they were arrested and charged with a criminal offence. The Panel could not ask for a criminal investigation to take place.

#### 6.2.17 Public Questions Concerning Oasis Academies

Nigel Slack referred to the inclusion of the Oasis Academies, in the Sheffield education establishment. He said that the Council was choosing not to recognise the problems with the Oasis approach to education. He made reference to the words Evangelical and Pentecostal, which, he said, described the ethos of the Evangelical Pentecostal Oasis Church, who run the academies, which he stated were particularly relevant and gave definitions of both words.

He asked the Council to answer the following questions concerning the decision making process and why, in his opinion, it went so wrong:

1. Details of all the Academy providers that bid for these three schools?
2. Who, specifically, was on the 'Panel' that considered their suitability?
3. Which providers were interviewed by the 'Panel'?
4. What information was provided to the 'Panel' about each provider?
5. Where are the minutes of the meetings/ interviews/ deliberations/ decisions of the 'Panel'?
6. What information did the “desktop investigation into all of the providers of academies which put themselves forward” consist of and did the 'Panel' see it all?
7. Why is this information not available on the council website?

Councillor Jackie Drayton, the Cabinet Member for Children, Young People and Families, stated that she would respond in writing to Mr Slack's questions.

Councillor Drayton stated that it was clear that every academy should be open to anyone and any community, which is what the Oasis Community Trust says. Oasis were on the Government's approved list of academy providers, which was the result of a process of due diligence. The assertions which Mr Slack had made regarding the Oasis Community Trust were not reflected in what was on the Community Trust's website. The decision concerning the appointment of the Academy was made in the Department for Education and whilst it was not a decision of the Council, the Council had made sure they had a view from Sheffield. The Panel comprised representatives including from a governing body, trades union, parents, local elected Members, officers and community representative. The website had included detail of the bidding process approximately one year ago and was available where there were no commercial restrictions. This was an open process and there was no evidence regarding the assertions that Mr Slack had made with regard to Oasis Academy.

6.3 Petitions

6.3.1 Petition Requesting the Council to Support World Car Free Day

The Council received an electronic petition containing 33 signatures requesting the Council to support World Car Free Day on 22<sup>nd</sup> September, 2014.

There was no speaker to the petition and the Council referred the petition to Councillor Jack Scott, Cabinet Member for Environment, Recycling and Streetscene.

6.3.2 Petition Requesting the Council to Relaunch the City Centre Half Marathon in 2015

The Council received an electronic petition containing 26 signatures requesting the Council to relaunch the Sheffield Half Marathon in 2015, with a City Centre start and finish.

There was no speaker to the petition and the Council referred the petition to Councillor Isobel Bowler, Cabinet Member for Culture, Sport and Leisure.

**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 or Pensions 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 (a) approval be given to the following changes to the memberships of Boards, etc.

Cabinet Highways Committee - Councillor Jack Scott to replace

	Councillor Harry Harpham
Economic and Environmental Wellbeing Scrutiny and Policy Development Committee -	Councillor Tim Rippon to replace Councillor Ray Satur
Planning and Highways Committee -	Councillor Roy Munn to replace Councillor Tim Rippon
Scrutiny and Policy Development Committee Substitute Members -	Councillor Jillian Creasy to fill a vacancy
(b) representatives be appointed to serve on other bodies, as follows:-	
ACIS Local Management Committee -	Councillor Paul Wood to fill a vacancy
Access Liaison Group -	Councillors Tony Downing and Adam Hurst to fill vacancies
Sheffield Health and Social Care Trust Council of Governors -	Councillor Adam Hurst to replace Councillor Jayne Dunn
Combined Authority Scrutiny Committee -	Councillor George Lindars-Hammond to fill a vacancy
	Councillor Colin Ross to fill a vacancy
Combined Authority Audit Committee -	Councillor Helen Mirfin-Boukouris to fill a vacancy
Sheffield Co-Operative Development Board -	Councillor Anne Murphy to fill a vacancy
(c) Councillor Anne Murphy be appointed as an additional Member of the Corporate Parenting Board.	

**9. ORDER OF NOTICES OF MOTION ON THE COUNCIL SUMMONS 2014-15**

RESOLVED: On the Motion of Councillor Pat Midgley, seconded by Councillor Gill Furniss, that this Council adopts the formula for the order in which Notices of Motion shall be listed on the Council Summons during the Municipal Year 2014-15, as set out in the report of the Chief Executive now submitted, and approves the proposed consequential changes to Council Procedure Rule 10.2(b) as set out in the appendix to the report.



**10. NOTICE OF MOTION GIVEN BY COUNCILLOR COLIN ROSS**

**Economic Growth**

It was moved by Councillor Colin Ross, seconded by Councillor Joe Otten, that this Council:-

- (a) notes reports that the UK's economy has performed better than that of any other G7 country in the first six months of the year;
- (b) welcomes the latest employment statistics, which saw the largest annual fall in youth unemployment since records began, and that the number of Job Seeker Allowance claimants in Sheffield has fallen by 22% since May 2010;
- (c) notes that in the last year, Sheffield has reported a record number of people in work and a record low for the number of young people not in education, employment or training (NEETs);
- (d) welcomes the latest growth deal, delivered by Liberal Democrats in Government, which has secured a £320 million cash boost for Sheffield City Region and will create over 28,000 jobs and training for 40,000 people;
- (e) notes that the Sheffield City Region Growth Deal is the fifth largest in the country and will specifically deliver:
  - (i) infrastructure investment including improvements to Sheffield city-centre and an extended airport link road to Doncaster-Sheffield Airport;
  - (ii) a £130 million Skills Bank, which will provide training for 40,000 people in the Sheffield City Region, including between 5,000 and 7,500 apprentices; and
  - (iii) upgrades to further education facilities and a brand new British Glass Academy;
- (f) recalls that this latest Growth Deal follows the City Deal, pioneered by the Rt. Hon. Nick Clegg MP and agreed in 2012, which has:
  - (i) seen Sheffield record the highest proportion of young people in apprenticeships out of England's core cities;
  - (ii) provided training and up-skilling to employees across the city; and
  - (iii) helped ensure that the city's New Retail Quarter will finally go ahead thanks to investment in the city-centre;
- (g) calls upon the Administration to ensure Sheffield City Region maximises the potential of this investment; and

- (h) therefore invites the Chair of Sheffield City Region Local Enterprise Partnership and the Chair of Sheffield City Region Combined Authority to make a presentation to a Full Council meeting outlining their plans for the Growth Deal.

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

1. the deletion of paragraphs (a) to (g) and the re-lettering of paragraph (h) as a new paragraph (k); and
2. the addition of new paragraphs (a) to (h) as follows:-
  - (a) echoes criticisms that since it came to power in 2010 this Government presided over the weakest economic recovery in history which was a direct result of the Government's failure to produce a credible plan for jobs and growth and led to a double dip recession;
  - (b) regrets that because of the Government's mismanagement of the economy, with slower growth and higher unemployment, the Government is now set to continue to make cuts beyond the current Parliament;
  - (c) notes that the impact of the Government's economic failure has hit the north of England and areas such as Sheffield much harder than the south;
  - (d) believes that this is illustrated by a Centre for Cities report earlier this year which demonstrates that between 2010 and 2012, 80% of all new jobs created in the United Kingdom were in London;
  - (e) opposes Government decisions which contributed to the weakening of the recovery, such as cutting public spending too far too fast, significantly cutting investment in regional economic growth including the abolition of Regional Development Agencies, abolishing the Future Jobs Fund, increasing VAT and failing to put in place measures to stimulate growth;
  - (f) calls on the Government to do more to support local businesses and commit to giving genuine support to all small and medium-sized enterprises, which are the lifeblood of our economy, by matching the pledge of the Leader of the Opposition to cut and freeze business rates for all small firms, and not just those in retail, but manufacturers, high-tech firms and other job creators;
  - (g) welcomes any recent falls in unemployment in Sheffield and supports the actions of the present Administration to support job growth including:
    - (i) the Skills Made Easy Programme
    - (ii) Sheffield Apprenticeship Programme
    - (iii) RISE graduate internship programme

- (iv) start up loans for young people
  - (v) Keep Sheffield Working Fund
  - (vi) SME Loan Fund
  - (vii) export pilot project for 30 companies
  - (viii) launched Threshold Companies Initiative for growth SMEs
  - (ix) Summer Saturdays
  - (x) developed Sheffield City Region Investment Fund
  - (xi) secured Tax Increment Finance scheme for city centre – 1 of 3 places in England
  - (xii) enterprise programme provided intensive support to over 200 growing SMEs and 150 start ups
  - (xiii) launch of the Sheffield Economic Masterplan
  - (xiv) series of business summits held, hundreds of business engaged
  - (xv) Business Advisor Panel helping to keep Sheffield business friendly
  - (xvi) making the case for HS2 and Victoria Station;
- (h) welcomes new developments in the city supported by the present Administration such as Ikea, new developments at Sheffield and Hallam University campuses, Factory of the Future, Heart of the City Block 3, plans to improve Castlegate, new developments at Kilner Way and Stocksbridge and latest news of XLN bringing 300 plus jobs to the city announced this week, which are all a result of actions or support by the present Administration;
- (i) welcomes the Sheffield City Region Growth Deal which was developed locally, with the present Administration working in partnership with other City Region Authorities and the Local Enterprise Partnership; and
- (j) recalls that the Sheffield City Region City Deal was also developed and pioneered locally and that in conjunction with the wider work of the present Administration, this has led to the highest proportion of young people in apprenticeships out of England's core cities and helped to progress and deliver the New Retail Quarter.

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

(Note: Councillors Brian Webster, Jillian Creasy and Robert Murphy voted for paragraphs (a) to (d) and abstained on paragraphs (e), (f), (g), (h), (i) and (j) of the amendment and asked for this to be recorded.)

After a Right of Reply by Councillor Colin Ross, the original Motion, as amended, was then put as a Substantive Motion in the following form and carried:-

**RESOLVED:** That this Council:-

- (a) echoes criticisms that since it came to power in 2010 this Government presided over the weakest economic recovery in history which was a direct

- result of the Government's failure to produce a credible plan for jobs and growth and led to a double dip recession;
- (b) regrets that because of the Government's mismanagement of the economy, with slower growth and higher unemployment, the Government is now set to continue to make cuts beyond the current Parliament;
  - (c) notes that the impact of the Government's economic failure has hit the north of England and areas such as Sheffield much harder than the south;
  - (d) believes that this is illustrated by a Centre for Cities report earlier this year which demonstrates that between 2010 and 2012, 80% of all new jobs created in the United Kingdom were in London;
  - (e) opposes Government decisions which contributed to the weakening of the recovery, such as cutting public spending too far too fast, significantly cutting investment in regional economic growth including the abolition of Regional Development Agencies, abolishing the Future Jobs Fund, increasing VAT and failing to put in place measures to stimulate growth;
  - (f) calls on the Government to do more to support local businesses and commit to giving genuine support to all small and medium-sized enterprises, which are the lifeblood of our economy, by matching the pledge of the Leader of the Opposition to cut and freeze business rates for all small firms, and not just those in retail, but manufacturers, high-tech firms and other job creators;
  - (g) welcomes any recent falls in unemployment in Sheffield and supports the actions of the present Administration to support job growth including:
    - (i) the Skills Made Easy Programme
    - (ii) Sheffield Apprenticeship Programme
    - (iii) RISE graduate internship programme
    - (iv) start up loans for young people
    - (v) Keep Sheffield Working Fund
    - (vi) SME Loan Fund
    - (vii) export pilot project for 30 companies
    - (viii) launched Threshold Companies Initiative for growth SMEs
    - (ix) Summer Saturdays
    - (x) developed Sheffield City Region Investment Fund
    - (xi) secured Tax Increment Finance scheme for city centre – 1 of 3 places in England
    - (xii) enterprise programme provided intensive support to over 200 growing SMEs and 150 start ups
    - (xiii) launch of the Sheffield Economic Masterplan
    - (xiv) series of business summits held, hundreds of business engaged

- (xv) Business Advisor Panel helping to keep Sheffield business friendly
  - (xvi) making the case for HS2 and Victoria Station;
- (h) welcomes new developments in the city supported by the present Administration such as Ikea, new developments at Sheffield and Hallam University campuses, Factory of the Future, Heart of the City Block 3, plans to improve Castlegate, new developments at Kilner Way and Stocksbridge and latest news of XLN bringing 300 plus jobs to the city announced this week, which are all a result of actions or support by the present Administration;
- (i) welcomes the Sheffield City Region Growth Deal which was developed locally, with the present Administration working in partnership with other City Region Authorities and the Local Enterprise Partnership; and
- (j) recalls that the Sheffield City Region City Deal was also developed and pioneered locally and that in conjunction with the wider work of the present Administration, this has led to the highest proportion of young people in apprenticeships out of England's core cities and helped to progress and deliver the New Retail Quarter.
- (k) therefore invites the Chair of Sheffield City Region Local Enterprise Partnership and the Chair of Sheffield City Region Combined Authority to make a presentation to a Full Council meeting outlining their plans for the Growth Deal.

(Note 1. Councillors Simon Clement-Jones, Richard Shaw, Rob Frost, Joe Otten, Colin Ross, Martin Smith, Penny Baker, Roger Davison, Diana Stimely, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Steve Ayris, David Baker, Katie Condliffe and Vickie Priestley voted for paragraph (k), against paragraphs (a) to (f) and abstained on paragraphs (g) to (j) of the Motion and asked for this to be recorded.

2. Councillors Brian Webster, Jillian Creasy and Robert Murphy voted for paragraphs (a) to (d) and (k) and abstained on paragraphs (e), (f), (g), (h), (i) and (j) of the Motion and asked for this to be recorded.)

## **11. NOTICE OF MOTION GIVEN BY COUNCILLOR HARRY HARPHAM**

### **Social Housing**

It was moved by Councillor Harry Harpham, seconded by Councillor Tony Damms, that this Council:-

- (a) supports the launch of the SHOUT (Social Housing Under Threat) campaign on 18 June 2014;
- (b) agrees with SHOUT that building social housing - social rented homes - is

at the core of tackling the housing crisis nationally and locally in Sheffield and that social rented housing meets needs that other tenures cannot address;

- (c) notes under the Coalition Government the funding of social housing has become increasingly marginalised with the latest prospectus for bidders from the Homes and Communities Agency stating that 'social rent provision will only be supported in very limited circumstances.';
- (d) welcomes the action taken by the present Administration to put in place plans to build 800 new Council houses in the city, however, recognises that many more houses could be built with greater levels of investment;
- (e) regrets that social housing faces great challenges in meeting the needs of those affected by welfare cuts and rule changes over the last three years, including the damaging "bedroom tax", and increased pressure from the escalating number of Council homes lost through the Right to Buy scheme;
- (f) is appalled at what this Council believes to be recent cynical attempts by the Deputy Prime Minister, the Rt. Hon. Nick Clegg MP, to feign opposition to the "bedroom tax", which he implemented as part of the Coalition Government and believes that the bedroom tax should be abolished, not reformed as Nick Clegg has suggested; and
- (g) therefore resolves to support the work of the SHOUT campaign and take a lead in affirming the positive value and purpose of social rented housing.

Whereupon, it was moved by Councillor Steve Ayris, seconded by Councillor Penny Baker, as an amendment, that the Motion now submitted be amended by:-

1. the deletion of paragraphs (c)-(f);
2. the re-lettering of paragraph (b) as a new paragraph (h) and paragraph (g) as a new paragraph (i); and
3. the addition of new paragraphs (b) to (g) as follows:-
  - (b) supports moves by the Coalition Government to increase the building of social housing;
  - (c) welcomes new statistics that show the number of social homes has increased for the fifth year running, taking the overall stock back above the four million mark for the first time in a decade;
  - (d) supports plans secured by Liberal Democrats in last year's spending review for a £3.3 billion affordable homes programme that will see 165,000 new affordable homes delivered over three years from 2015;
  - (e) backs Liberal Democrat proposals to remove borrowing caps to enable

councils to build more social housing and regrets that this policy has not been endorsed by the Labour Party;

- (f) furthermore backs the action taken by the last Council administration to build the first new council homes in Sheffield for two decades;
- (g) contrasts this action with the lamentable record of the previous Government and recalls that during their thirteen years in power:
  - (i) the building of social housing declined to its lowest figure since the Second World War;
  - (ii) the number of people on local authority housing lists doubled;
  - (iii) seven times more prison cells were built than council homes;
  - (iv) the Housing Market Renewal Scheme demolished 4,590 houses in South Yorkshire and built just 2,415 at a cost of £265 million; and
  - (v) a legacy was left of almost 2 million households in England on housing waiting lists and 250,000 families living in over-crowded accommodation;

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

After a Right of Reply from Councillor Harry Harpham, the original Motion was then put to the vote and carried, as follows:-

**RESOLVED:** That this Council:-

- (a) supports the launch of the SHOUT (Social Housing Under Threat) campaign on 18 June 2014;
- (b) agrees with SHOUT that building social housing - social rented homes - is at the core of tackling the housing crisis nationally and locally in Sheffield and that social rented housing meets needs that other tenures cannot address;
- (c) notes under the Coalition Government the funding of social housing has become increasingly marginalised with the latest prospectus for bidders from the Homes and Communities Agency stating that 'social rent provision will only be supported in very limited circumstances.';
- (d) welcomes the action taken by the present Administration to put in place plans to build 800 new Council houses in the city, however, recognises that many more houses could be built with greater levels of investment;
- (e) regrets that social housing faces great challenges in meeting the needs of those affected by welfare cuts and rule changes over the last three years,

- including the damaging “bedroom tax”, and increased pressure from the escalating number of Council homes lost through the Right to Buy scheme;
- (f) is appalled at what this Council believes to be recent cynical attempts by the Deputy Prime Minister, the Rt. Hon. Nick Clegg MP, to feign opposition to the “bedroom tax”, which he implemented as part of the Coalition Government and believes that the bedroom tax should be abolished, not reformed as Nick Clegg has suggested; and
- (g) therefore resolves to support the work of the SHOUT campaign and take a lead in affirming the positive value and purpose of social rented housing.

(Note: 1. Councillors Simon Clement-Jones, Richard Shaw, Rob Frost, Joe Otten, Colin Ross, Martin Smith, Penny Baker, Roger Davison, Diana Stimely, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Steve Ayris, David Baker, Katie Condliffe and Vickie Priestley voted for paragraphs (a), (b), (d) and (g) and against paragraphs (c), (e) and (f) of the Motion as asked for this to be recorded.

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

## **12. NOTICE OF MOTION GIVEN BY COUNCILLOR MAZHER IQBAL**

### **Library Service**

It was moved by Councillor Jackie Satur, seconded by Councillor Karen McGowan, that this Council:-

- (a) welcomes the news that all Sheffield libraries are now on track to remain open;
- (b) notes that libraries in other towns and cities across the country have closed due to government cuts and commends the fantastic efforts of community groups across the city who have come together to put forward business plans to run the associate libraries to keep libraries open in Sheffield;
- (c) welcomes that the Council will support associate libraries by funding building running costs, providing access to the Council’s library catalogue and computer service, helping train volunteers and providing ongoing advice and support;
- (d) continues to oppose the unprecedented level of cuts imposed on the Council by central government that have led to cuts in the funding of the library service, noting that by next year the Council will have lost 50% of its core government funding which is impacting on services across the Council; and
- (e) resolves to continue to work with all hub, co-delivered and associate



libraries and to write to all community organisations who submitted business plans, and external partners who supported the groups, thanking them for their efforts in keeping open all libraries in the city, and to all staff for their continued dedication and commitment to the service in extremely difficult times.

Whereupon, it was moved by Councillor Penny Baker, seconded by Councillor Colin Ross, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words therefor:-

- (a) thanks community groups for their incredible effort in stepping forward to save community libraries which Labour Councillors were threatening to close;
- (b) recalls the comments of officers in a leaked report that the original plans put forward by the Administration were not sustainable;
- (c) notes that key concessions were only made after a massive city-wide campaign and a 16,000 signature petition, supported by the Rt. Hon. Nick Clegg, MP, and local Liberal Democrats;
- (d) believes that many community groups feel their achievements were made in spite of the Council rather than because of them;
- (e) notes reports in the local media that many groups are still involved in negotiations over property leases which threaten to make their business plans unsustainable again; and
- (f) calls upon the Administration to immediately work with community groups to ensure that appropriate leases are agreed so that beloved local libraries can stay open.

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

It was then moved by Councillor Brian Webster, seconded by Councillor Jillian Creasy, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (f) and (g) as follows:-

- (f) recognises that each library branch and community group is different, and that a 'one-size-fits-all' approach to working with co-delivered and associate libraries will be less effective than an approach that is tailored to each individual context; and
- (g) therefore calls upon the Administration to give full consideration to alternative ideas put forward by community groups for the running, financing and future development of co-delivered and associate library branches in the city.

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) welcomes the news that all Sheffield libraries are now on track to remain open;
- (b) notes that libraries in other towns and cities across the country have closed due to government cuts and commends the fantastic efforts of community groups across the City who have come together to put forward business plans to run the associate libraries to keep libraries open in Sheffield;
- (c) welcomes that the Council will support associate libraries by funding building running costs, providing access to the Council's library catalogue and computer service, helping train volunteers and providing ongoing advice and support;
- (d) continues to oppose the unprecedented level of cuts imposed on the Council by central government that have led to cuts in the funding of the library service, noting that by next year the Council will have lost 50% of its core government funding which is impacting on services across the Council;
- (e) resolves to continue to work with all hub, co-delivered and associate libraries and to write to all community organisations who submitted business plans, and external partners who supported the groups, thanking them for their efforts in keeping open all libraries in the City, and to all staff for their continued dedication and commitment to the service in extremely difficult times;
- (f) recognises that each library branch and community group is different, and that a 'one-size-fits-all' approach to working with co-delivered and associate libraries will be less effective than an approach that is tailored to each individual context; and
- (g) therefore calls upon the Administration to give full consideration to alternative ideas put forward by community groups for the running, financing and future development of co-delivered and associate library branches in the City.

(Note: Councillors Simon Clement-Jones, Richard Shaw, Rob Frost, Joe Otten, Colin Ross, Martin Smith, Penny Baker, Roger Davison, Diana Stimely, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Steve Ayriss, David Baker, Katie Condliffe and Vickie Priestley voted for paragraphs (a), (c), (e), (f) and (g) and against paragraphs (b) and (d) of the Substantive Motion and asked for this to be recorded.)

**13. NOTICE OF MOTION GIVEN BY COUNCILLOR IAN AUCKLAND**

**Transport Policy**

It was moved by Councillor Ian Auckland, seconded by Councillor Katie Condliffe, that this Council:-

- (a) believes Sheffield needs a “pro-choice” transport policy, which helps and supports all modes of transport;
- (b) recalls the 2009 consultation on Penistone Road, in which increasing the speed limit was highlighted as the second most important issue by respondents;
- (c) welcomes that Government funding is available to undertake works on Penistone Road and notes Council reports that state increasing the speed limit would reduce journey times and improve air quality in the area;
- (d) regrets, therefore, that the intervention of anti-car Labour Councillors has seen the proposal to increase the speed limit to 40 mph dropped;
- (e) believes this latest decision follows a number of anti-car blunders by Labour Administrations in Sheffield, including:
  - (i) dangerous bus-stop build-outs in Dore and Bents Green that have infuriated local residents and businesses;
  - (ii) hikes in parking charges and parking permit fees that have hit local motorists; and
  - (iii) disastrous bus-gate experiments at Meadowhead and Hillsborough;
- (f) notes with further concern that the Motorists’ Forum has been abolished and support withdrawn from Sheffield on the Move and believes that this sends a dangerous message about the Council’s regard for local motorists;
- (g) contrasts this with the action of the Rt. Hon. Nick Clegg MP and Liberal Democrats in Government who have helped secure £1.2 billion of investment for Sheffield to rejuvenate the city’s road network; and
- (h) calls upon the Administration to review its transport policy and bring a report to Cabinet within the next three months to outline how it will support all road users.

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 the deletion of paragraphs (b) to (h) and the addition of new paragraphs (b) to (i) as follows:-

- (b) confirms that the present Administration were supportive in principle of

increasing the speed limit on Penistone Road, however, regrets that the costs of this scheme have spiralled from the original estimates due to Coalition Government red tape;

- (c) confirms that this move would only save between 20 and 30 seconds per journey at a cost of £500,000, therefore a cost of up to £25,000 per second saved;
- (d) regrets that at a time when the Government has drastically cut Sheffield's funding for transport schemes and completing this work would mean taking money from other schemes, a £500,000 cost is too expensive to save between 20 and 30 seconds per journey;
- (e) is committed to listening to the voices of Sheffield motorists which is why it was a Labour administration that set up the Motorist Forum in the first place;
- (f) regrets that continuing Government cuts mean the Council has to find ways to make reductions that have the least impact on our services and merging the Motorists Forum with Sheffield on the Move means that both groups still have the opportunity to be heard;
- (g) welcomes the work the present Administration are undertaking to transform the city's road network through the Streets Ahead programme; and
- (h) regrets that the main opposition group continue to snipe from the sidelines, however, fail to set out a positive agenda of how they would support motorists.

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

It was then moved by Councillor Jillian Creasy, seconded by Councillor Robert Murphy, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words therefor:-

- (a) believes Sheffield needs a transport policy which follows a hierarchy of sustainable modes of transport with walking, disabled access, cycling and public transport at the top and private motorised vehicles near the bottom;
- (b) recalls that in the 2009 consultation on the Penistone Road Smart Route (which did not propose increasing the speed limit) the majority of respondents, whether car drivers, bus users or cyclists, supported the proposals and that their commonest reasons for doing so were to improve congestion and bus routes;
- (c) welcomes that Government funding is available for improvements on Penistone Road but regrets that the information about journey times and air

quality in the Council report was not based on the actual recommendations with regard to speed limits and did not take into account the latest evidence about the effects of deceleration and acceleration on emissions or the virtuous circle of safer roads leading to more use of sustainable modes of transport, less congestion and faster overall journey times;

- (d) praises, therefore, the critical analysis provided by objectors and the eventual decision by the Cabinet Member for Business, Skills and Development to drop the proposal to increase the speed limit to 40mph;
- (e) believes, however, that this decision was in contrast to a number of backward steps by the current Administration with regard to sustainable transport, including:
  - (i) removing pedestrian crossings along Penistone Road between a key bus stop and Hillsborough College;
  - (ii) cutting the Streets Ahead Cycle Opportunities fund in half in the previous financial year;
  - (iii) removing cycle lanes on Pitsmoor Road so that motor traffic can use it in both directions; and
  - (iv) reducing public transport concessions for disabled and elderly people;
- (f) notes that the Motorists Forum has been abolished and that support for Sheffield on the Move has been reduced, but that the Cycle Forum continues to do excellent work in promoting sustainable transport;
- (g) notes that Streetsahead is a like for like replacement and maintenance programme with minimal resources for improvements to layout, markings and signage and is therefore a massive lost opportunity; and
- (h) calls upon the Administration to use all existing forums and planning decisions to work with the public to develop and implement sustainable transport policies which protect and benefit the city as a whole.

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

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

**RESOLVED:** That this Council:-

- (a) believes Sheffield needs a “pro-choice” transport policy, which helps and supports all modes of transport;
- (b) confirms that the present Administration were supportive in principle of

- increasing the speed limit on Penistone Road, however, regrets that the costs of this scheme have spiralled from the original estimates due to Coalition Government red tape;
- (c) confirms that this move would only save between 20 and 30 seconds per journey at a cost of £500,000, therefore a cost of up to £25,000 per second saved;
  - (d) regrets that at a time when the Government has drastically cut Sheffield's funding for transport schemes and completing this work would mean taking money from other schemes, a £500,000 cost is too expensive to save between 20 and 30 seconds per journey;
  - (e) is committed to listening to the voices of Sheffield motorists which is why it was a Labour administration that set up the Motorist Forum in the first place;
  - (f) regrets that continuing Government cuts mean the Council has to find ways to make reductions that have the least impact on our services and merging the Motorists Forum with Sheffield on the Move means that both groups still have the opportunity to be heard;
  - (g) welcomes the work the present Administration are undertaking to transform the City's road network through the Streets Ahead programme; and
  - (h) regrets that the main opposition group continue to snipe from the sidelines, however, fail to set out a positive agenda of how they would support motorists.

#### **14. NOTICE OF MOTION GIVEN BY COUNCILLOR MARY LEA**

##### **National Health Service**

It was moved by Councillor Mary Lea, seconded by Councillor Jayne Dunn, that this Council:-

- (a) notes the People's March for the NHS Jarrow to Parliament which came through Sheffield between 25<sup>th</sup> and 26<sup>th</sup> August 2014;
- (b) recognises the threat to our NHS from legislation including the Health and Social Care Act (2012) and the proposed Transatlantic Trade and Investment Partnership; both of which put profits before people;
- (c) values the principle of our NHS to provide free, universal healthcare for all; and
- (d) supports the People's March for the NHS along with its aims and intentions.

Whereupon, it was moved by Councillor Roger Davison, seconded by Councillor

Joe Otten, as an amendment, that the Motion now submitted be amended by:-

1. the deletion of paragraphs (a), (b) and (d);
2. the re-lettering of paragraph (c) as a new paragraph (a); and
3. the addition of new paragraphs (b) to (g) as follows:-
  - (b) supports the Government's decision to protect NHS spending from the spending reductions that were caused by the previous Government's record national deficit;
  - (c) welcomes the £26 million increase in the 2011-12 revenue allocation for Sheffield Primary Care Trust, the additional £27 million increase in 2012-13 and the equivalent £16 million and £14 million increases in 2013-14 and 2014-15 respectively;
  - (d) recalls comments by the Shadow Health Secretary, the Rt. Hon. Andy Burnham, MP, in June 2010 that it would be "irresponsible" to increase NHS spending and therefore believes that a Labour government would have cut spending on the NHS rather than increase it;
  - (e) believes that with Liberal Democrats in Government the country is seeing improving services across the NHS, with 6,000 more doctors, lower waiting times and new cancer drugs given to 30,000 people;
  - (f) laments scaremongering that the Health and Social Care Act will lead to the privatisation of the NHS and notes that, in fact, the Government have prevented preferential contracts being granted to private companies by the previous Labour Government, which saw them paid £250m for operations they didn't even perform; and
  - (g) supports the Government's policy of increasing funding for NHS services in Sheffield, as opposed to its belief that the Shadow Health Secretary would cut funding for the NHS.

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 the People's March for the NHS Jarrow to Parliament which came through Sheffield between 25<sup>th</sup> and 26<sup>th</sup> August 2014;
- (b) recognises the threat to our NHS from legislation including the Health and Social Care Act (2012) and the proposed Transatlantic Trade and Investment Partnership; both of which put profits before people;

- (c) values the principle of our NHS to provide free, universal healthcare for all; and
- (d) supports the People's March for the NHS along with its aims and intentions.

(Note: Councillors Simon Clement-Jones, Richard Shaw, Rob Frost, Joe Otten, Colin Ross, Martin Smith, Penny Baker, Roger Davison, Diana Stimely, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Steve Ayriss, David Baker, Katie Condliffe and Vickie Priestley voted for paragraph (c) and against paragraphs (a), (b) and (d) of the Motion and asked for this to be recorded.)

**15. NOTICE OF MOTION GIVEN BY COUNCILLOR JULIE DORE**

**Tour de France**

**RESOLVED:** On the Motion of Councillor Julie Dore, seconded by Councillor Colin Ross, that this Council:-

- (a) believes that the hosting of one of the world's biggest sporting events, the Tour de France, was an extremely successful event for Sheffield;
- (b) welcomes that the event showcased the city and Yorkshire on the international stage and welcomes the increased profile that the Tour has given to Sheffield;
- (c) further welcomes the positive message that was sent to the world about the city, both in the fantastic scenery throughout the route and the enthusiasm of Sheffield people who wholeheartedly embraced the event;
- (d) further welcomes that the event has inspired more people to cycle in the city and notes that over 2,000 people took part in the recent Sheffield Sky Ride; and
- (e) thanks all staff and volunteers who worked incredibly hard to make the event possible.

**16. NOTICE OF MOTION GIVEN BY COUNCILLOR JILLIAN CREASY**

**National Health Service (2)**

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



- (a) supports the aims of the 999 Call for the NHS campaign, namely to have a health service which is universally accessible, free at the point of delivery and distributed according to clinical need not ability to pay;
- (b) congratulates Sheffield Save Our NHS for coordinating the welcome, support and publicity for the People's March for the NHS as it passed through Sheffield on 25<sup>th</sup> and 26<sup>th</sup> August 2014;
- (c) recognises that one of the greatest threats to the NHS is privatisation of the provision of services which puts profit before people and erodes the open, accountable and democratic nature of this public service;
- (d) therefore notes with alarm the secretive negotiations currently taking place between the EU and the USA to create a Transatlantic Trade and Investment Partnership (TTIP) backed up by Investor-State Dispute Settlements (ISDS) which give corporations legal protection for their profits and powers to sue governments that threaten their interests;
- (e) believes that TTIP could cause ill health, by undermining labour rights, which would affect pay and conditions, and by downgrading EU standards on food, farming and the environment;
- (f) therefore believes that promises to exclude the NHS from TTIP, or to use courts rather than secret ISDS tribunals to enforce it, are insufficient and that any government concerned about the health and well-being of the population should be pursuing trade deals which protect human rights and the environment rather than corporate profits, here and internationally; and
- (g) directs that copies of this motion be forwarded to the Minister for Trade and Investment and all Sheffield MPs.

Whereupon, it was moved by Councillor Mary Lea, seconded by Councillor Jayne Dunn, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words therefor:-

- (a) notes the People's March for the NHS Jarrow to Parliament which came through Sheffield between 25<sup>th</sup> and 26<sup>th</sup> August 2014;
- (b) recognises the threat to our NHS from legislation including the Health and Social Care Act (2012) and the proposed Transatlantic Trade and Investment Partnership; both of which put profits before people;
- (c) values the principle of our NHS to provide free, universal healthcare for all; and
- (d) supports the People's March for the NHS along with its aims and intentions.

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

It was then moved by Councillor Roger Davison, seconded by Councillor Joe

Otten, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words therefor:-

- (a) values the principle of our NHS to provide free, universal healthcare for all;
- (b) supports the Government's decision to protect NHS spending from the spending reductions that were caused by the previous Government's record national deficit;
- (c) welcomes the £26 million increase in the 2011-12 revenue allocation for Sheffield Primary Care Trust, the additional £27 million increase in 2012-13 and the equivalent £16 million and £14 million increases in 2013-14 and 2014-15 respectively;
- (d) recalls comments by the Shadow Health Secretary, the Rt. Hon. Andy Burnham, MP, in June 2010 that it would be "irresponsible" to increase NHS spending and therefore believes that a Labour government would have cut spending on the NHS rather than increase it;
- (e) believes that with Liberal Democrats in Government the country is seeing improving services across the NHS, with 6,000 more doctors, lower waiting times and new cancer drugs given to 30,000 people;
- (f) laments scaremongering that the Health and Social Care Act will lead to the privatisation of the NHS and notes that, in fact, the Government have prevented preferential contracts being granted to private companies by the previous Labour Government, which saw them paid £250m for operations they didn't even perform;
- (g) confirms that negotiations on TTIP are at an early stage and that any treaty will have to be scrutinised by both the European, and the UK Parliament long before it comes into force;
- (h) welcomes the comments of the Secretary of State for Business, Innovation and Skills, the Rt. Hon. Vince Cable MP, that:  
  
"There is no suggestion whatever that the TTIP negotiations could be used to undermine the fundamental principles of the NHS ...The NHS will always be there for everyone who needs it, funded from general taxation, free at the point of use"; and
- (i) supports the Government's policy of increasing funding for NHS services in Sheffield, as opposed to its belief that the Shadow Health Secretary would cut funding for the NHS.

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

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 People's March for the NHS Jarrow to Parliament which came through Sheffield between 25<sup>th</sup> and 26<sup>th</sup> August 2014;
- (b) recognises the threat to our NHS from legislation including the Health and Social Care Act (2012) and the proposed Transatlantic Trade and Investment Partnership; both of which put profits before people;
- (c) values the principle of our NHS to provide free, universal healthcare for all; and
- (d) supports the People's March for the NHS along with its aims and intentions.

(Note: Councillors Simon Clement-Jones, Richard Shaw, Rob Frost, Joe Otten, Colin Ross, Martin Smith, Penny Baker, Roger Davison, Diana Stimely, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Steve Ayriss, David Baker, Katie Condliffe and Vickie Priestley voted for paragraph (c) and against paragraphs (a), (b) and (d) of the Motion and asked for this to be recorded.)

## **17. NOTICE OF MOTION GIVEN BY COUNCILLOR JACK CLARKSON**

### **Tax Avoidance by Multinational Companies**

It was moved by Councillor Jack Clarkson, seconded by Councillor John Booker, that this Council:-

- (a) calls on the Coalition Government to prevent tax avoidance by multinational companies every year, of which it has been estimated that the UK Treasury alone loses up to £12 billion a year, monies that could be spent on public services, welfare, health, education and the armed services, to better the people of this country;
- (b) notes with disappointment, that whilst ordinary people face falling household income and rising costs of living, some multi-national companies are avoiding paying billions of pounds in taxes from a tax system that fails to make them pay their fair share;
- (c) believes that developing countries and the UK alike would benefit from a fairer tax system where multi-national companies pay their fair share;
- (d) condemns the use of tax havens by some UK companies which is rife, with many of the FTSE companies routinely using tax havens;
- (e) calls on the UK Government to take on a lead role in creating a fairer tax

system to end tax dodging by multi-national companies, and to prevent Corporation Tax avoidance which is unjust as it harms ordinary people around the world, increasing poverty and inequality;

- (f) believes that local authorities would benefit from a fairer tax system where multi-national companies pay their fair share, enabling authorities to provide quality public services; and
- (g) calls on the Government to listen to the strength of public feeling, and to act to end the injustice of tax dodging by large multi-national companies in developing countries and the UK.

Whereupon, it was moved by Councillor Ben Curran, seconded by Councillor Harry Harpham, as an amendment, that the Motion now submitted be amended by the addition of a new paragraph (h) as follows:-

- (h) further supports the following proposals set out by the Shadow Chancellor, the Rt. Hon. Ed Balls MP in June 2014 to tackle tax avoidance and calls on the Government to implement them:
  - (i) closing loopholes, particularly the “Quoted Eurobond Exemption” that’s estimated to lose the country up to £500 million a year, that allows companies to move their profits to tax havens abroad - as part of this, Labour will table an amendment to the Finance Bill pressing the Government to act on this loophole;
  - (ii) making the tax system more transparent so we know who owns firms and how much tax they pay - under this strand of the policy, Labour will require all UK Overseas Territories and Crown Dependencies to publish the names of beneficial owners of companies;
  - (iii) putting a stop to dormant companies by requiring an annual confirmation of dormancy - currently, dormant companies can be used to avoid filing Corporate Tax returns, this means they can trade for up to five years without paying tax; Labour also plan to look into asking banks to automatically inform HMRC when there is activity in supposedly dormant accounts;
  - (iv) strengthening the National Audit Office to scrutinise tax reliefs and find when they are abused to avoid tax;
  - (v) working with ‘developing’ countries to tackle tax avoidance - this will include ensuring such countries, which are often affected by tax avoidance (in particular, through the extraction of natural resources), are part of global talks on tax reforms; and
  - (vi) finalise proposals to deem construction workers as employed for tax purposes if they meet relevant employment criteria.

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

It was then moved by Councillor Ian Auckland, seconded by Councillor Andrew Sangar, as an amendment, that the Motion now submitted be amended by:-

1. the relettering of paragraph (g) as a new paragraph (h) and the insertion of the following words at the start of that paragraph:-

“recognises that there is always more that can be done and therefore...”

2. the addition of a new paragraph (g) as follows:-

- (g) is proud that Liberal Democrats in Government have taken tax avoidance seriously and that as a result of Liberal Democrat influence:

- (i) 33 tax loopholes have been closed;
- (ii) 1,000 new tax investigators have been employed;
- (iii) £9 billion has been clawed back through deals with Switzerland, Liechtenstein and the Channel Islands;
- (iv) 262 banks have signed up to the Code of Practice on Tax, stopping them from promoting tax avoidance;
- (v) an extra £1.4 billion has been raised by using better data to detect fraud; and
- (vi) 10 times more people have been prosecuted for tax evasion than in 2010;

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

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

- |   |
|---|
| <p><b>RESOLVED:</b> That this Council:-</p> <ol style="list-style-type: none"><li>(a) calls on the Coalition Government to prevent tax avoidance by multi-national companies every year, of which it is has been estimated that the UK Treasury alone loses up to £12 billion a year, monies that could be spent on public services, welfare, health, education and the armed services, to better the people of this country;</li><li>(b) notes with disappointment, that whilst ordinary people face falling household income and rising costs of living, some multi-national companies are avoiding paying billions of pounds in taxes from a tax</li></ol> |
|---|

- system that fails to make them pay their fair share;
- (c) believes that developing countries and the UK alike would benefit from a fairer tax system where multi-national companies pay their fair share;
  - (d) condemns the use of tax havens by some UK companies which is rife, with many of the FTSE companies routinely using tax havens;
  - (e) calls on the UK Government to take on a lead role in creating a fairer tax system to end tax dodging by multi-national companies, and to prevent Corporation Tax avoidance which is unjust as it harms ordinary people around the world, increasing poverty and inequality;
  - (f) believes that local authorities would benefit from a fairer tax system where multi-national companies pay their fair share, enabling authorities to provide quality public services;
  - (g) calls on the Government to listen to the strength of public feeling, and to act to end the injustice of tax dodging by large multi-national companies in developing countries and the UK; and
  - (h) further supports the following proposals set out by the Shadow Chancellor, the Rt. Hon. Ed Balls MP in June 2014 to tackle tax avoidance and calls on the Government to implement them:
    - (i) closing loopholes, particularly the “Quoted Eurobond Exemption” that’s estimated to lose the country up to £500 million a year, that allows companies to move their profits to tax havens abroad - as part of this, Labour will table an amendment to the Finance Bill pressing the Government to act on this loophole;
    - (ii) making the tax system more transparent so we know who owns firms and how much tax they pay - under this strand of the policy, Labour will require all UK Overseas Territories and Crown Dependencies to publish the names of beneficial owners of companies;
    - (iii) putting a stop to dormant companies by requiring an annual confirmation of dormancy - currently, dormant companies can be used to avoid filing Corporate Tax returns, this means they can trade for up to five years without paying tax; Labour also plan to look into asking banks to automatically inform HMRC when there is activity in supposedly dormant accounts;
    - (iv) strengthening the National Audit Office to scrutinise tax reliefs and find when they are abused to avoid tax;
    - (v) working with ‘developing’ countries to tackle tax avoidance - this will include ensuring such countries, which are often affected by tax avoidance (in particular, through the extraction of natural resources),

are part of global talks on tax reforms; and

- (vi) finalise proposals to deem construction workers as employed for tax purposes if they meet relevant employment criteria.

(Note: Councillors Simon Clement-Jones, Richard Shaw, Brian Webster, Jillian Creasy, Robert Murphy, Rob Frost, Joe Otten, Colin Ross, Martin Smith, Penny Baker, Roger Davison, Diana Stimely, Sue Alston, Andrew Sangar, Cliff Woodcraft, Ian Auckland, Steve Ayris, David Baker, Katie Condliffe and Vickie Priestley voted for paragraphs (a) to (g) and abstained on paragraph (h) of the Substantive Motion and asked for this to be recorded.)

## **18. NOTICE OF MOTION GIVEN BY COUNCILLOR IAN AUCKLAND**

### **Graves Park**

It was moved by Councillor Ian Auckland, seconded by Councillor Steve Ayris, that this Council:-

- (a) believes Graves Park is a jewel in the crown of Sheffield's great outdoors and a key contributor to Sheffield's deserved reputation as the greenest city in the country;
- (b) thanks the Friends of Graves Park for their tireless efforts to protect and restore the Park;
- (c) notes with disgust the images published in July, which appeared to show areas of the Park being used as a dumping ground by the Council;
- (d) recalls the decision in 1999 to restore the land in question to publically accessible parkland and regrets this has not happened;
- (e) regrets that this latest incident follows consistent attempts by Labour Cabinets to sell-off or dispose of parkland for development;
- (f) calls upon the Cabinet to reaffirm that it will:
  - (i) respect the existing boundaries of Graves Park;
  - (ii) restore the Norton Nursery site to fully accessible parkland in co-operation with the Friends of Graves Park; and
  - (iii) renew the governance arrangements to ensure past mistakes are not repeated; and
- (g) therefore recommends an immediate review of the governance of the Graves Park Charity on options to take power out of the hands of the Cabinet and ensure that it is exercised locally.

Whereupon, it was moved by Councillor Isobel Bowler, seconded by Councillor Tony Downing, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words therefor:-

- (a) is proud of Sheffield's status as the greenest city in the country;
- (b) thanks all Friends Groups across the city for their tireless work in their local parks and green spaces;
- (c) remains committed to maintaining the quality of our parks and green space across the city;
- (d) recognises that the efficient operation of the parks and countryside services is essential in these times of cuts to budgets and continuing financial challenge;
- (e) notes that the depot on the former Norton Nurseries site, which has been used as such for many years, is a vital part of that efficient operation; and
- (f) is reassured that steps have been taken to ensure that the operational problems the parks service experienced in July will not re-occur.

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) is proud of Sheffield's status as the greenest city in the country;
- (b) thanks all Friends Groups across the city for their tireless work in their local parks and green spaces;
- (c) remains committed to maintaining the quality of our parks and green space across the city;
- (d) recognises that the efficient operation of the parks and countryside services is essential in these times of cuts to budgets and continuing financial challenge;
- (e) notes that the depot on the former Norton Nurseries site, which has been used as such for many years, is a vital part of that efficient operation; and
- (f) is reassured that steps have been taken to ensure that the operational problems the parks service experienced in July will not re-occur.



**19. NOTICE OF MOTION GIVEN BY COUNCILLOR ANDREW SANGAR**

**State Pension**

It was moved by Councillor Andrew Sangar, seconded by Councillor Rob Frost, that this Council:-

- (a) recalls the Liberal Democrats' 2010 manifesto commitment to introduce a triple-lock to ensure the state pension rises by inflation, earnings or 2.5%;
- (b) is proud that Liberal Democrats in Government have delivered the triple-lock, restoring the earnings link that was scrapped by Margaret Thatcher's Government;
- (c) is pleased that this policy has ensured pensions have risen by £800 a year for Sheffield pensioners;
- (d) contrasts this with the measly 75p a week increase agreed by Gordon Brown and the last Labour Government;
- (e) welcomes calls by Liberal Democrats to legislate the triple-lock, guaranteeing an annual £790 increase and taking the state pension up to £131 a week by 2020; and
- (f) recognises that this policy will benefit thousands of Sheffield pensioners and calls upon the Council to support this policy and lobby for its implementation.

Whereupon, it was moved by Councillor Ben Curran, seconded by Councillor Julie Dore, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words therefor:-

- (a) supports the triple lock guarantee and welcomes comments by the Rt. Hon. Ed Miliband MP "nobody should be in any doubt about my commitment to the triple-lock on pensions.";
- (b) regrets that pensioners in Sheffield are suffering from the cost of living crisis caused by the present Government, particularly noting increases in energy bills and supports the price freeze pledged by Labour;
- (c) notes comments from Dot Gibson, National Pensioners Convention General Secretary in June 2014, "Rising fuel bills and the government's inability to get a grip on the problem has resulted in more people suffering from fuel poverty now than two years ago ... Since coming to power they have cut back on home energy efficiency programmes and reduced the winter fuel allowance.";
- (d) recalls that the Liberal Democrats have been part of a government that

introduced the “Granny Tax” and the 2011 Budget announced that Winter Fuel Payments would revert to £200 for the over 60s and £300 for the over 80s in 2011-12 – a cut of £50 and £100 respectively;

- (e) recalls the report from the Institute of Fiscal Studies which stated that between 1997 and 2010 “both absolute and relative measures of income poverty fell markedly among children and pensioners”; and
- (f) continues to campaign to support Sheffield’s pensioners and calls on the Government to implement Labour’s energy price freeze which save Sheffield pensioners significant amounts of money on heating bills.

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) supports the triple lock guarantee and welcomes comments by the Rt. Hon. Ed Miliband MP “nobody should be in any doubt about my commitment to the triple-lock on pensions.”;
  - (b) regrets that pensioners in Sheffield are suffering from the cost of living crisis caused by the present Government, particularly noting increases in energy bills and supports the price freeze pledged by Labour;
  - (c) notes comments from Dot Gibson, National Pensioners Convention General Secretary in June 2014, “Rising fuel bills and the government’s inability to get a grip on the problem has resulted in more people suffering from fuel poverty now than two years ago ... Since coming to power they have cut back on home energy efficiency programmes and reduced the winter fuel allowance.”;
  - (d) recalls that the Liberal Democrats have been part of a government that introduced the “Granny Tax” and the 2011 Budget announced that Winter Fuel Payments would revert to £200 for the over 60s and £300 for the over 80s in 2011-12 – a cut of £50 and £100 respectively;
  - (e) recalls the report from the Institute of Fiscal Studies which stated that between 1997 and 2010 “both absolute and relative measures of income poverty fell markedly among children and pensioners”; and
  - (f) continues to campaign to support Sheffield’s pensioners and calls on the Government to implement Labour’s energy price freeze which save Sheffield pensioners significant amounts of money on heating bills.



## Report to Council

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**Report of:** Chief Executive

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**Date:** 1 October 2014

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**Subject:** Changes to the Constitution

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**Author of Report:** Dave Ross – Democratic Services  
0114 273 5033

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**Summary:**

This report provides details of proposed changes to the Constitution.

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**Recommendations:**

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

- (a) Part 4 - Scrutiny Procedure Rules
  - (b) Part 4 - Access to Information Procedure Rules
  - (c) Part 5 - Protocol for Member/Officer Relations
  - (d) Part 5 - Officers' Code of Conduct
  - (e) Part 7 - Management Structure and Statutory/Proper Officers
- 

**Background Papers:**

None

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**Category of Report:** OPEN

## Statutory and Council Policy Checklist

<b>Financial implications</b>
NO
<b>Legal implications</b>
YES
<b>Equality of Opportunity implications</b>
NO
<b>Tackling Health Inequalities implications</b>
N/A
<b>Human rights implications</b>
N/A
<b>Environmental and Sustainability implications</b>
N/A
<b>Economic impact</b>
N/A
<b>Community safety implications</b>
N/A
<b>Human resources implications</b>
N/A
<b>Property implications</b>
N/A
<b>Area(s) affected</b>
None
<b>Relevant Cabinet Portfolio Leader</b>
Cllr Julie Dore
<b>Relevant Scrutiny Committee</b>
Overview and Scrutiny Management Committee – Decision not subject to call-in
<b>Is the item a matter which is reserved for approval by the City Council?</b>
Yes
<b>Press release</b>
NO

**1. Introduction**

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

**2. Background**

2.1 To ensure that the Constitution is kept up to date, there is a regular review process and, where changes are required, these are submitted to Full Council for approval. Changes were last approved by Full Council in September 2014.

2.2 In addition, the Interim Director of Legal and Governance, in consultation with the Lord Mayor, has delegated authority to make any minor and consequential drafting changes to the Constitution. There have been no minor changes approved since April 2014.

**3. Proposed Changes and Reasons****3.1 Part 4- Scrutiny Procedure Rules and Access to Information Procedure Rules (Overview and Scrutiny Management Committee, Council Acting as Charitable Trustee and Call-in)**

3.1.1. A number of relatively minor changes are proposed to the Scrutiny Procedure Rules relating to the Overview and Scrutiny Management Committee, call-in and to update the title of an officer post.

3.1.2 One proposed change is to reflect in Scrutiny Procedure Rule 1 that the Overview and Scrutiny Management Committee will undertake scrutiny of the Council's corporate activities which is already included in its terms of reference. Another is to strengthen public involvement by including in SPR 9 that members of the public are able to contact the Chairs and Deputy Chairs of the Scrutiny Committees to suggest issues to be considered by the Committees.

3.1.3 One of the courses of action available during a call-in of a decision is for the Scrutiny Committee to take no action but consider whether issues arising from the call-in need to be added to the work programme of an existing Scrutiny Committee. A small amendment is proposed to that Scrutiny Procedure Rule 16 (c) to reflect the current practice that when a Scrutiny Committee decides to take no action it can also consider whether issues arising from the call-in need to be fed back to the decision maker.

3.1.3 Arising from an issue raised previously by Members in relation to whether decisions relating to the Council acting as Charitable Trustee are subject to call-in, it has been confirmed that the Leader has reserved decisions of the Council made as Charity Trustees to Cabinet. Therefore, Scrutiny Procedure Rule 16 and Access to Information Procedure Rule 18.3 will be amended to make it clear that such decisions are subject to call-in.

3.1.4 The proposed changes are set out at Appendices A and B.

3.2 Part 4 - Access to Information Procedure Rules/ Scrutiny Procedure Rules (Urgent Decisions)

3.2.1 The Access to Information Procedure Rules and Scrutiny Procedure Rules contain provisions for taking urgent decisions and it is proposed make the process for removal from call-in more transparent. There is also some general tidying up of the wording in both sets of Rules.

3.2.2 Access to Information Procedure Rule 15 sets out the statutory process for special urgency for taking a key decision where it is not possible to give 28 days' notice of a proposed decision or publish the report 5 clear days before the decision is to be taken. In these circumstances, the decision can only be taken if the decision maker has the agreement of the Chair of the relevant Scrutiny and Policy Development Committee that making the decision is urgent and cannot reasonably be deferred. There will be no change to this arrangement

3.2.3 Although not a statutory requirement, Access to Information Procedure Rule 15 also includes an automatic exemption from call-in. To make the process more transparent, it is proposed to remove this automatic exemption and deal with any request for exemption under Scrutiny Procedure Rule 17.

3.2.4 Scrutiny Procedure Rule 17 deals with the 'Fast Track' process for the removal from call-in for urgent non-key decisions. It is proposed to apply this Rule to both key and non-key urgent decisions and to include a requirement that the Chair of the relevant Scrutiny and Policy Development Committee is informed that the decision is urgent, prior to the decision being made.

3.2.4 The proposed changes are set out in Appendices C and D.

3.3 Part 5 - Protocol for Member/Officer Relations

3.3.1 Two minor changes are required to the Protocol for Member/Officer Relations to update a post title and amend the reference to an appendix. These changes are set out in Appendix E.

3.4 Part 5 – Officers' Code of Conduct

3.4.1 A number of minor amendments are required to the Officers' Code of Conduct to reflect the updated Policy and Procedure for Declarations of Interest. A summary of the proposed changes is attached at Appendix F and the proposed changes are set out at Appendix G.

3.5 Part 7 – Management Structure and Statutory/Proper Officers

3.5.1 The list of Statutory and Proper Officers has been updated to reflect changes in legislation and updated officer post titles. These changes are set out in Appendix H.

5. **Legal Implications**

5.1 Except where delegated by Council (see paragraph 2.2 above), variations to the Constitution may only be made by Full Council.

6. **Financial Implications**

6.1 There are no financial implications.

7. **Recommendations**

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

- (a) Part 4 - Scrutiny Procedure Rules
- (b) Part 4 - Access to Information Procedure Rules
- (c) Part 5 - Protocol for Member/Officer Relations
- (d) Part 5 - Officers' Code of Conduct
- (e) Part 7 - Management Structure and Statutory/Proper Officers

**John Mothersole**  
**Chief Executive**

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## SCRUTINY PROCEDURE RULES

### 1. The number and arrangements for Scrutiny and Policy Development Committees

The Council will establish the Scrutiny and Policy Development Committees (referred in these Rules as “Scrutiny Committees”) with terms of reference set out in Part 3 of the Constitution and appoint to them at the Annual Council Meeting and as it considers appropriate from time to time. Such Committees s may appoint and delegate any of their functions to sub-groups.

The Council will also appoint an Overview and Scrutiny Management Committee to undertake scrutiny of the Council's corporate activities, share and develop good practice with regard to the carrying out of the overview and scrutiny function, ~~and~~ to agree the process to be adopted for dealing with matters which fall within the remit of more than one Scrutiny Committee and to consider improvements to the format of the Scrutiny Committees. The membership of the Committee will reflect the political composition of the City Council and include the Chairs and Deputy Chairs of the Council's Standing Scrutiny Committees, and will be chaired by the lead member for scrutiny.

The Chair and Deputy Chair of each Scrutiny Committee shall be elected at its first meeting in each municipal year and the Committee shall determine a frequency of its meetings for the year ahead which will normally be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH.

### 2. Membership of Scrutiny Committees

Every Member of the Council, except those appointed to the Cabinet, shall be appointed a member of at least one Scrutiny Committee or one Regulatory Committee, unless otherwise determined by the Council. The membership of each Committee will reflect the political composition of the City Council.

The Chairs and Deputy Chairs will be appointed by the Scrutiny Committees in accordance with Council Procedure Rule 31.

Representatives of relevant interest groups and organisations may be invited to attend as observers on the appropriate Scrutiny Committee and, at the discretion of the Chair, address the meeting.

**Co-optees:** Each Scrutiny Committee or sub-group shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

### 3. **Conflicts of Interest**

- (a) Members and co-opted Members of Scrutiny Committees will not review a decision which they were responsible or jointly responsible for making (including in their capacity as Cabinet Adviser).
- (b) The rules relating to declaration of personal and Disclosable Pecuniary interests set out in the Code of Conduct for Members will apply to Scrutiny Committees.
- (c) If a Disclosable Pecuniary interest will substantially affect the ability of a Member to participate in the work of the Scrutiny Committees, the Member will withdraw from the review.

### 4. **Education Representatives**

Each relevant Scrutiny Committee/sub-group dealing with education matters shall, in pursuance of the requirements placed upon the City Council by Section 499 of the Education Act 1996 relating to the appointment of Foundation Governors for Voluntary Schools and Section 9 of the School Standards and Framework Act, 1998, relating to the appointment of representatives of Parent Governors of Maintained Schools, include in its membership the following voting representatives:-

- (a) one Church of England diocese representative;
- (b) one Roman Catholic diocese representative; and
- (c) at least two but no more than five Parent Governor representatives.

A relevant Scrutiny Committee/sub-group in this paragraph is a Scrutiny Committee or sub-group of a local education authority, where the Committee or sub-group's functions relate wholly or in part to any education functions which are the responsibility of the Authority's Executive. The above-mentioned representatives shall have voting rights only in connection with matters relating to education functions and if the Scrutiny Committee/sub-group deals with other matters, those representatives shall not vote on those other matters, though they may stay in the meeting and speak.

### 5. **Meetings of the Scrutiny Committees**

The Scrutiny Committees shall meet on a frequency to be determined annually at its first meeting. Extraordinary meetings may be called

from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the Chair of the relevant Scrutiny Committee, by any five members of the Committee or by the Monitoring Officer if he/she considers it necessary or appropriate.

6. **Quorum**

The quorum for a Scrutiny Committee shall be three voting members, as set out for bodies in the Council Procedure Rules in Part 4 of this Constitution.

7. **Chairs and Deputy Chairs of Scrutiny Committees**

Chairs and Deputy Chairs of Scrutiny Committees/sub-groups will be drawn from among the Councillors sitting on the Committee/sub-group, and subject to this requirement the Committees/sub-group may appoint such a person as it considers appropriate as Chair.

8. **Work Programme**

The Scrutiny Committee will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that Committee who are not members of the largest political group on the Council, as well as the statutory education representatives and any other co-optees where relevant.

In developing their work programme, Scrutiny Committees should consult widely to ensure that a range of stakeholders, information and intelligence inform its work.

9. **Agenda Items**

Agenda items for the Scrutiny Committees shall be set either by members calling in particular decisions of the Executive or by the members of each Committee identifying issues which they wish to consider, for example through reviewing the Executive's monthly Forward Plan programme of forthcoming items of business.

Any member of a Scrutiny Committee or sub-group (including the statutory education representatives) shall be entitled to give notice to the Monitoring Officer that he/she wishes an item relevant to the functions of the Committee or sub-group to be included on the agenda for the next available meeting of the Committee or sub-group. On receipt of such a request the Monitoring Officer will ensure that it is included on the next available agenda. The Committee shall then determine whether it wishes to pursue the item suggested by the member.

The Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate, the Cabinet, to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or the Council. The Council and/or the Cabinet shall normally consider the report of the Scrutiny Committees at the first available meeting.

Area Committees shall have the right to draw matters to the attention of the Scrutiny Committees and ask them to consider putting the matter in their work programme. Community and voluntary groups and members of the public shall be able to contact the Chairs and/or Deputies of the Scrutiny Committees to suggest issues to be considered by the Committees.

Any member who is not a member of the Overview and Scrutiny Committee may refer any matter relevant to the Overview and Scrutiny Committee's functions to that Committee. The Member should give notice to the Monitoring Officer. On receipt of such a request, the Monitoring Officer will ensure that it is included on the next available agenda. The Committee shall then determine whether it wishes to pursue the item suggested by the Member.

#### 10. **Policy Review and Development**

Each Scrutiny Committee has a function to scrutinise policy outcomes and advise on policy development within its remit. They are the key mechanism for enabling Councillors to represent the views of their constituents and other organisations to the Cabinet and Council and hence to ensure that these views are taken into account in policy development.

The Cabinet shall consult and involve the Scrutiny Committees in developing draft policies to propose to the Council.

Scrutiny Committees will have access to the Cabinet's forward plan and timetable for decisions and intentions for any consultation. Even where an item is not the subject of detailed proposals from a Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

The role of the Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, Scrutiny Committees or sub-groups may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

#### **11. Reports from Scrutiny Committees**

Reports and recommendations from Scrutiny Committees will be considered by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or by the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework). When the Scrutiny Committee prepares a formal report it will seek a management response on the recommendations. The Scrutiny Committee Chair should present the report to Cabinet or Council.

If a significant minority of a Scrutiny Committee cannot agree on the final recommendations of the Committee's report to the Council or Cabinet as appropriate, then the report will indicate where the major differences lay.

The Scrutiny Committees shall retain the option to call-in any Cabinet decision made on such reports and recommendations.

#### **12. Making sure that Scrutiny Committee Reports are Considered by the Cabinet**

The reports of Scrutiny Committee referred to the Cabinet shall be included on a Cabinet agenda as soon as practicable following the Scrutiny Committee completing its report. The appropriate cabinet member will be notified of recommendations as soon as possible and in advance of the report to Cabinet. There will be a standing agenda item on Cabinet agenda to consider reports and recommendations from Scrutiny Committees. The Cabinet should respond to the report and recommendations within 2 months.

### 13. **Rights of Scrutiny Committee Members to Documents**

In addition to their rights as Councillors, members of Scrutiny Committees have the additional right to access such documents and information in the possession of the Executive as is necessary for them to undertake any review or scrutiny of an action or decision or is relevant to any part of the work programme of the Committee subject only to any common law or statutory rule of confidentiality including Rule 11.2 of the Access to Information Procedure Rules in Part 4 or any Court Order preventing access.

Nothing in this section prevents more detailed liaison between the Executive and Scrutiny Committees as appropriate depending on the particular matter under consideration.

In particular, members of each Scrutiny Committee shall receive the agendas for their particular Committee.

A record of all Executive decisions will normally be published within two days of the decision being taken, and copies shall be made available to each Council Member. Members shall also have the option to receive the agenda of Cabinet or other Executive meetings.

The various agendas and minutes and reports to the Executive and its Committees and Scrutiny Committees (except any reports which contain confidential or exempt information) shall also be made available on the Council's website.

### 14. **Members and Officers giving Account**

Any Scrutiny Committees or sub-group may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within its remit. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the ~~Head of Paid Service~~[Chief Executive](#) and/or any senior officer to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance.

By virtue of the provisions of the Local Government Act 2000, the Scrutiny Committee can require officers and Cabinet Members to

respond to their requests and attend their meetings, and (by virtue of that Act) it is the duty of such persons to comply with that requirement.

Requests for attendance of officers or the provision of information to Scrutiny Committees shall generally be channelled through the Council's Executive Directors who will identify appropriate officers to respond to the requests. Directorates shall also identify contact officers for each Scrutiny Committees.

Such requests will be made in writing by or on behalf of the Chair of the relevant Scrutiny Committees and as much notice of the meeting as practicable will be given.

Where, in exceptional circumstances, a Cabinet Member or officer is unable to attend on the required date, then the Chair of the relevant Scrutiny Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance to take place as soon as practicable from the date of the original request.

Members and officers must leave the table, after giving information and they should not speak at the meeting except where invited to do so by the Chair of the Committee.

#### 15. **Attendance by Others**

Once an issue has been selected for consideration by a Scrutiny Committee, the Committee, a sub-group or its Chair and Deputy Chair, as appropriate, shall identify the aims and objectives of the review exercise, the lines of enquiry to be pursued and who shall be invited to participate in the consideration of the issue.

The Scrutiny Committees shall be expected to seek to consult widely on the issues which they are considering and this would include inviting people other than those people referred to in paragraph 14 above to discuss issues of local concern and/or answer questions. This could include Area Committees and Parish Councils where appropriate, other public, private and voluntary/community organisations with an interest in the issue, residents and stakeholders and may involve inviting experienced/knowledgeable individuals to attend meetings. On occasions, Scrutiny Committees may seek to invite members of the general public to meetings to contribute to their discussions.

External experts and other persons identified as possible contributors shall be invited to attend meetings to give evidence and advice, but the Scrutiny Committees cannot require them to do so and therefore their participation will be on a voluntary basis.

## 16. Call-In

The decision records in respect of all Executive meetings or Committees of the Executive; [including decisions of the Council acting as Charitable Trustee](#), Area Committee Executive decisions, Individual Cabinet Member decisions and Officer Key Decisions will normally be published within two days of the meeting and copies will be made available to each member of the Council and to the statutory education representatives. Members wishing to call-in such a decision for scrutiny must do so by 4.00 p.m. up to 4 working days following notification of the Executive decision(s)

Any decision not called in for scrutiny by that deadline will come into force and may then be implemented.

Five Members, including two from the relevant Scrutiny Committee, must give notice to call-in a decision for scrutiny. Notice of call-in must be submitted to the Director of Legal and Governance and Head of ~~Governance~~ [Elections Equalities](#) and Involvement (as Lead Scrutiny Officer) who will record the date and time of receipt of such notice. Not more than two notices of call-in will be accepted for any individual decision, but other Members may be able to register an interest in the item with the relevant Scrutiny Committee Chair.

The relevant Scrutiny Committee to consider the decision is indicated on the front sheet of each report submitted to the Executive, Committee of the Executive or individual Cabinet Member. A proforma produced in respect of calling in a decision shall be signed by the five Members. Telephone calls, e-mail or fax messages from Members shall be accepted for call-in purposes but these shall be required to be supported by a signed statement from the Member(s) concerned before the item is considered by the Scrutiny Committee.

The statutory education representatives can call-in items relating to education functions using the same process as for members of the Council as set out above.

Any decisions that are called-in for scrutiny will, following consultation with the Chair and Deputy Chair of the relevant Scrutiny Committee, be placed on the agenda for the next available meeting of the Committee, or if necessary, an extraordinary meeting of the Scrutiny Committee will be called to consider the item.

The appropriate Executive Director, Head of Service and Cabinet Member will, as soon as practicable, be notified that the decision has been called in for scrutiny and of the date of the meeting at which the decision will be scrutinised.



The Executive Director who presented the item to Cabinet or approved its submission to an individual Cabinet Member, or his/her nominated representative, and the Cabinet Member with the particular Portfolio relating to the item of business will be expected to attend the Scrutiny Committee meeting when the item is considered.

The Members who have called in the decision shall be invited to attend and address the meeting of the Scrutiny Committee and speak when the item is considered, but only Members of the Scrutiny Committee will be able to vote on the item. Other non-members of the Committee who were not party to the call-in process but who had also registered an interest in calling the item in for scrutiny shall not have an automatic right to address the meeting but could do so at the discretion of the Chair of the Committee.

Items may only be called in for scrutiny once and no item should remain unresolved for more than one cycle of meetings.

The courses of action available to a Scrutiny Committee in scrutinising a decision shall be:-

- (a) refer the decision back to the decision making body or individual for reconsideration in the light of recommendations from the Committee;
- (b) request that the decision be deferred until the Scrutiny Committee has considered relevant issues and made recommendations to the Executive;
- (c) take no action in relation to the called-in decision but consider whether issues arising from the call-in need to be fed back to the decision maker or added to the work programme of an existing Scrutiny Committee;
- (d) if, but only if (having taken the advice of the Monitoring Officer and/or the Chief Finance Officer), the Committee determines that the decision is wholly or partly outside the Budget and Policy Framework, refer the matter, with any recommendations, to the Council after following the procedures in the Budget and Policy Framework Procedure Rules

(If a Scrutiny Committee decides on (a), (b) or (d) as its course of action, there is a continuing bar on implementing the decision).

Where a Scrutiny Committee has referred a decision back to the decision making body or individual for reconsideration, the relevant

officers shall prepare, in consultation with the Chair and Deputy Chair of the Committee, a brief report setting out the Committee's decision/suggestions. That report shall be submitted to the next meeting of the Cabinet or Cabinet Committee or to the individual decision maker as the case may be. Where referred to a meeting of the Cabinet or Cabinet Committee, the Chair of the Scrutiny Committee (or nominee), a representative of the signatories to the call-in and its Scrutiny Policy and Improvement Officer shall be expected to attend the meeting in order to assist the debate on the issue.

For decisions that have been referred to the Cabinet, the Council, a Cabinet Committee or an individual decision maker the Committee's Scrutiny Policy and Improvement Officer shall inform the Committee at its next appropriate meeting of the decision subsequently taken in relation to the called-in item.

In respect of:-

- (i) delegated decisions taken by officers which are not Key Decisions; and:-
- (ii) delegated decisions taken by the Regulatory Committees;

Scrutiny Committees shall be able to scrutinise the process that led to such a decision but not the decision itself.

## 17. Call-in and Urgency

### (1) Removal from Call-in Process ("fast track")

- (a) A decision cannot be called in for scrutiny if a minimum of three officers, comprising an Executive Director and two Statutory Officers or, in the case of a report of the Chief Executive, that officer and one other Statutory Officer, in consultation with the appropriate Cabinet Portfolio Member or the Chair of the Cabinet, sign and certify that an item of business is urgent and that its delay for scrutiny would consequently significantly prejudice the interests of the Council or a third party.
- (b) The definition of an urgent item of business is considered to be something where a failure to deal with or implement it promptly would cause administrative, financial or other difficulties to the individual(s)/ organisations(s) concerned and/or the Council; so that it would clearly be in the interests of those individual(s)/ organisation(s) and/or the Council and consistent with the Council's fiduciary and legal obligations to deal with the matter expeditiously.

- (c) In these circumstances, the item will be “fast tracked” unless it is a key decision in which case it will be taken in accordance with Rule 15 of the Access to Information Procedure Rules but it will still be open to the Scrutiny Committee, not only to examine this decision in retrospect, but also to examine the reason for a certificate being issued.

#### 18. **The Party Whip**

When considering any matter in respect of which a member of a Scrutiny Committee is subject to a party whip, the Member must declare the existence of the whip and the nature of it before the commencement of the Committee’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

#### 19. **Procedure at Scrutiny Committee Meetings**

Scrutiny Committees and sub-groups shall consider the following business:-

- (i) Identification of items where resolutions may be moved to exclude the public and press;
- (ii) minutes of the last meeting;
- (iii) declarations of interest (including whipping declarations);
- (iv) public questions and petitions (The Scrutiny Committees meet in public in accordance with current legislation and the agenda for each meeting of a Committee shall include provision for members of the public to submit petitions or ask questions of the Committee on issues which are within its terms of reference);
- (v) consideration of any matter referred to the Committee for a recommendation in relation to the call in of a decision;
- (vi) consideration of any request submitted by a Member of the City Council under the Authority’s Councillor Call for Action (CCFA) procedure, having regard to any guidance issued by the Monitoring Officer. If the Scrutiny Committee decides to accept the CCfA referral, it must decide how it intends to take the matter forward and include the CCfA in its work programme;

- (vii) responses of the Cabinet to reports of the Scrutiny Committee; and
- (viii) the business otherwise set out on the agenda for the meeting.

Where the Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:-

- (i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

Following any investigation or review, the Committee/sub/group shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

## 20. **Matters within the Remit of more than one Scrutiny Committee**

For the purpose of policy reviews, where an issue falls within the remit of more than one Scrutiny Committee, the following options shall be available for the consideration of the issue:-

- The Chairs and Deputy Chairs of the Scrutiny Committees concerned shall attempt informally, in the first instance, to resolve by consensus which Scrutiny Committee shall consider the issue;
- In the event of a failure of the Chairs and Deputy Chairs of the relevant Scrutiny Committees to agree which Committee shall consider an item, the Monitoring Officer shall refer the issue to the Overview and Scrutiny Management Committee, being the body charged with overseeing the work of the Scrutiny Committees, for resolution. Should the Overview and Scrutiny Management Committee fail to reach an agreement, then the Monitoring Officer shall make the final decision on which Scrutiny Committee shall consider the issue.

Notwithstanding the above process and in order to obtain the views of other Scrutiny Committee:-

- it shall be open to the Chairs and Deputy Chairs of Scrutiny Committees which have a mutual interest in an issue to agree to the establishment of a joint meeting of the Committees or a time-limited joint Working Group comprising the same number of members of each Scrutiny Committee concerned. The Working Group's recommendations shall be reported for decision to the Scrutiny Committee which has been designated under the process referred to above as the committee to consider the item. A report on the Working Group's recommendations shall also be submitted for information to the other Scrutiny Committee(s) which have an interest in the issue but which have not been designated to undertake the consideration of the item; and
- the Chair of the Scrutiny Committee which has been designated to consider the item may invite members of other Scrutiny Committee(s) who have an interest in the issue to attend the meeting(s) at which the issue will be considered and where, at the discretion of the Chair, they will be able to contribute to the debate.

#### 21. **Appointment of Substitutes on Scrutiny Committees**

Where an Appointed Member of a Scrutiny Committee is unable to attend a meeting of that Committee, he/she may arrange for a Substitute Member to attend, subject to the following conditions:-

- (a) a Committee Member wishing to be substituted will seek a substitute from the approved list for his/her Party Group;
- (b) the Chief Executive or his/her representative will record the name of any Member who is in attendance as a substitute; and
- (c) the substitution shall last for the duration of the meeting, including an adjourned meeting.

statement is produced in respect of every executive decision made which includes:

- a record of the decision, including the date it was made;
- a record of the reasons for the decision;
- details of any alternative options considered and rejected when the decision was made;
- a record of any conflict of interest declared by any Member of the decision making body or, in the case of a decision by an individual Executive Member, any conflict of interest declared by any other Executive Member consulted by him/her in relation to the decision; and,
- in respect of any declared conflict of interest, a note of any relevant dispensation granted by the Monitoring Officer

### 18.3 Decisions subject to call-in

~~All decisions~~The decision records in respect of the all Executive meetings or Committees of the Executive; including decisions of the Council acting as Charitable Trustee, Area Committee Executive decisions, Individual Cabinet Member decisions and Officer Key Decisions~~Executive, whether taken collectively or by individual Executive Members,~~ must be published and may be subject to call-in in accordance with the Scrutiny Procedure Rules in Part 4 of this Constitution.

## 19. DECISIONS BY INDIVIDUAL EXECUTIVE MEMBERS

- 19.1 Any decisions taken by an individual Executive Member of the Executive, must comply with the previous Rule 18.
- 19.2 When an officer prepares a report which is to be given to an individual Executive Member for decision, he or she must first give a copy of that report to the Monitoring Officer.
- 19.3 The Monitoring Officer will publish the report to the relevant Scrutiny and Policy Development Committee, the Chief Executive and Chief Finance Officer. Subject to the exceptions in these Rules, the report will be made publicly available as soon as reasonably practicable.

officers shall prepare, in consultation with the Chair and Deputy Chair of the Committee, a brief report setting out the Committee's decision/suggestions. That report shall be submitted to the next meeting of the Cabinet or Cabinet Committee or to the individual decision maker as the case may be. Where referred to a meeting of the Cabinet or Cabinet Committee, the Chair of the Scrutiny Committee (or nominee), a representative of the signatories to the call-in and its Scrutiny Policy and Improvement Officer shall be expected to attend the meeting in order to assist the debate on the issue.

For decisions that have been referred to the Cabinet, the Council, a Cabinet Committee or an individual decision maker the Committee's Scrutiny Policy and Improvement Officer shall inform the Committee at its next appropriate meeting of the decision subsequently taken in relation to the called-in item.

In respect of:-

- (i) delegated decisions taken by officers which are not Key Decisions; and:-
- (ii) delegated decisions taken by the Regulatory Committees;

Scrutiny Committees shall be able to scrutinise the process that led to such a decision but not the decision itself.

#### 17. **Call-in and Urgency Removal from Call-in Process ("fast track")**

##### ~~(1) — Removal from Call-in Process ("fast track")~~

- (a) An executive decision cannot be called in for scrutiny if (i) a minimum of three officers, comprising an Executive Director and two Statutory Officers or, in the case of a report of the Chief Executive, that officer and one other Statutory Officer, in consultation with the appropriate Cabinet Portfolio Member or the Chair of the Cabinet, sign and certify that an item of business is urgent and that its delay for scrutiny would consequently significantly prejudice the interests of the Council or a third party; and (ii) the Chair of the relevant Scrutiny and Policy Development Committee (or if there is no such person or that person is unable to act, the Lord Mayor or if neither of those persons is able to act, the Deputy Lord Mayor) has been informed, in writing where reasonably practical, that the decision is urgent.

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- (b) The definition of an urgent item of business is considered to be something where a failure to deal with or implement it promptly would cause administrative, financial or other difficulties to the individual(s)/ organisations(s) concerned and/or the Council; so that it would clearly be in the interests of those individual(s)/ organisation(s) and/or the Council and consistent with the Council's fiduciary and legal obligations to deal with the matter expeditiously.
  - (c) In these circumstances, the item will be "fast tracked" (i.e. the decision may be implemented immediately without having to wait for the expiry of the call-in period) ~~unless it is a key decision in which case it will be taken in accordance with Rule 15 of the Access to Information Procedure Rules~~ but it will still be open to the Scrutiny Committee, not only to examine this decision in retrospect, but also to examine the reason for a certificate being issued.

#### 18. The Party Whip

When considering any matter in respect of which a member of a Scrutiny Committee is subject to a party whip, the Member must declare the existence of the whip and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

#### 19. Procedure at Scrutiny Committee Meetings

Scrutiny Committees and sub-groups shall consider the following business:-

- (i) Identification of items where resolutions may be moved to exclude the public and press;
- (ii) minutes of the last meeting;
- (iii) declarations of interest (including whipping declarations);
- (iv) public questions and petitions (The Scrutiny Committees meet in public in accordance with current legislation and the agenda for each meeting of a Committee shall include provision for members of the public to submit petitions or ask questions of the Committee on issues which are within its terms of reference);



- (b) where the decision taker is an individual, his or her name and title, if any, and where the decision taker is a body, its name and a list of members;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) a list of the documents submitted to the decision taker for consideration in relation to the matter.
- (e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (f) that other documents relevant to those matters may be submitted to the decision maker;
- (g) the procedure for requesting details of those documents (if any) as they become available;

**14. GENERAL EXCEPTION FOR A MATTER NOT IN THE FORWARD PLAN**

**14.1** If it has not been possible to give 28 days' notice of a matter which is likely to be a Key Decision, then the decision may only be made if :-

- (a) the Monitoring Officer has given written notice to the Chair of a relevant Scrutiny and Policy Development Committee, or if there is no such person, each Member of that Committee, by notice in writing of the matter about which the decision is to be made;
- (b) the Monitoring Officer has made copies of that notice available to the public at the offices of the Council and on the Council's website; and
- (c) at least 5 clear days have elapsed since the Monitoring Officer complied with paragraphs (a) and (b) in this Rule;

**14.2** As soon as reasonably practicable after the Monitoring Officer has complied with paragraphs (a), (b) and (c) of the preceding Rule 14.1 he or she must—

(~~ia~~) make available at the Sheffield Town Hall offices, a notice setting out the reasons why it has not been possible to give 28 days' notice; and

(~~ib~~) publish that notice on the Council's website.

~~(e)14.3~~—Where this Rule 14 applies to an executive decision ~~is to be taken at a meeting of the Cabinet or a Cabinet Committee, or by Individual Member or Officer~~, the public access requirements of these Rules must be complied with.

## 15. SPECIAL URGENCY FOR TAKING A KEY DECISION

15.1 Where the date by which a Key Decision must be ~~taken-made~~ makes it impracticable to comply with the previous General Exception Rule 14, then the decision can only be ~~taken-made~~ if the decision ~~taker-maker~~ (if an individual) or the Chair of the Body making the decision, has obtained agreement ~~that making the decision is urgent and cannot reasonably be deferred from:-~~

(a) ~~the~~ the Chair of a relevant Scrutiny and Policy Development Committee; or

(b) ~~if~~ if there is no such person or that person is unable to act, the Lord Mayor; or

(c) ~~if~~ if neither of those persons is able to act, the Deputy Lord Mayor, that the making the decision is urgent and cannot reasonably be deferred.

15.2 As soon as reasonably practicable after the ~~Monitoring Officer~~ decision maker has complied with paragraph (a), (b) and (c) of the preceding Rule 15.1 he or she must—

(~~ai~~) make available at the Sheffield Town Hall ~~offices~~, a notice setting out the reasons that the making the decision is urgent and cannot reasonably be deferred ~~why it has not been possible to give 28 days'~~; and

~~(ii)~~ publish that notice on the Council's website.

~~A Key Decision taken under paragraph 15 of these Rules will be exempt from call-in.~~

**15.3** The Leader will submit an annual report to the Council containing details of ~~each~~all executive decisions taken under this Rule 15. The report will include:-

- (a) particulars of each decision made; and
- (b) a summary of the matters in respect of which each decision was made.

## 16. RIGHTS OF OVERVIEW AND SCRUTINY AND POLICY DEVELOPMENT COMMITTEES OVER KEY DECISIONS

### 16.1 When an Overview and Scrutiny and Policy Development Committee can require a report

If a Scrutiny and Policy Development Committee considers that an executive decision has been taken which was not:

- (a) treated as being a key decision; and
- (b) a relevant Scrutiny and Policy Development Committee are of the opinion that the decision should have been treated as a key decision

the Committee may by resolution require the Executive which is responsible for the decision to submit a report to the Council within such reasonable time as the Committee may specify.

The Monitoring Officer may also require such a report and shall do so on behalf of the Committee when so requested by the Chair or any 5 Members of the Committee.

### 16.2 Executive report to Council

When required in accordance with this Rule, the Executive will prepare a report for the next available meeting of the Council, except that if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that.

The report to Council will set out particulars of the decision, including reasons for the decision, the individual or body making the decision, and if the Leader/Executive is of the opinion that it was not a key decision, the reasons for that opinion.

- the matter in question is formally considered by the relevant part of the Council.
- 5.1.8 It will not be assumed that an Officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
- 5.1.9 Party group meetings are not empowered to make decisions on behalf of the Council. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so. Conclusions reached at these meetings do not rank as Council decisions.
- 5.1.10 At party group meetings where some of those present are not Members of the City Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not Members are not bound by the Members' Code of Conduct, in particular the declarations of interest and confidentiality provisions. They do not have the same rights to Council information as Members.
- 5.1.11 Discussions between Officers and Members on policy issues are quite proper and Officers may wish to seek political guidance in framing policy proposals. However when Officers write Cabinet or committee reports for Member decision, they have a duty to give their best professional advice and set out their options available.
- 5.1.12 Party political groups have no right to instruct Officers to amend or change reports or their content. Decisions by Members on Officer reports should be made in the correct decision-making forum based on clear factual and legal advice. Officers are fully responsible for the content of any report submitted in his/her name.
- 5.1.13 Officers in certain posts are statutorily prohibited from having any involvement in political activities. A list of these positions is set out at Appendix F-H of the Officers' Code of Conduct. All Officers are required to ensure that Council resources are not used for party political purposes.
- 5.1.14 Should a Senior Officer attend a group meeting they will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other Members. This shall not prevent an Officer providing feedback to other Senior Officers on a need-to-know basis.

11.3.1 For casework queries and service complaints, Members are to direct these to the relevant Director. Officers are to acknowledge the enquiry and if possible provide a response within 3 working days. If the enquiry requires some investigation and further work, Members should be informed about this and then the response is to be available within 10 working days.

11.3.2 Members can escalate any service issue to the Chief Executive or the ~~Deputy Chief Executive~~ Director of Legal and Governance if they remain dissatisfied with the matter after referral to the Director.

## **12. PUBLICITY AND DEALING WITH THE MEDIA**

12.1 Officers will not publish or assist in publishing material designed to affect public support for any political party this is to ensure compliance with the Local Government Act 1986, which prohibits such activities.

12.2 All formal publicity material produced by the Authority will state the Council's position and not an individual's view or personal position. Publicity should not be liable to misrepresentation as being party political.

12.3 All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the Code of Recommended Practice on Local Authority Publicity.

12.4 Officers should inform the Council's press office of issues likely to be of media interest, since that unit should be the media's first point of contact. Before responding to enquiries from the media, Officers shall ensure they are authorised to do so.

12.5 Press releases or statements made by Officers must be factual and consistent with Council policy, may promote or provide information about Council services, linked into corporate priorities and should be drafted in consultation with the Communications Team. All formal media releases will be issued by the Communications Team.

12.6 Officers will keep relevant Members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.

12.7 The Council has a policy of helping the media to access the factual information that they need. Requests for comments or opinion on Council policy or political matters should be referred to the appropriate Cabinet Member, and the names of group spokespersons and Ward Councillors shall be publicly available and made available to journalists upon request.

**Changes to the Code of Conduct October 2014**

**1. Changes to the Code of Conduct**

- 1.1 The trade unions have agreed to all the changes proposed for the Declaration of Interest Procedure.
- 1.2 The changes to the Code of Conduct are to be submitted to Full Council in October 2014 and are as follows:-

Current	Proposed	Comment
<p><b>Code of Conduct</b></p> <p><b>Public Duty, Private Interest, Fraud and Theft.</b></p> <p><b>Section 2.4</b> You must declare this in writing to your Head of Service or Director. See Declaration of Interests Policy <b>Appendix A.</b></p> <p><b>Code of Conduct – Appendix A</b></p> <p><b>Section 5.1</b> ... You must first complete a 'Declaration of Personal Interest Form – Appendix A</p> <p><b>Section 6.1</b> If you think there might be a conflict of interest, you must speak to your line manager to see if a Declaration of Interest Form needs to be submitted to their Head of Service.</p> <p><b>Procedure</b> The current procedure explains how to complete a form and submit this to Head of Service/Director</p>	<p><b>Section 2.4</b> You must declare this in writing to your manager. See Declaration of Interests Policy <b>Appendix A.</b></p> <p><b>Section 5.1</b> ... You must first complete a Declaration of Interest Form – see procedure</p> <p><b>Section 6.1</b> If you think there might be a conflict of interest, you must speak to your manager and follow the Declaration of Interest Procedure.</p> <p><b>Procedure</b> At implementation, to make it easy for employees and managers to complete, we agreed with the trade unions to use an e-form in MyView to be authorised by the manager. Where an employee does not have</p>	<p>These are minor amendments to reflect the updated procedure.</p>

APPENDIX F

	access to the intranet, the procedure is for the manager to print off a copy of the form for the employee. The employee and manager submit an e-form together using the manager's login onto MyView.	
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## Officers’ Code of Conduct

**This Code of Conduct applies to all non-school based employees. The Code of Conduct adopted by the relevant Governing Body will apply to employees within schools.**

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## 1.0 INTRODUCTION

### About this Code of Conduct

- 1.1 In the Code of Conduct, when we use the word “you” we mean a Council employee, casual worker, agency staff, contractors, volunteers, and consultants and self-employed people engaged in work for the Council.**

### **When we use the words “we” or “us”, we mean the Council.**

- 1.2 This Code of Conduct for Employees is based on key principles. These principles are developed from the work of the Nolan Committee for standards in public life.
- 1.3 In the Code of Conduct you will find the minimum standards that all Council employees must keep to. These standards also apply to casual workers, agency staff, contractors, volunteers, and consultants and self-employed people engaged in work for the Council.
- 1.4 If you are an employee, this Code of Conduct is part of your terms and conditions of employment. Some parts of the Council may have their own Codes in addition to this one.
- 1.5 If your service area has its own Code, you should keep to that Code as well as this Code. You also need to follow any security policies or Codes of Practice that the council has.
- 1.6 We believe that you are responsible for your own actions. That means it is your responsibility to read the Code of Conduct, and any other Code which may apply to your job.
- 1.7 If there are any parts of this Code, or other Code, that you are unsure of or do not understand, you must ask your manager or someone in HR, to help you. This will ensure you are able to follow the Code.
- 1.8 You can find explanations for some of the words and phrases in this Code in the glossary section, on page 16 of this document.
- 1.9 This Code is not a full list of what you are expected to do or not to do. There may be other things that the Council will look at as misconduct, or gross misconduct. If there is anything that you are unsure about, please ask your manager or HR Adviser.
- 1.10 People who live in Sheffield expect you to have high standards of behaviour. If someone has suspicions that you could be influenced unfairly, this could damage confidence in the Council. You must not put yourself in a situation where anyone might think that you are dishonest.

1.11 The Council has the right to monitor employees. This includes surveillance. If the Council monitors employees in this way, it will keep within the laws that deal with monitoring.

1.12 You may have disciplinary action taken against you if you:

- Do not keep to this Code of Conduct.
- Commit a criminal offence.
- Do something we would classify as misconduct.
- Do something that may bring the Council into disrepute, whether during working hours or outside of them.
- Do not properly perform your duties as an employee.

Disciplinary action includes the possibility of being dismissed without notice being given.

1.13 This Code is in accordance with the rules in the Human Rights Act.

## 2.0 PUBLIC DUTY, PRIVATE INTEREST, FRAUD AND THEFT

### (i) *General*

2.1 Your duty as an employee and any interests outside your job must not conflict. If there is anything you are involved in outside of work which might affect your job, you must declare this to your manager. Read Declaration of Interests Policy (DOI) Appendix A

2.2 You must always do your job safely. To make sure you do not put the public, other employees or yourself at risk, you must follow Corporate and Directorate Health and Safety policies. You must also follow safe systems of work and any Codes of practice that apply to your job.

2.3 If you are a member of an organisation that:

- Is not open to the public
- Requires formal membership and an oath of allegiance
- Has any secrecy about its rules, the process of becoming a member, or conduct of members.

2.4 You must declare this in writing to your ~~Head of Service or Director~~ manager. See Declaration of Interests Policy **Appendix A**.

2.5 The Council has responsibility for the administration of public money. We emphasise to the public and to employees that we think honesty and that having proper control of finances is very important.

- 2.6 The Council is committed to the fight against fraud, whether an employee, a contractor, or a member of the public has committed the fraud.
- 2.7 You must not use the fact that you are a Council employee to obtain, gain directly or indirectly - for yourself, any business associates, your friends or your family.
- 2.8 As the Council is committed to the prevention and detection of fraud, we have a policy statement on Fraud and Corruption. This is shown in **Appendix B**.
- 2.9 We also have a Gifts and Hospitality Policy and Code of Practice. This is shown in **Appendix C**.
- 2.10 In addition to these two policies, we have a Whistleblowing Policy and Procedure, so that you can report any fraud or corruption more easily. This is shown in **Appendix D**.
- 2.11 If you are using public funds, you must use them responsibly, and you must keep within the law. You must make sure that we use our resources sensibly and legally, and that the community gets value for money.
- 2.12 You must keep to the rules within the Council’s Standing Orders and Financial Framework. The Standing Orders are available on the Council’s Internet site.
- 2.13 If you:
- Commit fraud against the Council, or any person or organisation, or try to.
  - Steal from the Council, or any person or organisation, or try to.
- 2.14 This will be considered misconduct and may be considered gross misconduct. This includes deliberately putting false information on time sheets, subsistence claims or mileage claims.
- 2.15 If you have concerns that someone is stealing, committing fraud or behaving in a way that might be unethical, you must report this to your manager, or someone named in the Whistleblowing Policy and Procedure. This procedure is shown in **Appendix D**.
- 2.16 We know that it is not always easy to report on the behaviour of other people. We will give you full support if you raise concerns. If you wish to remain anonymous, we will make every effort to respect this.
- 2.17 We know there are two sides to a story, and we will ensure hearings are fair.
- 2.18 Sometimes allegations will turn out to be wrong. If you deliberately make false or malicious allegations, this will be treated as misconduct.
-

**(ii) Financial Inducements, Gifts and Hospitality**

- 2.19 You must never accept a financial payment, bribes or inducement from any individual, body, or organisation. For example: payments or inducements from contractors, developers, or consultants.
- 2.20 To take financial payments or inducements is against the law. It is an offence under Section 117 of the Local Government Act 1972.
- 2.21 You must refuse any gift or hospitality offered to you or your family that others may think could influence you.
- 2.22 You may accept gifts of small value such as pens, diaries and calendars.
- 2.23 For further guidance on gifts, hospitality and inducements, you can read the Gifts and Hospitality Policy and Code of Practice. This is shown in **Appendix C**.
- 2.24 Any gifts or hospitality you have been offered, whether you have turned them down or accepted them, must be recorded. If you are unsure of the process of recording goods and hospitality in your service area, seek advice from your manager.

**(iii) Employee Declarations of Financial and other interests**

- 2.25 You have a legal duty to declare any financial or other interest in an existing or proposed contract. See Declaration of Interests Policy (DOI) Appendix A.
- 2.26 If the Council gives support in the community, through financial help or other help, you must make sure that any advice you give is fair and balanced. You must make sure that there is no conflict of interest.
- 2.27 You are free to use all Council services. If you do so, you will not be treated more or less fairly because you work for the Council.
- 2.28 Members of the public expect you to be fair and treat people equally, no matter who you are delivering services to.
- 2.29 You must make sure you don’t do anything in your job that might make people think you are being unfair or biased.
- 2.30 You must not try and obtain services in a different way to the public because you work for the Council. This includes putting pressure on colleagues to get services.
- 2.31 If you think there might be a conflict of interest, you must look at the Declarations of Interest Policy (DOI), **Appendix A**. If you are not sure, you should ask your manager to help you.
-

- 2.32 The Monitoring Officer will review any declarations that have been made every year. If the Monitoring Officer needs to make declarations, the Chief Executive will review them every year.
- 2.33 The Director of Human Resources is responsible for making sure all the Employment Policies, Practices and Procedures that the Council has are kept to.
- 2.34 Every Head of Service, Director and Executive Director is responsible for monitoring their employees activities, making sure they have kept to this Code and any other Codes and made declarations when they need to. Any monitoring will comply with all relevant laws.

### **3.0 CONTRACTORS**

- 3.1 As part of your job, you may be required to supervise or engage contractors or have an official relationship with them. If you have any work relationship with contractors, or potential contractors, you must tell your Head of Service or Director in writing if you have ever had a private or domestic relationship with the contractors.
- 3.2 The orders we place and contracts we give should be given fairly. This means that we must award orders and contracts based on merit and fair competition against other tenders. You must not show favouritism in doing this. For example, if your friends, partners or relatives run a business, you could not award them a contract unfairly because of this. You must not discriminate against anyone unfairly if you deal with tenders, evaluation or awarding contracts.

### **4.0 RELATIONSHIPS WITH PROSPECTIVE AND CURRENT CONTRACTORS**

- 4.1 If you are involved in the process of tendering and dealing with contractors you should understand that being a client and being a contractor are two separate roles. If you have a client or contractor responsibility, you need to be open and accountable for your actions.
- 4.2 If you work in a contractor or client unit you must be fair and impartial when you deal with customers, suppliers and any other contractors or subcontractors.
- 4.3 If you have access to any information about contracts or costs for contracts that is not public, you must not disclose that information to anyone unauthorised.
- 4.4 You must make sure that you don’t show special favour to anyone who works for us or used to work for us when you award contracts. You must make sure you do not show special favour to anyone who is a partner, associate or relative of an employee when you award contracts.

- 4.5 If you are thinking about a ‘management buyout’, you must inform the Chief Executive as soon as you definitely intend to do it. You must also inform your Executive Director and Head of Service or Director. You must withdraw from doing any work for us that includes preparation, tendering, evaluation, and awarding contracts or orders.
- 4.6 If Competitive tendering is being carried out, and you are involved in the process, you must let your Head of Service or Director know when you are a member of an organisation that is interested in tendering. You must also let your Head of Service or Director know if you have affiliation to an organisation that is interested in tendering.

## **5.0 INFORMATION TECHNOLOGY, DATA SECURITY AND SOCIAL NETWORKING**

- 5.1 You must observe the City Council's security controls at all times. For example, non-public information held electronically is protected by passwords; you must not disclose passwords you exclusively use to access information. Written information is sometimes specially protected, for example, where disclosure is illegal. You must take care to make sure it remains protected. If you are unsure about security controls, talk to your manager or the person in charge of the information protected by them.
- 5.2 You must comply with the law and City Council policies; the Information Security Policy – which deals with security controls amongst other things.  
**See Appendix E**
- 5.3 The City Council records the use of some electronic communication use in accordance with the law.
- 5.4 Failure to comply with security controls or the misuse any City Council information or resources could result in disciplinary action.
- 5.5 You are personally responsible for content that you publish on-line and must follow the Social Networking Policy, **Appendix F**. You must take time to read the Social Networking Policy and understand your responsibilities and behaviours expected, when using social networking in a personal or work capacity. Ask you manager if you are unsure about the Social Networking Policy and Guidance.

## **6.0 USE OF COUNCIL SYSTEMS, PROPERTY AND FACILITIES**

- 6.1 Anything that belongs to the Council, including:
- Telephones- including mobile phones
  - Computers- including laptops
  - Stationery

- Offices
- Car parks
- Vehicles
- Facilities

can only be used for Council business unless permission is given by management.

- 6.2 If, with your managers’ permission, you use a Council telephone or mobile telephone to make private calls or text messages, or send private faxes using a Council fax machine, you must pay for this through the approved systems in place. If you are unsure about how to pay for calls, speak to your manager.
- 6.3 The Council has systems in place that log telephone, email and Internet usage. These systems may be used to identify any usage for private purposes. We may monitor any communications using Council systems. If we monitor your use of Council resources, we will do it within the law and Council policy.
- 6.4 You must keep to any Council system security measures.

## 7.0 SECONDARY EMPLOYMENT

- 7.1 If you do have any other employment whilst you are working for the Council, the work you do must not conflict with the interests of the Council or bring it into disrepute. You must only do other work outside of your working hours with the Council. You need the formal prior permission of your manager to do any work outside your role with the Council. See Declaration of Interests Policy, **Appendix A**.
- 7.2 If you do any work that is damaging to the interests or reputation of the Council, we may take disciplinary action against you, even if you have declared this work to your manager.
- 7.3 If you are a:
- School Governor
  - Councillor for another Local Authority
  - Member of a Voluntary Reserve Forces - Reservists and Adult Instructor of Cadets
  - Justice of the Peace
  - Member of an Employment Tribunal
- 7.4 These roles do not count as Secondary Employment. You should still make your manager aware of these duties and ask for any time off you need in a reasonable



and timely manner. Unpaid voluntary work in the Community is not secondary employment, but you still need to declare it to your manager, as there may be a conflict of interest with your Council job.

- 7.5 You can find further guidance on receiving payment or fees for other work in **Appendix F**.

## **8.0 DISCLOSURE OF INFORMATION, CONFIDENTIALITY AND REFERENCES**

- 8.1 You should be fair and open when you deal with others. You should make sure that elected members and members of the public have access to information they need unless there is a good reason not to allow this, according to the Freedom of Information Act.
- 8.2 You must act in accordance with the law when handling personal and other information. You must take special care when handling personal and confidential information, and never use it inappropriately. You may be prosecuted personally under the Data Protection Act, so it is important you know what your responsibilities are. If you are unsure about this, consult your manager. The Council also has a Data Protection and Security Officer who can help.
- 8.3 You must not disclose any confidential, personal or financial information about an employee to an unauthorised person. You must not disclose any personal or financial information about an employee to any external agency without their approval. If you are not sure who is an authorised person, you should consult the Director of Human Resources.
- 8.4 If you are asked for personal information for a reference, for example for a job or mortgage application, you may provide information only after you confirm the identity of the enquirer. To do this, you can reply in writing to the enquirer, or call them back to make sure they are who they say they are.
- 8.5 If the request is for a reference for a colleague or ex-employee, only the employee’s line manager can provide an employment reference. Any employee may give a reference in a personal capacity. If you misrepresent the Council, this will be treated as misconduct.
- 8.6 You must not disclose confidential information to a third party. This includes information relating to:
- Competitive tendering or tendering for work.
  - Exempt items under the Local Government (Access to Information Act, 1985)
  - An employee, elected member or service user.
- 8.7 You must not use any information that you get in the course of your employment for personal gain, or give it to anyone else who may use it in this way.

8.8 If in the course of your job, you deal with someone you’re related to, or have a close relationship with, declare it to your manager. You must be fair and act in a professional way.

8.9 Inappropriate disclosure of confidential information can be considered misconduct, and may be considered gross misconduct which can lead to dismissal.

#### **9.0 COMMUNICATIONS WITH THE MEDIA**

9.1 All contact with the media that is about Council activities is handled by the Communications service, together with Heads of Service, Directors and Executive Directors. If you have an idea for a positive story about something the Council is doing, or if a journalist approaches you, you must contact the Communications Service to get approval before you give any information. This includes giving information verbally, through e-mail or in writing.

9.2 If you are writing something that will be published, and it doesn’t talk about the Council but does relate to your job, you should tell your Head of Service or Director before it is published. An example of this might be an article in a professional journal.

#### **10.0 POLITICAL NEUTRALITY**

10.1 You must not allow your personal or political opinions to interfere with your work. Some posts are “politically restricted”. If this applies to you, you should already have been told about the restrictions separately.

10.2 More information on this is available in **Appendix H**. If you need any more advice or information, ask your manager or HR Adviser.

10.3 You work to all elected members and must ensure their rights are respected. You must not be biased in dealing with members of one political group rather than another.

10.4 If your job requires you to advise political groups, you must make sure you take a neutral stance and point of view.

10.5 If you have contact with an elected member, whether work related or of a personal nature, you must keep to the Protocol for Member Officer Relations.

10.6 If you are on Council business, you must not wear anything that shows you are in favour of or against a political party or a pressure group. You may not display any items showing political affiliation or opposition on your vehicle, or items like tools or other equipment.

## 11.0 THE LOCAL COMMUNITY AND SERVICE USERS

- 11.1 You must remember that you have a responsibility to people in Sheffield. You must make sure that you deliver services politely, efficiently and fairly to everyone in the community.
- 11.2 You should be as open as possible about what you do, and the work of the Council.
- 11.3 You must not do anything that might affect confidence in the Council.
- 11.4 You should make sure that you keep to the law and any other guidance.
- 11.5 We will not accept it if any employee physically or emotionally abuses a service user, member of the public or other employee. This includes any harassment, discrimination, victimisation or bullying.
- 11.6 We have an Equality and Diversity Policy. You must keep to this policy at all times.
- 11.7 If you act in this way it may be decided that is misconduct or gross misconduct, which can result in disciplinary action including dismissal.
- 11.8 When you work with young people or vulnerable adults you are in a position of trust. If you abuse that trust, it will be regarded as potential gross misconduct.
- 11.9 Any sexual misconduct or assault will be regarded as potential gross misconduct.
- 11.10 If you do not follow any policies or procedures meant to keep vulnerable service users or others safe, this will be regarded as potential gross misconduct.
- 11.11 Any act of gross misconduct may lead to disciplinary action and the possibility of dismissal without notice.
- 11.12 If you work with young people or vulnerable adults, you must read any relevant Codes of practice as well as this Code, and keep to them. You must keep to any relevant laws, such as the Children’s Act and the Child Protection and Adult Abuse Protection Procedures.
- 11.13 If you see any abusive behaviour, you must report it to your line manager, or use the Whistleblowing policy (see **Appendix D**) to report it.

## 12.0 RECRUITMENT AND OTHER EMPLOYMENT MATTERS

- 12.1 If you are involved in recruitment, you must take care not to discriminate against anyone, or in favour of anyone. You must keep to the Recruitment and Selection Code of Practice in full.
- 12.2 To make sure you are not acting unfairly, you must not be involved in any selection and appointment (for example, interviewing someone) when you are related to an applicant. You must not be involved in selection or appointment where you have a close relationship with an applicant- personal or business.
- 12.3 If you think there might be a conflict of interest, you must inform your manager or HR Adviser.
- 12.4 Decisions that you make at work should be fair and unbiased. You must not be involved with decisions to do with discipline, promotion, or pay for anyone who is related to you, or someone you have a close relationship with. This includes personal relationships and business relationships.
- 12.5 If there are any reasons why 12.1-12.4 should not be followed, or you need help and advice with what to do next, you should contact the Director of Human Resources.

## 13.0 EQUALITIES

- 13.1 You must at all times make sure you keep to the Council’s policies on equality, diversity and inclusion including behaving and working in a way which eliminates discrimination, harassment and victimisation, advances equality of opportunity and fosters good relations. See Dignity and Respect at Work Policy. **Appendix I**
- 13.2 All employees, customers, elected members, partners, trade union representatives, and members of the public must be treated in a way that creates mutual respect. You should promote equality, diversity and inclusion by providing an environment and services free from harassment, discrimination, victimisation and bullying and by treating people with respect, regardless of their age, disability, race, religion/ belief, sex, sexual orientation or marriage/civil partnership.
- 13.3 At all times you must create an environment that, promotes fairness, equality, diversity and inclusion, promotes dignity and respect for all, recognises and values individual differences and the contributions of all and actively prevents and opposes intimidation, discrimination, harassment, bullying or victimisation.
- 13.4 The Equality Act 2010 provides the legal framework for the Council in relation to equality, diversity and inclusion.

- 13.5 Breaching equality policies and the law may be treated as misconduct, up to and including gross misconduct, which carries the possible penalty of dismissal without notice.

#### **14.0 DRESS AND PERSONAL APPEARANCE**

- 14.1 When you work for the Council, you are a representative of your service, and of the Council. You must dress in a way that is appropriate, or required, for your workplace and the work you are doing. You must be clean and tidy and make sure you have good personal hygiene.
- 14.2 If you are provided with clothing for uniform or health and safety reasons, you must wear it. This includes your name badge and other identity badges where provided.

#### **15.0 HEALTH AND SAFETY**

- 15.1 You have a responsibility to work safely and make sure your working environment is healthy and safe. You are required to keep to Corporate Health and Safety Policies. You are also required to follow any policy, regulations or Codes of practice on Health and Safety that apply to your Portfolio or area of work.
- 15.2 You must keep to any relevant Health and Safety laws.

#### **16.0 CRIMINAL CONVICTIONS**

- 16.1 Before you start working for us, you must tell us about any unspent criminal convictions, cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations.

If you are applying for a role, which involves working with children and vulnerable adults and your job is covered by the Rehabilitation of Offenders (Exceptions) Order 1975 (Amendment) 2013, you must follow our guidance on ‘declaration of criminal convictions and cautions’ at the application stage and tell us about:-

- All filtered convictions and cautions for any roles, where you have to complete an enhanced Disclosure and Barring Service (DBS) **with no** barred lists check. Please see guidance on declaration of criminal convictions and cautions for the filtered list.

OR

- All convictions and cautions for any roles, where you have to complete an enhanced Disclosure and Barring Service (DBS) **with** barred lists check.

If you are unsure about which criminal convictions and cautions that you need to tell us about, please ensure that you contact the recruiting manager for further advice.

- 16.2 When employed by us, you must tell your manager if you have any criminal proceedings pending against you, if you are bound over, receive a conviction, caution, reprimand or warning.
- 16.3 If your work involves driving, you must tell your manager about any driving offences, or pending driving offences.
- 16.4 If you use your own vehicle for Council Business and carry passengers, you must also tell your manager about any driving offences or pending driving offences.
- 16.5 If you do not tell us about your criminal record as listed in 16.1-16.4 above, this may be treated as possible gross misconduct and might lead to disciplinary action – including possibility of dismissal without notice.
- 16.6 If you are required to provide us with your Disclosure and Barring Service (DBS) Certificate, we will ask you to:-
- Complete a DBS Application Form
  - Or give written permission for us to check your status on-line
  - Or give permission for us to view your personal file of a previous/other role within the Council to check the outcome from a recent Enhanced DBS check.
- You must bring in your DBS Certificate to show and discuss with us, when required.
- 16.7 It is against the law for us to employ you or allow you to volunteer for work with children and vulnerable adults, if you are listed as barred for this type of work
- 16.8 Once employed by us, you must tell your manager immediately, if you know that you are on, or will appear on, one or both of the DBS barred lists.
- 16.9 If you have been barred from working with children and/or vulnerable adults and you seek employment to do so, this is a criminal activity and against the law and you will be dismissed without notice and immediately reported to the Police Authority.
- 16.10 If you work with young people or vulnerable adults and you believe that you are or might be thought of as a risk to these groups it is extremely important that you seek advice from your manager. If you do not disclose this, this can be treated as

misconduct, including gross misconduct which carries a possible penalty of dismissal.

#### **17.0 ALCOHOL, DRUGS AND SUBSTANCES**

17.1 While you are at work, you must be in a condition to do your job safely.

17.2 The effects of drinking alcohol cause you to perform your work less well. It is a health and safety risk. Because of this, you must not drink alcohol:

- Before you start work
- During your working hours
- During a lunch break from work
- On any other break during your working day
- At functions such as conferences within working hours.

17.3 If you drink alcoholic drinks at these times, this may be regarded as misconduct or gross misconduct, which could lead to dismissal.

17.4 If you use substances, illegal drugs, or prescription drugs that have not been prescribed for you, this will not be accepted. This may result in the Council contacting the police to report it. Use of illegal drugs or prescription drugs that have not been prescribed for you before or during work, on breaks or at functions may be considered misconduct or gross misconduct, which could lead to dismissal.

#### **18.0 GENERAL CONDUCT**

18.1 You must follow instructions, providing they are lawful. You must make sure you do not do anything that might affect the Council’s legal position. You should show respect for service users, colleagues and elected members.

18.2 We expect you to use good judgement, and take account of other people’s views. We expect you to take responsibility and decide your own view on any issue that comes up while you work for the Council.

18.3 If you need further information or advice about what to do in a situation, you should contact your manager, an HR Adviser or the Chief Internal Auditor.

18.4 You should read this Code together with the appendices, and any other Codes of Practice or policies that are about conduct or security.

## 19.0 DATE OF IMPLEMENTATION

Revised 2 April 2014

## 20.0 APPENDICES

- A Declaration of Interests Policy
- B Policy statement on Fraud and Corruption
- C Gifts and Hospitality Corporate Policy and Code of Practice
- D Whistleblowing Policy and Procedure
- E Information Security Policy
- F Social Networking Policy
- G Other employment related to activities – fees
- H Politically Restricted Posts
- I Dignity and Respect at Work Policy

## GLOSSARY TO CODE OF CONDUCT

**Contractor-** An individual, partnership, company or other service that has a contract with us to do or provide something. For example, to design, develop, manufacture, maintain or provide services.

**Conflict of Interest-** A conflict between private interests and your duties with the Council. This can exist whether or not money is involved, and whether the conflict is actual or just perceived.

**Competitive Tender-** Where several potential contractors are invited to prepare proposals to provide a project or service, on the basis of quality and price.

**Disciplinary-** Disciplinary action is action taken by an employer for violating policy or procedure (including the Code of Conduct). For more details on this, see the Council’s Disciplinary Policy.

**Disrepute-** To bring something into disrepute is to lower its reputation, damage its image.

**Misconduct-** Breaking the Code of Conduct, another Code or terms and conditions may be considered misconduct. There are different types of misconduct depending on the



exact circumstances and consequences. The most serious type is **gross misconduct**. For more information on this, see the Council’s **Disciplinary Policy**.

**Inducement**- something that encourages you towards an action- an incentive. This could be money, food, gifts, or anything else that might benefit you. If you are offered or take something that people may think is an inducement, you could be accused of making decisions unfairly based on what you received.

**Whistleblowing (also ‘whistle blowing’)**- Revealing wrongdoing to someone in authority. For more information on this, see **Appendix D**, the Whistleblowing policy.

#### **RELEVANT LAW**

**This section points to relevant law on some topics from the Code of Conduct. It should not be considered an exhaustive list as legislation frequently changes. If you are unsure about whether an action would be lawful, please investigate further.**

#### **Monitoring and Surveillance:**

The Regulatory and Investigatory Powers Act, the Data Protection Act, and the Human Rights Act.

#### **Use of IT Equipment:**

The Data Protection Act, The Obscene Publications Act, The Computer Misuse Act, The Theft Act.

#### **Equalities:**

Equality Act 2010

## APPENDIX A

**Sheffield City Council****Policy and Procedure  
Declaration of Interest**

Publication Date: ~~April 2014~~October 2014

Author: HR ~~Specialist Service~~ Policy and Organisational Development



## Declaration of Interest - Policy and Procedure

### Policy

#### 1. Introduction

- 1.1 All customers are entitled to the highest standards of fairness and equity from all employees providing our services. This Policy and Procedure exists to protect you and service users against any allegations of favour or disadvantage.
- 1.2 It is important that employees and the Council are protected from accusations of impropriety. Therefore an employee must declare any interest to their manager that they may have with any organisation, services, activity or person that may cause a direct or indirect conflict of interest with their employment or that may bring the Council into disrepute. In case of doubt, employees should always complete and submit a Declaration of Interest Form. For example:
- Employees should ensure they declare financial interest in order to comply with their statutory duty under [Section 117 of the Local Government Act 1972](#)
  - In many cases the interests may not create a conflict or the fact that they are known interests will allow the individual’s manager to ensure they are not placed in a position where conflict could arise.
  - Every Head of Service, Director and Executive Director is responsible for ensuring their managers and staff are aware of the need to make declarations. Any monitoring will comply with all relevant laws.
  - It is not possible to give comprehensive examples or detailed definitions of everything that might give rise to a conflict of interest between their duties and these interests or their ability to carry out their role effectively
- 1.3 Any potential conflicts of interest will be recorded in accordance with the Declaration of Interest Procedure.
- 1.4 The Council’s Monitoring Officer will review any declarations (or a random selection of) that have been made every year. If the Monitoring Officer needs to make declarations, the Chief Executive will review them every year.
- 1.5 If an employee fails to follow the requirements of this policy or procedure they may be subject to disciplinary action.

1.6 Any employee, who considers they have been unfairly treated under the terms of the policy, may raise a grievance under the Council’s Individual Grievance Procedure. The grievance should be submitted to their line manager or with the person making the decision.

## 2. Scope

2.1 This policy applies to all non-school based employees. The Policy adopted by the relevant Governing Body will apply to employees within schools.

## 3. General Declaration of Financial and Other Interests

- 3.1 As an employee of Sheffield City Council, you have a legal duty to declare any financial or other interest in an existing or proposed contract or any proposed or existing council activity or service which could cause potential conflict. This declaration includes involvement with voluntary organisations, which the council supports and/or services carried out for the council by its commercial partners, for example Capita, Kier, Amey and other similar partner organisations.
- 3.2 You have a legal duty to declare any interest or associations that may cause direct or indirect conflict with your work for the Council. You must declare interests in or associations with any organisation, service, and activity or person.
- 3.3 If the Council has sponsored an event or a service, you must inform your line manager if you may benefit from it in any way. You must also tell your line manager if you are aware that anyone connected with you will benefit from it (this includes your relatives, your partner or spouse, or any business associates you may have).
- 3.4 You must declare an interest if anyone connected with you will benefit from the position you hold in the Council. This includes your relatives, your partner or spouse, or any business associates you may have. This is to ensure the status gained from working for the council is not utilised to influence a member of the public’s choice when commissioning work or a service.
- 3.5 If you apply for a service or make representations for services on behalf of relatives, colleagues or friends or people with whom you have a close relationship, you must declare an interest where your employment position gives you significant influence.
- 3.6 You must also declare a personal interest if you help someone you know from outside your job to apply for a service you have influence over or responsibility for or to improve the chances of success of an agency within a tendering process .

#### 4. Declaration of Membership of Organisations Not Open to the Public

4.1 You must declare and provide information about any organisation in which you have a personal interest that is not open to the public which requires formal membership, oaths of allegiance and has secrecy about rules, membership or conduct.

4.2 The following is the Council’s definition of what constitutes a society with secret rules (secret society).

‘Any lodge, chapter, society, trust or regular gathering or meeting, which:

- a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and
- b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

A lodge, chapter, society, trust, gathering or meeting as defined above should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.

#### 5. Declaration of Secondary Employment or Engagement in Other Business or Voluntary Work

5.1 If you have secured other employment or voluntary work whilst you are working for the Council, you must first complete a ‘Declaration of ~~Personal~~ Interest Form – see Declaration of Interest Procedure, Appendix 4’. Your manager should respond within the agreed timescale and advise if there may be any possible conflict of interest before you commence the work. This includes paid work for another employer and working in a self-employed or business partnership basis.

5.2 If you do undertake other work you must ensure the additional hours do not impact on your performance of your duties undertaken for Sheffield City Council.

5.3 When considering undertaking other work, consideration must be given to compliance with the statutory requirements of the Working Time Regulations. The

council must be made aware of any additional work that could mean you exceed an average of 48 hours of work in total in a week

5.4 Those undertaking additional work outside the authority must sign a Working Time Regulations ‘Opt out Agreement’ and to confirm they understand the health and safety implications of working excessive hours. This must be held on your personal file in HR Connect.

5.5 You must not refer to your role in Sheffield City Council in any promotional material which may be used to assure members of the public or give credence to another organisation.

5.6 The Council accepts no liability for your other work or engagement in other business or voluntary work and will not be responsible for any payments, expenses or demands however incurred.

5.7 With regard to any other work or engagement in other business or voluntary work you are responsible for:-

- ensuring that you have the correct insurance; and
- that you are registered with the relevant professional or regulatory bodies; and
- that you pay any tax, national insurance, or other statutory payments due; and
- for ensuring that you have the correct membership of trade or professional organisations; and that you comply with any statutory requirements or professional or trade codes of conduct.

5.8 There may be circumstances where SCC may need to retract permission for example

- Where attendance or timekeeping is of concern and may be attributed to you undertaking other work
- Where your performance falls below an acceptable standard and may be attributed to you undertaking other work
- Where a new conflict of interest arises that previously did not exist *or where a conflict later becomes apparent for any reason*

## 6. Reporting of Declarations of Interest

~~6-2~~ 6.1 If you think there might be a conflict of interest, you must speak to your ~~line~~ manager ~~to see if a Declaration of Interest Form needs to be submitted to their Head of Service and follow the Declaration of Interest Procedure.~~

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~~6.36.2~~ All Declarations of Interest must be recorded in accordance with the Declaration of Interests Procedure.

### **Procedure**

- ~~1. You must complete a ‘Declaration of Personal Interest Form’ before you undertake other work or become aware of a potential conflict of interest.~~
  - ~~2. The Declaration of Interest form will be submitted by your line manager to the HOS/Service Manager within 5 working days of receipt.~~
  - ~~3. Your Head of Service/Service Manager will be responsible for forwarding an electronic version of the completed and agreed DOI forms to the Monitoring Officer to ensure adherence with the Policy and the Annual Governance Procedure. Copies of the completed forms should be retained by both the line manager and the employee completing the form.~~
  - ~~4. All information supplied will be kept in confidence in accordance with the requirements of the Data Protection Act 1998 and **will only** be used for the purposes of determining if a conflict of interest arises and/or for taking any necessary decisions or actions under this policy.~~
  - ~~5. For the purpose of considering whether there is any conflict of interests, the Council may need to contact any other organisation or individual whose details you have provided on your Declaration Form or in any updated information that you have provided. Your line manager would seek permission from yourself first before this action takes place.~~
  - ~~6. A new declaration must be made in writing and submitted to your manager within 28 days if there is a change in circumstances. See Section 3 of the Policy.~~
  - ~~7. For declarations relating to financial and other interests you must give an explanation as to the way you or someone connected with you may benefit.~~
  - ~~8. For declarations relating to membership of an organisation not open to the public you should provide information about such an organisation including details of the purpose behind the organisation wherever possible. However, if this act would cause a breach in confidentiality or the organisation’s protocols they you should discuss this with your line manager, who may need to seek further advice from Human Resources.~~
- ~~Additionally, SCC would expect that such membership would not be in conflict with your role with SCC. You should seek advice from your manager or Human Resources if necessary.~~

~~9. For declarations related to participation in other work or engagement in other business or voluntary work, you should provide details of the name of the organisation for which the work is undertaken and give a description of the activity concerned and potential number of hours to be undertaken.~~

~~10. If you are in any doubt as to whether an interest constitutes a conflict (this could be an actual or potential conflict, or something that could be perceived to be a conflict by a third party) then you should declare the interest on the form and your manager will determine what action is appropriate.~~

### **Procedure**

~~1. You must complete a ‘Declaration of Interest Form’ before you undertake other work or become aware of a potential conflict of interest, as outlined in the Declaration of Interest Policy.~~

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~~2. You can find this Declaration of Interest Form in your MyView account. Use the menu on the left to access the Form.~~

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#### **If you do not have access to the Intranet/MyView**

~~If you do not have access to the intranet/MyView, you should discuss your application with your manager. If your manager is approving your request, your manager should complete your application in the MyPeople section of MyView with you present and will then approve and submit your application.~~

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~~Your Manager will print off the accepted form. You and your manager will sign that this information is a true and accurate record of your application. Your manager will then scan the signed form and email this to [HRConnect@capita.co.uk](mailto:HRConnect@capita.co.uk).~~

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~~You should also follow procedures 3-6 and 10-12 below, when considering and completing an application~~

~~3. For declarations relating to financial and other interests you must give an explanation as to the way you or someone connected with you may benefit.~~

~~4. For declarations relating to membership of an organisation not open to the public, you should provide information about the organisation, including details of the purpose behind the organisation, wherever possible. However, if this act would cause a breach in confidentiality or the organisation’s protocols, then you should discuss this with your line manager, who may need to seek further advice from Human Resources.~~

~~Additionally, the Council would expect that such membership would not be in~~



conflict with your role with the Council. You should seek advice from your manager or Human Resources if necessary.

5. For declarations related to participation in other work or engagement in other business or voluntary work, you should provide details of the name of the organisation for which the work is undertaken and give a description of the activity concerned and the potential number of hours to be undertaken.

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6. If you are in any doubt as to whether an interest constitutes a conflict (this could be an actual or potential conflict, or something that could be perceived to be a conflict by a third party) then you should declare the interest on the form and your manager will determine what action is appropriate.

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7. Once you have completed and submitted the form, your manager will review this and prior to responding electronically to your request, your manager will arrange to discuss the application with you and if necessary seek further advice from Human Resources.

8. For the purpose of considering whether there is any conflict of interest, the Council may need to contact any other organisation or individual whose details you have provided on your Declaration of Interest Form or in any updated information that you have provided. Your line manager would seek permission from you first before this action takes place.

9. Your manager will then accept or reject your application and you will receive an email confirming this.

10. If your interest is accepted, this will be added to your electronic personal file. We will keep this in confidence in accordance with the requirements of the Data Protection Act 1998 and **will only** use this information to determine if a conflict of interest arises and/or for taking any necessary decisions or actions under this policy.

11. The Monitoring Officer will review any declarations (or a random selection of) that have been made each year to ensure adherence with the Policy and the Annual Governance Procedure.

12. If your registered personal interest changes, you must complete a new Declaration of Interest Form, as above, describe the changes and select ‘I am rescinding my previous declaration’.

### Constitution Part 7 – Management Structure and Statutory/Proper Officers

<b>STATUTORY OFFICERS</b>		
<b>Legislation</b>	<b>Description</b>	<b>Allocated To</b>
<del>Local Government Act 1972</del> <u>Local Government and Housing Act 1989</u> Section 4	Head of Paid Service	Chief Executive
Local Government Act 1972 Section 151	Chief Finance Officer	Executive Director, Resources
Local Government and Housing Act 1989 Section 5	Monitoring Officer	Director of Legal and Governance
Local Authority Social Services Act 1970 Section 6	Director of Adult Social Services	Executive Director, Communities
Children Act 2004 Section 18	Director of Children's Services	Executive Director, Children, Young People and Families
Health and Social Care Act 2012 Section 30	Director of Public Health	Director of Public Health

<b>PROPER OFFICERS</b>		
<b>Local Authority Social Services Act 1970</b>	<b>Description</b>	<b>Proper Officer</b>
Section 6	Officer <del>designated</del> <u>appointed</u> as Director of Adult Social Services	Executive Director, Communities
<b>Local Government Act 1972</b>	<b>Description</b>	<b>Proper Officer</b>
Section 83	Officer <del>to witness and receive</del> <u>who takes</u> declarations of acceptance of office	Joint Head of Democratic Services
Section 84	Officer to whom a person elected to any office <u>listed in Section 83 under the Council</u> may give written notice <del>or</del> <u>of</u> resignation	Joint Head of Democratic Services
Section 88(2)	Officer who may convene a meeting of the Council for the election to fill casual vacancy of chairman of the Council	Joint Head of Democratic Services
Section 89(1)	Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local government electors <u>for the area</u>	<del>Elections Officer</del> <u>Electoral Services Manager</u>
<del>S96(1)</del>	<del>Officer who may receive from councillor general notices of pecuniary interests and to keep a record of such disclosures</del>	<del>Joint Head of Democratic Services</del>
Section 100B(2)	Officer who may think fit to exclude from reports open to inspection <u>by members of the public</u> parts relating to items during which the meeting is likely not to be open to the public	Director of Legal and Governance in consultation with the relevant Executive Director
Section 100B(7)(c)	Officer <del>to who</del> <u>make</u> s available to the press copies of	Joint Head of Democratic Services

	documents already supplied to Councillors <u>in connection with an item on the agenda for a meeting of the Council</u>	
Section 100C(2)	Officer responsible for preparing a written summary of those parts of the committee proceedings which disclose exempt information	Joint Head of Democratic Services
Section 100D(1)(a)	Officer responsible for identifying background papers <u>for the report for a meeting of the Council</u> and compiling <u>a</u> list of such documents	Relevant Executive Director
Section 100F(2)	Officer <u>who makes making</u> decisions as to documents disclosing exempt information which are not required to be open to inspection by Councillors	Director of Legal and Governance in consultation with the relevant Executive Director
Section 115	Officer to whom all officers shall pay monies received by them and due to the Local Authority	Executive Director, Resources or <del>her</del> <u>their</u> nominee
Section 146(1)(a)	Officer authorised to produce a statutory declaration specifying securities and verifying <del>name change of authority</del> <u>the change of name and identity of the authority</u>	Director of Legal and Governance
Section 151	Officer <del>designated as Chief Finance Officer</del> <u>responsible for the proper administration of the authority's financial affairs</u> ("Chief Finance Officer")	Executive Director, Resources
Section 191	Officer <del>to who</del> receives <u>notices applications</u> from Ordnance Survey Office in relation to <u>examining, ascertaining and marking out reputed</u> <del>ascertaining or locating</del> Local Authority boundaries	Director of Legal and Governance
<del>S204(3)</del>	<del>Officer to whom notice of</del>	<del>Principal Licensing</del>

	<del>application for a Justices License under schedule 1 of the Licensing Act 1964 should be given</del>	<del>Officer</del>
Section 210(6) and (7)	Officer in whom power is vested to exercise any power with respect to a charity exercisable by any officer of a former <u>corresponding</u> authority	Director of Legal and Governance
Section 225	Officer with whom documents may be deposited pursuant to law, <del>to who can</del> make notes or endorsements and give acknowledgements or receipts	Director of Legal and Governance
<del>S228</del>	<del>Officer responsible for keeping accounts open for inspection by any member of the Authority</del>	<del>Executive Director, Resources</del>
Section 229 <u>(5)</u>	Officer who <del>shall certify signs a certificate</del> that a document is a photographic copy of a document in the custody of the Council	Director of Legal and Governance
Section 234(1)	Officer who <del>may authenticate signs</del> notices, orders or other documents on behalf of the Council	Director of Legal and Governance
Section 238	Officer responsible for certifying copies of byelaws	Director of Legal and Governance
Schedule 12 Para 4(2)(b)	Officer who may sign and send to all Councillors a summons to attend Council meetings	Chief Executive
Schedule 12 Para 4(3)	Officer who may receive notice <u>in writing</u> from a Councillor providing an address to which a summons to a meeting is to be sent <u>other than their place of residence</u>	Joint Head of Democratic Services
Schedule 14 Para 25	Officer who may certify <u>copies of</u> resolutions passed under this Paragraph	Director of Legal and Governance

Local Government Act 1974	Description	Proper Officer
Section 30(5)	Officer responsible for arranging publication in newspapers of <u>a</u> notice <del>of that a</del> Local Commissioner's report on <u>an</u> investigation of a <del>complaint</del> <u>matter is available for inspection by the public</u>	Director of Legal and Governance
Local Government (Miscellaneous) Act 1976	Description	Proper Officer
Section 41	Officer responsible for certifying copies of resolutions, <u>orders, reports, minutes of Council meetings</u> and other documents <u>or authorising a person in that behalf</u>	Director of Legal and Governance
Highways Act 1980	Description	Proper Officer
Section 59	Officer responsible for certifying that extraordinary expenses have been <u>or will be</u> incurred in maintaining the highway by reason of damage caused by excessive weight <u>passing along the highway</u> or other extraordinary traffic	Head of Highway Maintenance
Section 205	Officer responsible for undertaking duties as specified in <del>the schedules this Section and Schedule 16</del> in relation to private street works	Head of Highway Maintenance
Section 210	Officer responsible for certifying amendments to estimated costs and <u>consequential</u> provisional apportionment of costs under the private street works code	Head of Highway Maintenance
Sections 211, 212 and 216	Officer responsible for making <u>a</u> final apportionment of costs <del>as detailed in the schedules</del> under	Head of Highway Maintenance

	the private street works code	
Section 295	Officer responsible for issuing notices requiring removal of materials from non-maintainable streets in which works are due to take place	Head of Transport, Traffic and Parking Services / Highway Network Manager & Sheffield Traffic Manager
Section 321	Officer responsible for <del>authenticating signing</del> notices, <del>consents, approvals, orders, demands, licences, certificates</del> and other documents	Head of Transport, Traffic and Parking Services / Head of Highway Maintenance
Schedule 9 Para 4	Officer responsible for signing plans showing proposed prescribed improvement <del>lines</del> or building lines	Head of Highway Maintenance
<b><u>Registration Representation</u> of the People Act 1983</b>	<b>Description</b>	<b>Proper Officer</b>
Section 8	Officer <del>to act appointed</del> as Registration Officer for the registration of Parliamentary and Local Government Electors	<del>Elections Officer</del> <u>Chief Executive</u>
Section 28	Officer to <del>act discharge duties of</del> <u>the returning officer</u> as Acting Returning Officer at Parliamentary Elections	Chief Executive
Section 35	Officer appointed as Returning Officer for local elections	Chief Executive
<u>Section 52</u>	<u>Officer approved as deputy to perform the powers and duties of the Registration Officer and officer appointed to carry out any acts of the Registration Officer in the event of his incapacity or a vacancy</u>	<u>Electoral Services Manager</u>
Section 67	Officer to whom declarations and public notice of election agents' appointments are made	<del>Elections Officer</del> <u>Chief Executive for Parliamentary Elections;</u>

		<a href="#">Electoral Services Manager for local elections</a>
Section 131	Officer responsible for providing accommodation for holding election court	<del><a href="#">Elections Officer</a></del> <del><a href="#">Electoral Services Manager</a></del>
<b>Buildings Act 1984</b>	<b>Description</b>	<b>Proper Officer</b>
Section 78(1) and (8)	Officer <del>responsible for taking</del> <u>who may take</u> immediate action in relation to dangerous buildings, <u>structures or parts thereof</u>	Director of Regeneration and Development Services
<b>Local Government Finance Act 1988</b>	<b>Description</b>	<b>Proper Officer</b>
Section 114	Officer responsible for making financial reports to the authority	Executive Director, Resources
Section 116	Officer responsible for notifying <u>the authority's</u> auditor <del>if of the</del> date, time and place of meeting to consider s114 report and of decision of such meeting	Executive Director, Resources
<b>Local Government and Housing Act 1989</b>	<b>Description</b>	<b>Proper Officer</b>
Section 2(4)	Officer with whom the list of politically restricted posts shall be deposited	Chief Executive
Section 4	Officer designated as Head of Paid Service	Chief Executive
Section 5	Officer designated as Monitoring Officer	Director of Legal and Governance
<b>Local Government (Committees and Political Groups)</b>	<b>Description</b>	<b>Proper Officer</b>



<b>Regulations 1990</b>		
<del>Section</del> <u>Regulation</u> 8(1) and (5)	Officer to whom notice <u>in writing</u> is delivered about the constitution of a political group or the change of name of a political group	Joint Head of Democratic Services
<del>Section</del> <u>Regulations</u> 9 and 10	Officer to whom notice <u>in writing</u> is delivered about a Councillor's membership, or cessation of membership, in a political group	Joint Head of Democratic Services
<del>Section</del> <u>Regulation</u> 13	Officer to whom the wishes of a political group are expressed	Joint Head of Democratic Services
<del>Section</del> <u>Regulation</u> 14	Officer responsible for notifying <u>in writing the leader or deputy leader of</u> a political group about allocations and vacancies of seats	Joint Head of Democratic Services
<b>Local Government Act 2000</b>	<b>Description</b>	<b>Proper Officer</b>
<u>Section 9FB</u>	<u>Officer designated to carry out the functions of Scrutiny Officer</u>	<u>Head of Elections, Equalities and Involvement</u>
<del>S81</del>	<del>Officer responsible for establishing and maintaining a register of interests</del>	<del>Joint Head of Democratic Services</del>
<b>The Local Authorities (Standing Orders) (England) Regulations <del>2000</del> <u>2001</u></b>	<b>Description</b>	<b>Proper Officer</b>
Schedule 1, <u>Part 2</u> , Paragraphs 5 and 6	Officer responsible for receiving notification of proposed appointment <u>or dismissal of</u> certain officers, notifying executive members of that proposed appointment <u>or dismissal</u> and for receiving and notifying of objections to the proposed appointment <u>or dismissal</u>	Director of Human Resources

<p><del>The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000</del></p> <p><u>Local Authorities (Referendums) (Petitions) (England) Regulations 2011</u></p>	<p><b>Description</b></p>	<p><b>Proper Officer</b></p>
<p>Regulation <del>4(2)</del> <u>4(1)</u></p>	<p>Officer who publishes the number that is equal to 5 per cent of the number of local government electors for the authority's area</p>	<p>Director of Legal and Governance / <del>Elections Officer</del> <u>Electoral Services Manager</u></p>
<p><del>The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000</del></p> <p><u>Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</u></p>	<p><b>Description</b></p>	<p><b>Proper Officer</b></p>
<p>Regulation <u>7(2)</u></p>	<p><u>Officer who may think fit to exclude from the copy of a report open for inspection by the public information which relates to matters when the meeting is likely to be private</u></p>	<p><u>Joint Head of Democratic Services</u></p>
<p>Regulation <del>11(7)(c)</del></p> <p><u>Regulation 7(7)(c)</u></p>	<p>Officer who may <u>think fit to</u> supply to a newspaper a copy of any document supplied to Cabinet members <u>if he or she thinks fit in relation to an item on the agenda for a public meeting</u></p>	<p>Joint Head of Democratic Services</p>
<p>Regulation <del>15(1)</del></p> <p><u>Regulation 10(1) and (3)</u></p>	<p>Officer responsible for:</p> <ul style="list-style-type: none"> <li>- <u>informing the <u>chairman of the</u> relevant Committee by notice in writing</u></li> <li><del>Chairman</del> of decision to</li> </ul>	<p>Joint Head of Democratic Services</p>

	<p>be made <del>and not in the Forward Plan where the publication under Regulation 9 is impracticable</del></p> <p><del>—making available for inspection by the public and published on the authority’s website a copy of the above notice</del></p> <ul style="list-style-type: none"> <li>- <del>making available a notice setting out the reasons why compliance with Regulation 9 is impracticable and publishing that notice on the authority’s website</del></li> </ul>	
<del>Regulation 3(1)</del> <del>Regulation 12</del>	Officer responsible for producing a written statement of all executive decisions made <del>at meetings of decision-making bodies at a public or private meeting of Cabinet, including the information specified in Regulation 3(2)</del>	Joint Head of Democratic Services
<del>Regulation 4</del> <del>Regulation 13</del>	Officer responsible for producing a written statement of all executive decisions made by individual Councillors	Joint Head of Democratic Services
<del>Regulation 5(1)</del> <del>Regulation 14</del>	Officer responsible for ensuring that a copy of the following documents is available for public inspection: <ul style="list-style-type: none"> <li>- <del>Written statements referred to in Regulations 3, 12 and 13</del></li> <li>- <del>Part or all of any report considered by the decision maker and relevant to the decision made</del></li> </ul>	Joint Head of Democratic Services
<del>Regulation 6</del> <del>Regulation 15</del>	Officer responsible for compiling a list of background papers to the report referred to in	Joint Head of Democratic Services

	Regulation <del>5</del> <u>14</u>	
<del>Regulation 12(1)</del>	<del>Officer responsible for publishing the information relating to key decisions specified in regulation 12(1)</del>	<del>Joint Head of Democratic Services</del>
<del>Regulation 13</del>	<del>Officer responsible for publishing the Forward Plan</del>	<del>Joint Head of Democratic Services</del>
<del>Regulation 17</del> <del>Regulation 16</del>	Officer responsible for determining whether compliance with regulations <del>17(1)-16(1)</del> and <del>17(2)-16(3)</del> would involve the disclosure of either exempt information or advice provided by a political adviser or assistant	Director of Legal and Governance
<del>Regulation 21(4)</del> <del>Regulation 20</del>	Officer who <del>may</del> <u>forms</u> an opinion as to whether a document contains or is likely to contain confidential information, exempt information or the advice of a political adviser or assistant	Director of Legal and Governance
<b>Health and Social Care Act 2012</b>	<b>Description</b>	<b>Proper Officer</b>
Section 30	Officer to carry out the role of director of public health	Director of Public Health
<del>Local Democracy, Economic Development and Construction Act 2009</del>	<del>Description</del>	<del>Proper Officer</del>
<del>Section 31</del>	<del>Officer to carry out the role of Lead Scrutiny Officer</del>	<del>Head of Governance and Involvement</del>
<b>Children Act 2004</b>	<b>Description</b>	<b>Proper Officer</b>
Section 18	Officer <del>designated</del> <u>appointed</u> as Director of Children's Services	Executive Director of Children, Young People and Families

<u>Local Authority Social Services and National Health Service Complaints (England) Regulations 2009</u>	<u>Description</u>	<u>Proper Officer</u>
<u>Regulation 4(1)(a) and (4)</u>	<u>Officer designated as Responsible Person to ensure compliance with arrangements made under these Regulations</u>	<u>Chief Executive</u>
<u>Regulation 4(2)</u>	<u>Officer authorised by the Council to perform the functions of the responsible person</u>	<u>Director of Care &amp; Support / Director of Commissioning</u>
<u>Regulation 4(1)(b) and (5)</u>	<u>Officer designated as complaints manager to manage the procedures for handling and considering complaints</u>	<u>Complaints Manager</u>
<u>Openness of Local Government Bodies Regulations 2014</u>	<u>Description</u>	<u>Proper Officer</u>
<u>Regulation 8</u>	<u>Officer who forms an opinion as to whether the documents relating to an officer delegated decision under Regulation 7(2) are background papers for the purpose of this Regulation</u>	<u>Director of Legal and Governance</u>
<u>Regulation 9</u>	<u>Officer who determines whether a document contains or is likely to contain either exempt or confidential information</u>	<u>Director of Legal and Governance</u>

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# AUDIT COMMITTEE

# ANNUAL REPORT 2013/14

To be considered at the Council Meeting on 1 October 2014



## FOREWORD

I am delighted to present this report to Council on the work of the Audit Committee in 2013/14 which demonstrates how the Committee has contributed to ensuring that the Council has an effective governance framework and internal controls.

Over the seven meetings there has been a range of items of business with some challenging issues to consider.

We approved the Statement of Accounts and accepted the External Auditor's report on his audit of the accounts. I am pleased that the External Auditor issued an unqualified value for money conclusion and an unqualified opinion on the financial statements in September 2013.

One of the key issues for the Committee during the year has been the impact of the over spend in the Communities Portfolio in 2013/14 and this was highlighted in a number of the reports we have received. We considered in detail the Internal Audit report on the Adult Social Care Management Review in July 2014 and the actions and initiatives that are taking place to address the findings and recommendations of the Review. We will be monitoring progress in the coming year and will also be receiving a report on a wider systems review.

The Committee has been updated on the issues relating to the closure of the Digital Region project and we will be receiving the independent review report in 2014.

Members have been kept informed of progress in obtaining a settlement with the three South Yorkshire local authorities in respect of the former South Yorkshire Trading Standards Unit which is nearing conclusion.

An area of concern has been the backlog of pension queries and we heard from Capita that this was close to being cleared by the Pensions Authority. We were assured that the backlog related to pension queries and not errors and had not affected individual employees and their pension entitlement.

We continued to monitor the implementation of recommendations from Internal Audit reports with a high opinion. Where we have had concerns about a lack of progress we have held officers to account as we did in relation to the audits of Self Directed Support (Direct Payments) and Marketing Sheffield, both of which were subsequently removed from the action tracker.

Our External Auditor, John Prentice, moved to KPMG's Leeds Office during the year. I would like to express my thanks to John for the excellent service he provided over his 5 years as our External Auditor. I would also like to welcome back Sue Sunderland who replaced him as Director earlier this year.

Our two Independent Members have proved to be a worthwhile addition to the Committee. I would like to thank Beryl Seaman, who left in December, for her excellent contribution to the work of the Committee. Following a recruitment process, Liz Stanley joined Rick Plews on the Committee in January.

The effective operation of the Committee relies on the contribution of its members and I consider that the cooperative working that exists is one of our strengths. I



would like to thank the members for their hard work and patience during the year and particularly Councillor Joe Otten as Deputy Chair.

The Committee also benefits from having excellent officer support and I would particularly like to thank those officers that regularly attend meetings and support the Deputy Chair and myself. This is appreciated as we have dealt with some challenging issues during the year.

Finally, there are no issues or areas of concern I wish to draw to the attention of Council and I recommend that Council receives this report on the work of the Audit Committee in 2013/14.



**Councillor Ray Satur, Chair of the Audit Committee 2013/14**

## AUDIT COMMITTEE ANNUAL REPORT 2013/14

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## 1. INTRODUCTION

- 1.1 This is the seventh year of the Audit Committee and this Report highlights the work of the Committee in the 2013/14 and covers the period from July 2013 to July 2014.

## 2. COMMITTEE INFORMATION

- 2.1 There were seven meetings of the Committee during the year. The membership comprises six councillors and two independent non-voting co-opted members. and the members were:-

- Councillor Ray Satur (Chair)
- Councillor Joe Otten (Deputy Chair)
- Councillor Helen-Mirfin Boukouris (to September 2013/from June 2014)
- Councillor Anders Hanson (to May 2014)
- Councillor Steve Jones (to June 2014)
- Councillor Martin Lawton (to May 2014)
- Councillor Sioned-Mair Richards (from September 2013)
- Councillor John Campbell (from June 2014)
- Councillor Rob Frost (from June 2014)
- Rick Plews - Independent non-voting co-opted member
- Beryl Seaman - Independent non-voting co-opted member (to 31 December 2013)
- Liz Stanley - Independent non-voting co-opted member (from 1 January 2014)

## 3. OFFICER SUPPORT

- 3.1 The Committee continued to be well supported by the Council's Executive Management Team, senior management and officers in Finance, Internal Audit, Legal and Governance and other Portfolios.
- 3.2 There is also close working with the Director and Senior Audit Manager at KPMG, the Council's External Auditor. In line with KPMG's five year rotation policy, John Prentice was replaced as Director by Sue Sunderland in 2014.

## 4. WORK PROGRAMME

- 4.1 The work programme is based around the Committee's Terms of Reference and items requested during the year. This is discussed with the Chair and Deputy Chair of the Committee and officers and is reviewed at each Committee meeting.
- 4.2 The Committee's terms of reference and a list of the items that have been considered are attached as appendices to the report.

## 5. INTERNAL AUDIT ACTIVITY

### 5.1 Internal Audit Annual Report 2013

- 5.1.1 The Annual Report highlighted the role of Internal Audit and the work undertaken during 2012/13 and supported the Council's Annual Governance Statement. It also provided an executive summary of audit opinion and information on the

planning process, audit reporting and service reviews.

5.1.2 The Committee noted that the Chief Audit Executive (Senior Finance Manager) was satisfied that the core systems included control arrangements that were currently adequate to allow the Council to conduct its business appropriately. The revised Internal Audit Charter was approved, as required by the Public Sector Internal Audit Standards.

5.1.3 It was agreed that at the request of the Committee or the External Auditor, a private meeting would be held before each meeting of the Committee with the External Auditor and Internal Audit to discuss any issues of concern. No such meetings were held during the year. There would also be a private meeting between the Committee and the External Auditor at least once a year and this is to be arranged.

## 5.2 **Review of the Operation of the New Internal Audit Structure**

5.2.1 The Committee was updated on the how the new management arrangements for Internal Audit that were implemented in April 2013 were operating in practice and how they fulfilled the requirements of the Public Sector Internal Audit Standards.

## 5.3 **Internal Audit Plan 2014/15**

5.3.1 The Internal Audit Plan and Strategy for 2014/15 summarised a risk based programme of work and demonstrated that the Council had made provision to discharge its statutory responsibilities. The format of the Plan had been amended to provide additional information on the scope of the audit reviews. Reference was made to the significant increase in the volume of unplanned work requested from Internal Audit in 2013/14. The Committee endorsed the programme of audit work for 2014/15.

## 5.4 **Progress on Compliance with the Public Sector Internal Audit Standards**

5.4.1 The aim of the Public Sector Internal Auditing Standards was to promote further improvements in the professionalism, quality, consistency and effectiveness of internal audit across the public sector. The Committee endorsed the progress made to ensure compliance with the Standards whilst noting the additional work still required.

## 5.5 **Progress on High Opinion Audit Reports**

5.5.1 An auditable area receiving a 'High Opinion' was considered by Internal Audit to be an area where the risk of the activity not achieving its objectives is high and sufficient controls were not present at the time of the audit review.

5.5.2 The following audit reports with a high opinion were issued during the year:-

- Projects - Risk Management and Reporting
- Freedom of Information Arrangements
- Urban Traffic Control
- School Appointments, Terminations and Amendments to Pay
- Delivery of Highways Schemes
- Schools Using Independent Payroll Services

- Subject Access Requests
- Adoption Service
- CareFirst Application Review (Financial Elements)
- Integration of Short Term Intervention Team and Community Intermediate Care Services

- 5.5.3 The Committee continued to monitor and robustly challenge progress made against the recommendations from the Audit Reports with a High Opinion. Ten audits were subsequently removed from the action tracker due to satisfactory implementation of the recommendations/actions by the service. However, where there were concerns about a lack of progress, officers were requested to attend the Committee.
- 5.5.4 Officers from the Social Care Service attended a meeting to provide assurance regarding implementation of the actions for the audit of Self-Directed Support (Direct Payments). An Internal Audit follow-up review was requested by the Committee and this was reported to the Committee in April 2014. This audit was subsequently removed from the action tracker in July 2014.
- 5.5.5 Arising from the concerns of the Committee last year, a report was requested on the recommendations and actions that had not been implemented from the Internal Audit report on Marketing Sheffield. In July 2013, the Executive Director, Place submitted a report on the conclusions from an investigation into the over spend on the MADE Festival held in 2011. The situation did not recur in 2012 and a new way of procuring a partner for the event was in place for the 2013 event.
- 5.5.6 Internal Audit also provided an update on the five outstanding recommendations from the Audit Report on Marketing Sheffield. The Committee requested Internal Audit to undertake a light touch review of Marketing Sheffield over the next 18 months to ensure that the actions were being delivered. The audit was removed from the action tracker in November 2013.

## 6. **ACCOUNTS**

- 6.1 The Committee considered:
- Summary of the Statement of Accounts
  - Statement of Accounts 2012/13
  - External Auditor's Report to Those Charged with Governance (ISA 260)
  - Annual Audit Letter 2012/13
- 6.2 A summary of the 2012/13 Statement of Accounts was considered in July 2013 and explained the core statements and a number of the key notes to the accounts. A training workshop for members of the Committee was held prior to consideration of the Statement of Accounts and External Auditor's report in September 2013.
- 6.3 The External Auditor's 'Report to Those Charged with Governance' (ISA 260) summarised the key issues identified during the audit of the Council's financial statements for the year ended 31 March 2013 and his assessment of the Council's arrangements to secure value for money in its use of resources. The report also outlined the proposed audit opinion and audit differences, the key risks affecting the financial statements (these included the Council's savings plans,

Digital Region Limited and the Highways Private Finance Initiative), specific value for money risks, the key issues and recommendations from the audit relating to Digital Region and the follow-up of the recommendations from the 2011/12 audit.

- 6.4 The Committee accepted the External Auditor's Report (ISA 260) and approved the Statement of Accounts for 2012/13. The External Auditor issued an unqualified value for money conclusion and an unqualified opinion on the financial statements on 27 September 2013.
- 6.5 A number of reports were also requested on the closure and independent review of Digital Region, the settlement in relation to the former South Yorkshire Trading Standards Unit and the Internal Audit Management Review Report on Adult Social Care. These are covered in Section 9 on Follow-up Reports.
- 6.6 The External Auditor's Annual Audit Letter 2012/13 was submitted in November and summarised the findings from the audit of the Council's financial statements and value for money conclusion for 2012/13. As there had been two objections to the Council's 2011/12 financial statements, the External Auditor subsequently issued a certificate to close the 2012/13 audit in April 2014.

## 7. **EXTERNAL AUDIT**

- 7.1 The Committee considered the following reports from the Director, KPMG, the Council's External Auditor:-
- Report to those Charged with Governance (ISA 260)
  - Certification of Claims and Returns Annual Report
  - Annual Audit Letter 2012/13
  - Annual Audit Fee Letter 2013/14
  - External Audit Plan 2013/14
- 7.2 The Report to those Charged with Governance (ISA 260) and Annual Audit Letter are covered under the previous Accounts section.
- 7.3 The Committee noted a report that summarised the work on the certification of the Council's claims and returns for 2012/13 in relation to grants and subsidies the Council received from the Government and grant paying bodies. Four grants and claims had been certified with a total value of £573.7m. The report included a summary of the outcomes and the recommendations from the certification work.
- 7.4 The Committee were informed that the Audit Commission had published the final audit fee scale for external audit work and the fee would remain the same in cash terms. The grant fee had reduced to reflect reductions in claim certification work required in 2014/15.
- 7.5 The External Audit Plan 2013/14 described how KPMG would deliver the financial statements audit work for the Council and also set out the approach to value for money work. It also included an assessment of the key risks for the audit of the financial statements relating to Digital Region Ltd, the Local Government Pension Scheme triennial revaluation, property, plant and equipment and changes in associated bodies.

## 8. **REGULATORY FRAMEWORK AND RISK MANAGEMENT**

### 8.1 **Annual Governance Statement**

8.1.1 The Council is required to produce, as part of its Annual accounts, an Annual Governance Statement (AGS) that describes the governance framework and systems of internal control and this has to be signed off by the Leader, Chief Executive and Section 151 Officer. The AGS for 2012/13 was considered in July 2013 and identified two significant control weaknesses relating to Adult Social Care and Capital Project Management and set out the officer action to address those issues. The AGS for 2013/14 also included these control weaknesses with the addition of the Consistency of Corporate issues.

### 8.2 **Compliance With International Auditing Standards**

8.2.1 A report was received summarising how the Committee can gain assurance that the key elements of the Council's internal control systems are being reviewed and reported to the Committee, particularly in relation to the Annual accounts, the system of internal control, governance arrangements, counter fraud arrangements and risk management. This allowed the Committee to demonstrate to the External Auditors and a wider audience that it has exercised the required oversight to meet the requirements of the Standards.

8.2.2 The Committee agreed that the report gave an accurate reflection of the reports that it has received and considered throughout the year and it had an overview of the Council's systems of internal control so that it is assured that it is fulfilling the requirements of "those charged with governance" under the International Auditing Standards.

### 8.3 **Financial/Commercial Monitoring of External Relationships**

8.3.1 The Committee continued to receive reports providing an update on the monitoring of the financial and commercial risks of the Council's 28 major external relationships.

### 8.4 **Protecting The Public Purse Annual Fraud Report**

8.4.1 The Committee noted the key recommendations contained in the Audit Commission's 'Protecting the Public Purse 2013' report that provided a summary of detected fraud and identified key fraud risks affecting local government. The report also provided an update on fraud investigation activity within the Council during 2012/13 and a completed checklist for those responsible for governance.

8.4.2 The key messages from the Audit Commission's report on fraud in the public sector were:

- It is estimated that fraud costs the UK public sector more than £20 billion a year and local government more than £2 billion.
- In a time of austerity, preventing fraud is even more important to protect the public purse.
- Every pound lost through fraud cannot be spent on providing public services.

## 8.5 **Strategic Risk Management**

8.5.1 The Corporate Risk Manager gave two presentations to the Committee during the year that assessed:-

- the Council's current Risk Management arrangements and the measures being implemented to further strengthen and improve those arrangements
- the Risk management trend analysis; and
- the current and emerging risks to delivery of the Council's strategic objectives and the controls in place to manage those risks.

8.5.2 Risk management training was planned for members of the Committee but would now take place in October 2014.

## 9. **FOLLOW UP REPORTS**

### 9.1 **South Yorkshire Digital Region**

9.1.1 In November 2013, the Committee were informed that KPMG would be undertaking a review of the Digital Region project. The first stage would examine the headline issues with the second stage focussing on specific issues. The Committee is due to receive this report in 2014.

9.1.2 The Director of Finance and the Director of Creative Sheffield submitted a report providing progress on the management response to the recommendation from the External Auditor's ISA 260 report and the Committee noted the steps being taken to manage the closure of Digital Region Limited to reduce the financial impact on the Council.

### 9.2 **South Yorkshire Pension Queries**

9.2.1 The Committee has been monitoring the backlog of South Yorkshire Pension queries and it was reported in last year's Annual Report that the backlog had been cleared.

9.2.2 In July 2013, the Payroll Manager (HR Solutions, Capita) provided a further update on progress to address the Council's pensions' backlog and its impact on the South Yorkshire Pensions Authority Service Level Agreement quarterly statistics. The backlog of nearly 10,000 cases was close to being cleared by the Pensions Authority and significant signs of improvement in the statistics was expected in Quarter 3 (October to December 2013). The backlog related to pension queries and not errors and had not affected individual employees and their pension entitlement.

9.2.3 In seeking an assurance going forward that there would be system improvements, the Payroll Manager referred to work that was underway with the Pensions Authority to synchronise payroll and pension records whilst simultaneously amending and improving monthly submissions.

9.2.4 At its meeting in July 2014, the Committee received a follow-up report of the Director KPMG providing an update on the timely issue of pensions' data by the



Council to the Pensions Authority. The report concluded that progress was being made but further improvements were required. The Committee would continue to monitor the position.

### **9.3 South Yorkshire Trading Standards Unit**

9.3.1 The Committee has been kept informed of progress in obtaining a settlement with the other three South Yorkshire local authorities relating to the former South Yorkshire Trading Standards Unit.

### **9.4 Adult Social Care**

9.4.1 The issues relating to the significant overspend in the Communities Portfolio in 2013/14 were highlighted in the Annual Governance Statement, the Statement of Accounts and the External Auditor's ISA 260 Report and Annual Audit Letter. At a special meeting in July 2014, the Committee gave detailed consideration to the Internal Audit report on the Management Review of Adult Social Care and details of the actions and initiatives that are taking place to address the findings and recommendations of the Review. A progress report would be considered in December 2014. In addition, the Committee would receive a report on a wider systems review in November 2014.

## **10. INDEPENDENT MEMBER RECRUITMENT**

10.1 As one of the Committee's non-voting co-opted independent members stood down at the end of December 2013, a recruitment process was undertaken to fill that vacancy. The appointment of Liz Stanley was confirmed by Full Council in December 2013 and she attended her first meeting of the Committee in January 2014. An induction session was also arranged for the new member.

10.2 It was also agreed that the maximum term for the appointment of the co-opted members of the Audit Committee is increased to five years to allow for flexibility in the recruitment process but that a four year term would be the norm. This would be of assistance where a member retired during their last year.

10.3 As the term of office for one of the independent members is due to expire in May 2015, it will be necessary to consider the recruitment process for that position during the coming year.

## **11 TRAINING AND DEVELOPMENT**

11.1 A number of internal and external training sessions/events were held during the year:-

- A briefing session was held with an external facilitator to assist members in advance of consideration of the Statement of Accounts and External Auditor's Report ((ISA 260).
- Four members of the Committee visited Capita's offices in November 2013 for a tour of their premises and to receive presentations from senior managers on the services they provide for the Council.

11.2 Two members of the Committee attended a Chartered Institute of Public Finance

and Accountancy workshop in July 2014 on 'Developing the Audit Committee'. The practical workshop was designed to improve the focus and impact of audit committees and extend the knowledge and skills of audit committee members. Feedback from the workshop was that it was interesting and useful.

- 11.3 As it had not been possible to arrange a training session on risk management this would be held in October 2014.

## 12. **OUTCOMES**

- 12.1 The Audit Committee aims to add value through its activity and, in particular, it has:

- Approved the Statement of Accounts.
- Accepted the Report to those Charged with Governance (ISA 260)
- Demonstrated that it has a significant overview of the Council's systems of internal control so it is assured that it is fulfilling the requirements of "those charged with governance" under the International Auditing Standards.
- Continued to monitor implementation of the recommendations and actions arising from Audit Reports with a high opinion.
- Endorsed the work taking place to ensure compliance with the Public Sector Internal Auditing Standards and approved the revised Internal Audit Charter as required by the Standards.
- Received information on the risk management arrangements.
- Endorsed the programme of Internal Audit work for 2014/15.
- Received follow-up reports where requested.

## 13. **THE YEAR AHEAD**

- 13.1 The Committee will continue to ensure that it maximises its contribution to an effective governance and control framework. It will work closely with the Council's senior management and Internal and External Audit and will hold service managers to account where necessary.
- 13.2 A progress report on the implementation of actions from the Management Review of Adult Social Care and a report on a systems review will be considered in 2014. The Committee is also due to receive the report from KPMG on the Review of Digital Region.
- 13.3 Training will be arranged on the Statement of Accounts and risk management.
- 13.4 A recruitment process will be undertaken in late 2014/early 2015 as the term of office expires in May 2015 for one of the Committee's independent members.

## 14. **RECOMMENDATION**

- 14.1 That Council receives this report on the work of the Audit Committee in 2013/14.

**Councillor Ray Satur**  
**Chair of the Audit Committee 2013/14**

## **Appendix A - Items Considered During the Year**

### 9 July 2013

- South Yorkshire Pensions Update
- Summary of the Statement of Accounts
- Marketing Sheffield
- Annual Governance Statement 2012/13
- Progress on High Opinion Audit Reports
- Independent Member Recruitment
- Audit Committee Annual Report
- Financial/Commercial Monitoring of External Relationships
- Work Programme

### 25 September 2013

- Report to those Charged with Governance (ISA 260)
- Statement of Accounts 2012/13
- Internal Audit Annual Report 2013
- Work Programme

### 14 November 2013

- South Yorkshire Digital Region: Progress on Management Response
- Annual Audit Letter 2012/13
- Progress on High Opinion Audit Reports
- Progress on Compliance with the Public Sector Internal Audit Standards
- Strategic Risk Management
- Work Programme

### 9 January 2014

- Review of the Operation of the New Internal Audit Structure
- Certification of Grant Claims and Returns
- Financial/Commercial Monitoring of External Relationships
- Work Programme

### 10 April 2014

- External Audit Plan 2013/14
- Annual Audit Fee Letter 2014/15
- Internal Audit Plan 2014/15
- Progress on High Opinion Audit Reports
- Protecting the Public Purse Annual Fraud Report
- Compliance with International Auditing Standards
- Strategic Risk Management
- Work Programme

### 3 July 2014

- Adult Social Care Management Review
- Appointment of Deputy Chair

17 July 2014

- Annual Governance Statement 2013/14
- Summary of the 2013/14 Statement of Accounts
- Progress on High Opinion Reports
- Annual Audit Fee Letter 2014/15
- Pensions Data Follow Up Report
- Work Programme

## **Appendix B - Audit Committee Terms Of Reference**

- (1) To approve the Council's Statement of Accounts (which includes the Annual Governance Statement) in accordance with the Accounts and Audit Regulations 2003 as amended.
- (2) To consider the Annual Letter from the Auditor or the Audit Commission in accordance with the Accounts and Audit Regulations 2003 as amended and to monitor the Council's response to any issues of concern identified.

### *Audit Activity*

- (3) To consider the Chief Internal Auditor's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- (4) To consider summaries of specific internal audit reports as requested.
- (5) To consider reports dealing with the management and performance of the internal audit service.
- (6) To consider any report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- (7) To consider specific reports as agreed with the external auditor.
- (8) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (9) To liaise with the Audit Commission over the appointment of the Council's external auditor.

### *Regulatory Framework and Risk Management*

- (10) To maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour (except in relation to those matters which are within the Terms of Reference of the Standards Committee e.g. code of conduct and behaviour of Members).
- (11) To monitor the effective development and operation of risk management and corporate governance in the Council.
- (12) To monitor Council policies on "Raising Concerns at Work" and the anti-fraud and anti-corruption strategy and the Council's complaints process.

- (13) To oversee the production of the Council's Annual Governance Statement and monitor progress on any issues.
- (14) To consider the Council's arrangements for corporate governance and any necessary actions to ensure compliance with best practice.
- (15) To consider the Council's compliance with its own and other published standards and controls.

*Accounts*

- (16) To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.