



Council

Wednesday 3 June 2015

2.00 pm

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

The Press and Public are Welcome to Attend

COUNCIL

Wednesday 3 June 2015, 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 Talib Hussain)
THE DEPUTY LORD MAYOR (Councillor Denise Fox)

1	<i>Arbourthorne Ward</i> Julie Dore Mike Drabble Jack Scott	10	<i>Dore & Totley Ward</i> Joe Otten Colin Ross Martin Smith	19	<i>Mosborough Ward</i> David Barker Isobel Bowler Tony Downing
2	<i>Beauchief & Greenhill Ward</i> Julie Gledhill 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 Mohammad Maroof
3	<i>Beighton Ward</i> Helen Mirfin-Boukouris Chris Rosling-Josephs Ian Saunders	12	<i>Ecclesall Ward</i> Penny Baker Roger Davison Shaffaq Mohammed	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 Garry Weatherall	22	<i>Shiregreen & Brightside Ward</i> Peter Price Sioned-Mair Richards Peter Rippon
5	<i>Broomhill Ward</i> Jayne Dunn Aodan Marken 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 Chris Peace	24	<i>Stannington Ward</i> David Baker Katie Condliffe Vickie Priestley
7	<i>Central Ward</i> Lewis Dagnall Robert Murphy Sarah Jane Smalley	16	<i>Graves Park Ward</i> Ian Auckland Steve Ayris Denise Reaney	25	<i>Stocksbridge & Upper Don Ward</i> Jack Clarkson Richard Crowther Keith Davis
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> Dianne Hurst 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 Zoe Sykes
				28	<i>Woodhouse Ward</i> Mick Rooney Jackie Satur Ray Satur

John Mothersole

Chief Executive

Contact:

Paul Robinson, Democratic Services

Tel: 0114 2734029

paul.robinson@sheffield.gov.uk

PUBLIC ACCESS TO THE MEETING

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

All Councillors meet together as the Council. 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. 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.

FACILITIES

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

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

**COUNCIL AGENDA
3 JUNE 2015**

Order of Business

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

3. MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING

To receive the record of the proceedings of the meeting of the Council held on 25th March 2015, 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. IMPLEMENTING THE COMMUNITY INFRASTRUCTURE LEVY IN SHEFFIELD

Report of the Executive Director, Resources.

8. CHANGES TO THE CONSTITUTION - DISCIPLINARY PROCEDURES FOR STATUTORY OFFICERS

Report of the Director of Human Resources.

9. NOTICE OF MOTION GIVEN BY COUNCILLOR JULIE DORE

That this Council:-

- (a) thanks the people of Sheffield for using their vote in the General and Local elections on 7th May 2015;
- (b) notes that 21 out of the 28 seats that were contested in the local elections were won by the Labour Party and places on record its thanks to the people of Sheffield for their continued support for the current Administration;
- (c) further places on record its thanks to all officials working on the election, who made sure that it was conducted smoothly and efficiently;
- (d) welcomes all new Councillors to the Town Hall and congratulates Sheffield's new MPs, Harry Harpham and Louise Haigh, on their election to Parliament;
- (e) welcomes the efforts taken by the Council to maximise voter registration, particularly in light of Individual Electoral Registration, and notes that Sheffield has received recognition, particularly for the work with the universities to encourage students to register and resolves that work remains ongoing to encourage as many people as possible to register to vote; and
- (f) resolves to continue to work to improve levels of voter registration in the City and to encourage further engagement with local democracy.

10. NOTICE OF MOTION GIVEN BY COUNCILLOR LEIGH BRAMALL

That this Council:-

- (a) welcomes the recent Core Cities 'Devolution Declaration: A Modern State for a Stronger Britain', launched in May 2015;
- (b) notes that the Declaration calls for a 'radical modernisation' of the UK's over-centralised state, allowing Britain to succeed at every level from the global to the neighbourhood;
- (c) notes comments from Professor Tony Travers from the London School of Economics and Political Science reinstating the importance that "A new Government, as well as continued devolution to the UK's nations, makes this a key time for city devolution agenda. The Core Cities have made a convincing argument to Westminster on devolution to cities, now is the time look in more detail at policy and what the cities can actually deliver for the UK.";
- (d) further notes that independent forecasts say that, with greater freedoms, the eight English Core Cities could alone deliver £222bn extra and put 1.16m jobs into the economy by 2030, which is the equivalent of adding the entire economy of Denmark to the UK;
- (e) notes that under the current Administration, Sheffield has played a prominent role in the Core Cities to ensure the city punches its weight, resulting in its leading City Deal and the city being only second to Manchester in securing a Devolution Deal; and
- (f) believes that as a Core City, Sheffield is well placed to play an important role in the devolution to cities and reconfirms the Council's commitment to get the best deal for the people of Sheffield.

11. NOTICE OF MOTION GIVEN BY COUNCILLOR MARTIN SMITH

That this Council:-

- (a) is concerned by the new Government's plans to scrap the Human Rights Act, replacing it with a 'British Bill of Rights', the details of which have not been set out;
- (b) notes that the Liberal Democrats, whilst in the previous Coalition Government, prevented this from occurring for the last 5 years;
- (c) recognises the importance of the Human Rights Act, which enshrines in British law the European Convention on Human Rights and obliges all public bodies within the UK to uphold and respect human rights;
- (d) notes that the European Convention on Human Rights was authored by British politicians in the wake of World War Two and is in line with traditional British values of tolerance, fairness and

liberty;

- (e) recognises that the vast majority of people in Sheffield uphold these values and that Sheffield's status as a City of Sanctuary, welcoming refugees from countries where human rights are not respected, is a reflection of this fact;
- (f) believes this move is particularly worrying in the face of the Rt. Hon. Theresa May MP's plans to introduce 'Banning Orders' and the controversial draft communications bill, the so-called 'Snoopers' Charter' which the Liberal Democrats also blocked in the last Government;
- (g) is deeply concerned by the Rt. Hon. David Cameron MP's comment to the National Security Council that 'For too long, we have been a passively tolerant society, saying to our citizens: as long as you obey the law, we will leave you alone.';
- (h) notes that a balance needs to be struck between security and liberty, but believes these proposed measures are an unnecessary invasion of civil liberties and go too far in favour of those in power; and
- (i) therefore urges the Government to reconsider its plans to scrap the Human Rights Act and not to introduce other measures which undermine human rights.

12. NOTICE OF MOTION GIVEN BY COUNCILLOR ISOBEL BOWLER

That this Council:-

- (a) welcomes the success of the recent World Snooker Championships, noting the 350m worldwide audience, confirming that the event continues to be important for the City;
- (b) notes the success of other recent events such as the half-marathon and food festival and believes that these events are important in contributing to the vibrancy of the City;
- (c) welcomes the support for the events programme, both for city centre and community events, noting that investment for past events was funded through resources from the Keep Sheffield Working Fund to boost the city centre and pro-actively support businesses;
- (d) notes that many events in the city centre are funded by local businesses and thanks local businesses for their contribution;
- (e) welcomes the events that are coming to the City in the summer and encourages local people to come along and enjoy as many of these

events as possible, including:

- (i) Doc Fest, 5th June - 10th June
 - (ii) Sheffield Design Week, 13th June - 21st June
 - (iii) Sheffield Sky Ride, 5th July
 - (iv) Tramlines Music Festival, 24th July - 26th July
 - (v) Sheffield by the Seaside in August; and
- (f) welcomes the development of the Business Improvement District (BID) as a private sector initiative, and further notes that the current Administration has supported the efforts of the BID team to date and that this Council looks forward to working in partnership with the BID to improve the vibrancy of the City moving forwards.

13. NOTICE OF MOTION GIVEN BY COUNCILLOR RICHARD SHAW

That this Council:-

- (a) believes that the 'First Past The Post' electoral system, which discriminates against voters for most political parties and promotes a political culture which ignores voters in safe seats, is unfit for purpose;
- (b) regrets that the General Election on 7th May 2015 has produced the least proportional result in our country's history, with over 5 million votes cast for 2 parties, UKIP and the Green Party, translating into 2 parliamentary seats;
- (c) notes that UKIP had received 3.86m votes and The Green Party had 1.15 million for one MP each, and the Liberal Democrats received 229,000 votes for each MP, compared with an average of 40,000 for every Labour MP, 34,000 for every Conservative MP and just 26,000 for every SNP MP;
- (d) regrets the hugely disproportionate result in Scotland, with the SNP winning 56 of 59 Scottish seats, despite only half of people in Scotland voting for them;
- (e) welcomes the petition by the Electoral Reform Society calling for a fairer, more proportional system to elect MPs, with over 135,000 signatures demonstrating public support for this issue;
- (f) recognises the need to reform British politics to make it more representative and more empowering of our citizens so it commands greater public confidence and engagement;
- (g) notes the need for change has been recognised, with the Scottish Parliament and Welsh Assembly using the hybrid Additional Member System, to produce more proportional results, and with the British elections to the European Parliament using Closed List

Proportional Representation;

- (h) notes that the Single Transferrable Vote system is used for local elections in Scotland and in both Northern Irish local elections and the Northern Ireland Assembly;
- (i) therefore, calls for the introduction of the Single Transferrable Vote system:-
 - (i) for local elections in England and Wales;
 - (ii) for Westminster elections; and
 - (iii) for European Parliament elections; and
- (j) directs that a copy of this motion be forwarded to the leaders of all political parties represented in the UK Parliament.

14. NOTICE OF MOTION GIVEN BY COUNCILLOR ROBERT MURPHY

That this Council:-

- (a) notes the parliamentary majority achieved by the new Government on just 36.5% of the vote;
- (b) notes the large majority on Sheffield City Council maintained by the current Administration on just 41.1% of the vote;
- (c) notes the petition of nearly half a million signatories submitted to 10 Downing Street just 11 days after the General Election calling to 'Make seats match votes';
- (d) agrees with Katie Ghose, Chief Executive of the Electoral Reform Society, who said "This election delivered the least proportional result in history. That's because our two-party electoral system cannot cope with the fact that people want to vote for a variety of parties. It's time we had a fairer voting system that accurately translated votes into seats in Parliament.";
- (e) believes that the First Past The Post electoral system is becoming increasingly out of date with the refusal of large sections of the public to support the two main parties;
- (f) believes the current system is no longer a representative democracy and effectively disenfranchises millions of voters and encourages millions more to believe their vote would be meaningless;
- (g) supports the campaign by the Electoral Reform Society and Unlock Democracy for a more proportional voting system in all UK elections; and

- (h) directs that a copy of this motion is sent to all Sheffield MPs and the leaders of the two largest parliamentary parties.

15. NOTICE OF MOTION GIVEN BY COUNCILLOR JACK CLARKSON

That this Council:-

- (a) believes, as a result of the Tour de France and Tour de Yorkshire, that Sheffield has seen a dramatic increase of cyclists around the city, which is not only good for the health and wellbeing of cycle users themselves, but also for non-cyclists as a result of the reduction in carbon emissions, etc;
- (b) believes that a respect for both cyclists and motor vehicle users seems to have grown, which needs to be built upon to ensure that this continues;
- (c) notes the expected underspend on the grey to green scheme, and believes that a proportion of that underspend should be used to provide a 'safe space' for cycling, as part of the grey to green scheme in Sheffield City Centre, and further believes that, although much has been done in relation to cycle lanes etc., further work to encourage more younger and elderly cycle users could be done;
- (d) supports the need to create a 'protected cycle track' around the city, for cyclists, in order to safeguard cycle users in congested areas of high volume traffic, so that people don't have to cycle with motor traffic or come into conflict with people walking;
- (e) notes that, on a daily basis whilst travelling to and from work, the City is now seeing more and more cyclists using its roads;
- (f) supports such a scheme, which would engage more younger and older cycle users to feel safe and confident on the roads and streets around the City, which it is felt would encourage more people to cycle to and from work/school etc., reducing rush hour traffic; and
- (g) suggests to the Administration that a trial 'protected cycle track' is initiated to gauge the strength of feeling for such schemes around the City, which would enhance and make cycling even more attractive, and would further complement Sheffield's aspirations to hold more cycling events in the near future.

16. NOTICE OF MOTION GIVEN BY COUNCILLOR PENNY BAKER

That this Council:-

- (a) thanks all the hard-working volunteers at all of the city's Associate Libraries;
- (b) recognises that the Associate Library groups need security over funding in order to effectively deliver services; and
- (c) recommends to the Cabinet Member for Neighbourhoods that the funding for Associate Libraries should continue at no less than the current level in the next financial year.

A handwritten signature in black ink, appearing to read "John Nothard", with a horizontal line underneath it.

Chief Executive

Dated this 26 day of May 2015

The next ordinary meeting of the Council will be held on 1 July 2015 at the Town Hall

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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, Director of Legal and Governance on 0114 2734018 or email 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 25 March 2015, 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 & Totley Ward</i> Joe Otten Colin Ross Martin Smith	19	<i>Mosborough Ward</i> David Barker Isobel Bowler Tony Downing
2	<i>Beauchief & Greenhill Ward</i> Simon Clement-Jones Roy Munn Richard Shaw	11	<i>East Ecclesfield Ward</i> 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	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 Chris Weldon	22	<i>Shiregreen & 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	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 & 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

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Pauline Andrews, Alan Law, Tim Rippon, Ian Saunders and Steve Wilson.

2. DECLARATIONS OF INTEREST

2.1 Members of the City Council declared interests in items of business, as follows:-

2.2 Item 8: Notice of Motion Concerning the National Health Service

Members declared Disclosable Pecuniary Interests in the above item as set out below:-

- Councillor John Campbell because he is employed by the NHS
- Councillor Sue Alston because she is employed by the NHS
- Councillor Joe Otten because his wife is a GP
- Councillor David Barker because he is employed by the NHS
- Councillor Richard Shaw because his wife receives a bursary from the NHS
- Councillor Andrew Sangar because his wife is employed by the NHS
- Councillor Mary Lea because she is employed by the NHS
- Councillor Ben Curran because his wife is employed by the NHS

Councillor Mick Rooney asked that it be noted that he is a Non-Executive Director on the Sheffield NHS Health and Social Care Trust and such appointments were the responsibility a body separate to the NHS pay review body.

Councillor Jillian Creasy asked that it was noted that she was a locum GP and that GP pay and conditions were delivered by a body which was separate from the NHS pay review body.

2.2.1 Members declared Personal Interests in Item 8 (Notice of Motion Concerning the National Health Service), as follows:-

- Councillor Cliff Woodcraft on the grounds that his daughter in law is an NHS employee.
- Councillor Talib Hussain on the grounds that his son is an NHS employee.

- Councillor Vickie Priestley on the grounds that her daughters and son are NHS employees.
- Councillor Qurban Hussain on the grounds that he receives a pension from the NHS.
- Councillor Rob Frost on the grounds that his mother works for the NHS.

2.3 Item 11: Notice of Motion Concerning Animal Welfare

Councillor Richard Crowther declared a personal interest in the above item on the grounds that his employer is the Shadow Minister for the Environment, including animal welfare.

3. MINUTES OF PREVIOUS COUNCIL MEETINGS

Resolved: On the Motion of Councillor Pat Midgley, seconded by Councillor Gill Furniss, that both the minutes of the ordinary meeting of the City Council held on 4 February 2015 and the special (budget) meeting held on 6 March 2015 be approved as a correct record.

4. PUBLIC QUESTIONS AND PETITIONS AND OTHER COMMUNICATIONS

4.1 Petitions

4.1.1 Petition Regarding the Preservation of Beauchief Abbey Conservation Area

The Council received an electronic petition containing 665 signatures requesting the Council to preserve the Beauchief Abbey Conservation Area.

Representations on behalf of the petitioners were made by Pamela Hodgson, who stated that the land at the end of Beauchief Abbey Lane was intended to remain undeveloped in order to preserve the view of the Abbey from Abbey Lane. In 1992, the Council refused planning permission for residential development on the grounds that the proposed development would result in the loss of valuable open space in the Conservation Area and the effect on the approach to the Abbey and amenity of the area. The land was put up for auction by the Council, but this was withdrawn following protests.

She referred to a recent report in 2015 placing the land at threat of being sold and to the subsequent question at Council following which the Council confirmed that it would review processes which led to the conclusions in the report. She thanked the Council for listening.

Despite these outcomes, the land may again be threatened with development and she stated that it would be in the best interests of the Council and the

public to protect the land in perpetuity.

The petition contained more than 700 signatures from those who valued the Abbey and surrounding area and required assurances that the area would never again be threatened with development.

The Council referred the petition to Councillor Leigh Bramall, Deputy Leader of the Council and Cabinet Member for Business, Skills and Development. Councillor Bramall stated that he was sympathetic to the petitioners and he would examine the issues raised by the petition in more detail to see what could be done.

4.1.2 Petition Requesting an End to the Compulsory Sharing of Rooms in G4S Asylum Housing

The Council received a petition containing 126 signatures requesting an end to the compulsory sharing of rooms in G4S asylum housing.

Representations on behalf of the petitioners were made by John Grayson who stated that there were cases of single asylum seekers being allocated shared rooms and this was known to be a factor affecting people with mental health conditions. G4S was not able to share information concerning the actual number of people sharing a room. He informed the meeting of a particular case involving a man who G4S refused to move from a shared room, despite his health condition. There were also other cases of people with health conditions in similar circumstances.

He stated that the motive for people sharing a room was one of profit. The Council licensed Houses in Multiple Occupation and could use its discretion to apply a single person bedroom standard. Some other local authorities, including Leeds City Council had a policy of requiring separate bedrooms. The Council did have the contract to provide accommodation until 2012 when G4S become the provider of accommodation for asylum seekers. The Council was, he stated, in a strong position to make G4S accountable and it was possible that consideration could be given to whether G4S should continue to have the contract to provide these services.

The Council referred the petition to Councillor Harry Harpham, Cabinet Member for Homes and Neighbourhoods.

4.1.3 Public Questions Concerning Asylum Housing

Robert Spooner asked whether the Council was aware that three other councils had revised procurement policies to include 'gross misconduct' to preclude certain companies from contracting with them. He asked why Sheffield was not doing so.

Flis Callow referred to information previously given by the Cabinet Member for

Finance and Resources concerning a number of small contracts held with G4S and asked what the current situation was regarding contracts between the Council and G4S.

Jasvinder Khosa referred to other local authorities which did not allow room-sharing by single people in Asylum accommodation and asked whether the City Council would also not permit room-sharing.

Stuart Crosthwaite referred to a house in Sheffield with nine men accommodated within 5 rooms and asked what the Council would do about this situation.

Councillor Harry Harpham, the Cabinet Member for Homes and Neighbourhoods responded to the petition and the questions. He stated that legislation existed concerning Houses in Multiple Occupation and that G4S were exploiting a loophole within what the law allows but which most people might think is morally unacceptable. Councillor Harpham stated that when the law was drawn up, it did not envisage people sharing a space except through choice.

Councillor Harpham stated that the Cabinet Member for Communities and Public Health was to make representations about getting the law changed to deal with those cases where it was not somebody's choice to share a room. He said that he was wholly sympathetic to the cases of asylum seekers in circumstances where they were waiting for their case to be heard. Sheffield was a City of Sanctuary, a fact of which the Council was proud. The practices outlined in the treatment of accommodation for asylum seekers did not fit in with the City's status as a City of Sanctuary. Councillor Harpham said that he would support representations to change the law in this regard.

Councillor Mazher Iqbal, the Cabinet Member for Communities and Public Health stated that Sheffield was one of ten local authorities which formed a consortium for housing for asylum seekers for Yorkshire and the Humber. In 2012, the Government decided that it would be less expensive to contract the services out to G4S, which was inexperienced and would be dealing with people who were most vulnerable.

A number of issues had been raised at the consortium concerning G4S and Councillor Iqbal stated that he had written to the relevant Government Minister on this subject. Officers had been instructed that the practice was not acceptable and the Council was in the process of changing policy. Rotherham and Barnsley Metropolitan Borough Councils had decided not to take more asylum seekers due to the practices of G4S and that had affected Sheffield in terms of increasing demand for accommodation. Originally, the 10 consortium members had agreed numbers of asylum seekers that would be accommodated. Sheffield had decided therefore, to implement a pause in taking more asylum seekers until there was change.

The contract for asylum housing also caused providers to seek housing in areas with lower housing values. The Council had decided that, until the

Government and G4S resolve these issues, which were having an adverse impact on people, the Council would not take in more asylum seekers.

Councillor Ben Curran, the Cabinet Member for Finance and Resources, stated that there were three contracts that were the subject of retendering. Whilst the process was underway, Councillor Curran stated that he did not have the details at this point in time. He undertook to follow up this issue and inform people accordingly.

He stated that he did not know of other local authorities policies on gross misconduct in relation to procurement. A Motion had been passed at the Council meeting in October 2014 concerning the fair tax mark and gross misconduct. The Motion requested that a report was submitted to the Overview and Management Scrutiny Committee as a basis for a draft policy to deal with issues including procurement and companies which commit grave misconduct.

4.2 Public Questions

4.2.1 Public Question Concerning the Cost of Living

Lisa Banes stated that the cost of living had disproportionately affected people in Sheffield and referred to Notice of Motion numbered 10 on the Summons concerning the Liberal Democrats record in government.

The Cabinet Member for Finance and Resources, Councillor Ben Curran, stated that he agreed with the questioner and he went on to comment on the Government policies which he said had adversely affected people in Sheffield.

4.2.2 Public Question Concerning Sheffield Airport

Heather Parys asked why Sheffield does not have an airport.

Councillor Leigh Bramall, the Deputy Leader of the Council and Cabinet Member for Business, Skills and Development stated that Doncaster-Sheffield Airport was the airport which it was important to support in the City Region. A link road was to be developed from Sheffield to the Airport which would mean that the journey time to the Airport from Sheffield city centre would be approximately 30 minutes.

Sheffield airport was a subject which had been debated several times by the Council. The former Sheffield airport had not been viable. The development of an airport would be undertaken by the private sector and would be required to go through the planning process.

4.2.3 Public Question Concerning Household Waste Recycling Centres

Dave Berry stated that on 5 February, the Council had made a statement regarding the Green Company, which ran the City's Household Waste Recycling Centres. He asserted that the company had an 'awful' track record

and were embroiled in a dispute concerning pay, alleged bullying, welfare facilities and management of the Centres. He stated that the Council had said that it would be taking immediate action and did not have confidence in the company.

However, he said, since that statement, zero hours contracts had increased, disabled workers had been affected, wages had reduced and recycling rates had fallen. He referred to a further prospect of strikes and asked when could people expect to 'see the back of' the company and have a local partner delivering the service for the good of the City.

Councillor Jayne Dunn, the Cabinet Member for Environment, Recycling and Streetscene, stated that a lot of attention had been given to the matters raised by the petition, including by herself and the Leader of the Council. She said that there were problems with the Green Company and that she shared the concerns raised regarding the practices outlined.

Councillor Dunn read a statement to say that the strike action had now been suspended for over 4 months, whilst the Council continued to encourage the GMB trades union and the Green Company to find resolutions to their current differences. In the meantime, the Council continued to work with Veolia to ensure contingency plans were in place to reduce any disruption to the public from any further action.

She said that, whatever people's opinions regarding this matter, the Council had to work within the law.

4.2.4 Public Question Concerning Bins

Joshua Wright asked if the Council intended to take away wheeled bins, he also made reference to a recent planning decision concerning Devonshire Street and asked whether the Council was listening to people.

Councillor Jayne Dunn, the Cabinet Member for Environment, Recycling and Streetscene stated that the Council was not taking away peoples bins. There was a particular problem in some areas with student houses in multi occupation where space was limited and there were steep steps to properties for example and the Council was considering the use of shared bins in these areas, for example in Sharrow. She noted that the Star newspaper had corrected a story which had it published on this issue. The Council had no intention of generally making people share a bin.

4.2.5 Public Question Concerning Litter and Fly-Tipping

Debbie Roberts asked for the number of individuals or companies which had been prosecuted in relation to littering or fly-tipping in the past 12 months. She referred to an example on Pitsmore Road, where yellow tape had been put on rubbish but the rubbish itself had not been removed.

Councillor Jayne Dunn, the Cabinet Member for Environment, Recycling and Streetscene stated that the number of fines issued for littering was 1000. With

regard to the use of enviro-tape, this was used to show people that littering or flytipping had occurred and was proven to reduce the incidence of fly-tipping. Councillor Dunn stated that she would contact the questioner to give more information about the prosecutions of offenders.

4.2.6 Public Question Concerning Ethical Procurement

Hilary Smith stated that in June 2014, the Cabinet Member for Finance and Resources expressed views concerning the morality of the company G4S and had indicated that a review would take place of ethical procurement, to which the groups which she represented had been consulted and had given the Council information on issues of concern. She said that no further information had been received as to what was happening with regards to an ethical procurement policy for the Council.

Councillor Ben Curran, the Cabinet Member for Finance and Resources responded that he was sorry if the questioner felt as though her group had not been treated like a partner in the process. He confirmed that the Council did value their input. It was his view he said, that the Council might co-opt one of the group onto the Council's Overview and Management Scrutiny Committee for the purposes of this issue. A report would be submitted to the Scrutiny Committee and recommendations may then be made as a result.

4.2.7 Public Questions Concerning Devonshire Street

Nigel Slack stated that the decision by the Planning Committee on 24 March 2015 in favour of the demolition of Devonshire Street, in the face of strong opposition from thousands of Sheffield citizens was justified as unavoidable because of planning law. However, those at the meeting will have heard the development officers say that this was a judgement call based on their views of the situation. It was also pointed out, after a question from a Member that it would be feasible to reject the application and still "get away with it" if it went unchallenged. Mr Slack stated that he disagreed with Councillor Bramall's press statement that laid all the blame at the door of the planning laws.

Mr Slack said that he agreed that this would best be solved by the devolution of planning powers to local authorities but that the Committee must exercise their decisions regardless of the fear of litigation or all their credibility would be lost.

He stated that it was concerning that this decision had effectively left Sheffield with no planning protection at all. Officers, he said had declared that the Unitary Development Plan (UDP) was out of date and could not be relied upon to guide the planning process. This he said was firmly at the door of the Councils, of both colours, for failing to adopt a new overall planning policy for the City.

Mr Slack asked when a new planning policy will be available for the City or was the Council happy to declare what he termed "open season" for developers in the City.

Secondly, Mr Slack referred to a significant backlash on social networks following the Architects' publication of some photos and comments appearing to show what he called "an inappropriate level of gloating over the decision on Devonshire Street."

He said that a comment was also made that the head of that same company has been appointed to the Council's 'Sustainable Development & Design Panel'. Mr Slack asked whether Council could confirm or deny this and, if it was the case, when did this happen; and if there was not a conflict of interest in this appointment?

Councillor Leigh Bramall, the Deputy Leader of the Council and Cabinet Member for Business, Skills and Development stated that he took issue with the premise of Mr Slack's questions that the Council should not act in accordance with planning laws. The planning laws were set nationally and the Committee should not act against planning law on the basis that they might (in reference to an appeal of the decision) "get away with it". There was little local discretion in current planning law, for example in relation to applications for change of use to betting shops, where the Council considered there would be need for a change of use. There was a need for proper devolution in relation to planning decisions. The Council had, in the past, made planning decisions which had resulted in costs being awarded against it. The decision concerning Devonshire Street was made based on planning law, rather than a fear of litigation.

The issue which was raised when considering Devonshire Street concerning the Unitary Development Plan being out of date related to one policy in the Plan. The City did have a UDP in place. Consultation was being carried out in relation to the Local Plan and the UDP would be updated to ensure it was robust.

There were some conditions which were attached to the planning approval for the Devonshire Street application, for example that construction would not commence until a contract for construction was issued. There was a local policy for the Devonshire Quarter, which was in the UDP. The accommodation element of the application was positive, in that footfall helped to drive the economy and it was important to build the business and residential base in the City Centre. Councillor Bramall said that, speaking personally, he would have preferred the retention of the building frontages on Devonshire Street with the new building behind. However, he fully understood the reasons for which the Committee had made its decision on the application. He said that he supported the concept of further devolution of planning issues to a local level.

David Cross had applied to become a member of the Sheffield Sustainable Development and Urban Design Panel in 2009 as part of an open recruitment process. There were 29 Panel Members in total. Councillor Bramall said that he would examine the issue further.

With reference to comments made on social media, Councillor Bramall stated

that the comments to which Mr Slack had referred were extremely ill-judged, but there had been some examples of ill-judged comments made from people on both sides of the debate.

4.2.8 Public Questions Concerning Election Candidates

Martin Brighton stated that recent election news reports had included: fixing or otherwise engineering the selection of preferred election candidates; creating the illusion of a problem and claiming kudos for solving it; and advising on ways of avoiding declaration of funds. He asked whether it could be expected that such behaviour would never happen locally, and that the Monitoring Officer would act swiftly and decisively if such did happen.

Councillor Julie Dore, the Leader of the Council, stated that in relation to the examples that Mr Brighton had given in his questions, which concerned the Parliamentary election, it was for the parliamentary parties to deal with individual issues. She said that locally, it would be expected that swift and decisive action would be taken if such issues occurred.

4.2.9 Public Question Concerning 'Whistle-Blowers'

Martin Brighton stated that agenda item 12 paragraph (a) referred to "allegations of "whistle-blowers" being targeted and gagged".

He asked whether the Leader abhorred "whistle-blowers" being targeted and gagged.

Councillor Julie Dore, the Leader of the Council, stated that, where the "whistle-blower" was one within the definition of a "whistle-blower" in law, then, she would answer "yes" to Mr Brighton's question. She added that anyone who complains should not be 'targeted and gagged'.

4.2.10 Public Question Concerning Transatlantic Trade and Investment Partnership

Martin Brighton asked what can the Council do to prevent the further privatisation of the NHS and further resist the Trans-Atlantic Trade and Investment Partnership (TTIP).

Councillor Mary Lea, the Cabinet Member for Health, Care and Independent Living, stated that there had been a top down reorganisation of the NHS by the Government. She referred to difficulties relating to accident and emergency waiting lists and problems in cancer care and declining morale amongst NHS employees. She stated that there was a two tier health care system of people who could and those that could not afford to pay for care. The Council had debated notices of motion concerning the NHS and had lobbied the Government. There was also notice of motion on the agenda for this Council meeting. It was a policy of the Labour Party that the NHS was exempt from the TTIP.

4.2.11 Public Question Concerning Complaints About Elected Members

Martin Brighton referred to agenda item 7, which concerned a revised complaints procedure. He asked the following questions:

1. Why is otherwise unacceptable behaviour tolerated if part of political debate?
2. Why is the effect upon reputation to the council a consideration of not processing a complaint?
3. Can it be assured that the Independent Person will not be a member of the same political party as the elected member?
4. Who decides which clause of the Code of Conduct is breached when a complaint is raised against an elected member?
5. If it is determined that an elected member breaches the code, is the defence of 'he goaded me' an acceptable reason for dismissing the complaint?
6. Is it wise to have a complaints process that has no right of appeal?

Councillor Julie Dore stated that she would request the Monitoring Officer to respond in writing to the questions which Mr Brighton had submitted above.

(Note: Marcus O'Hagan commented as to whether the Council would be adopting a process for allowing members of the public to speak at meetings in circumstances when they were not content with the answer that they had received to a question which they had put. No response was made to his comment.)

4.3 Petition Requesting that John Burkhill ("Man With a Pram") be Honoured with a star on the City's Walk of Fame

The Council received a petition containing 9,256 signatures requesting that John Burkhill ("Man With a Pram") be honoured with a star on the City's Walk of Fame.

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

Councillor Bowler agreed that John Burkhill was definitely a local legend in Sheffield and his fundraising activities could be seen around the City.

The Sheffield Legends plaques, set into the pavement outside the Town Hall, were to honour people with a strong link to the City with a national or, more usually an international profile. They were part of the City's offer to visitors and tourists. Therefore, anyone with a legend star needed to be someone well known to people outside Sheffield and usually outside the UK. People such as Jessica Ennis-Hill.

However, the Council recognised that Sheffielders have a strong positive feeling about John Burkhill, and that he is something of an institution in the City. Councillor Bowler said that she had spoken with the Leader of the Council and the Lord Mayor and it had been agreed to invite Mr Burkhill to the lunch

reception on 2 April, which would be attended by Her Majesty the Queen.

In considering what other honour might be appropriate, it was acknowledged that there was not a suitable form of recognition for people or groups who were not always well known but had done exceptional things. It was proposed therefore that the civic awards scheme, which had fallen into abeyance, is re-launched in conjunction with the Lord Mayor. Options would be brought forward for ways in which people could be nominated for the award. The reintroduction of the award would mean that Sheffield had a way of honouring the exceptional work done by people in Sheffield.

Councillor Bowler thanked Mr Burkhill, and all the exceptional volunteers and fundraisers in the City, for everything they had done.

5. MEMBERS' QUESTIONS

5.1 Urgent Business

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

5.2 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.

5.3 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).

6. 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:

Planning and Highways Committee - Remove Councillor Jayne Dunn to
Substitute Members create a vacancy

(b) representatives are appointed to serve on other bodies as follows:-

Local Government Association - Councillor Ben Curran to fill a
Special Interest Group of Municipal Authorities (SIGOMA) vacancy

(c) it be noted that the Senior Officer Employment Sub-Committee, at its meeting held on 21st January 2015, appointed Marianne Betts to the post of the Director of Commercial Services;

(d) it be noted that the Senior Officer Employment Sub-Committee, at its meeting held on 27th February 2015, appointed Phil Holmes to the post of the Director of Adult Services and to designate Phil Holmes as the Council's statutory Director of Adult Social Services, upon his commencement in the post of Director of Adult Services, and to authorise the relevant references to the statutory officer post in the Council's Constitution to be amended accordingly; and

(e) it be noted that the Senior Officer Employment Sub-Committee, at its meeting held on 2nd March 2015, appointed Janet Sharpe to the post of the Director of Housing and Neighbourhood Services.

7. REVISED PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS

RESOLVED: On the Motion of Councillor Pat Midgley, seconded by Councillor David Baker, that this Council (a) adopts the Revised Procedure for Dealing with Standards Complaints, as set out in Appendix A of the report of the Chief Executive now submitted and approves that the Council's Constitution is amended accordingly; (b) notes the proposed establishment of Consideration and Hearing Sub-Committees of the Standards Committee, as set out in the report; and (c) approves that any complaints received before 25 March 2015 are dealt with under the existing Procedure for Dealing with Standards Complaints adopted in July 2012.

8. NOTICE OF MOTION GIVEN BY COUNCILLOR GEOFF SMITH

National Health Service

It was moved by Councillor Geoff Smith, seconded by Councillor Mar Lea, that this Council:-

- (a) notes the recent report by the Kings Fund which provided a damning critique on the Government's NHS reforms, claiming they have been 'damaging and distracting';
- (b) notes that this follows reports last year that the Government did not understand its own NHS reforms, which were described by Government sources as a "total car crash" and a "huge strategic error";

- (c) regrets that:
 - (i) despite promising no top down reorganisation, this Government wasted £3 billion on doing just that, funding which could have been spent on front line services;
 - (ii) this Government has laid off 9,000 frontline NHS staff;
 - (iii) this Government has cut 9,746 hospital beds;
 - (iv) this Government has overseen a crisis in A&E with the worst waiting times for over 10 years; and
 - (v) this Government has neglected GP services, with one in four people now having to wait over a week to see their family doctor; and
- (d) believes that Sheffield needs a fresh alternative approach to the NHS and supports the following proposals by Labour:
 - (i) provide £2.5 billion additional investment per year into the NHS paid for through higher taxes on tobacco companies and a Mansion Tax on properties worth over £2 million;
 - (ii) repeal this Government's NHS Health and Social Care Act and reverse the damaging changes which have caused such chaos across the health service;
 - (iii) recruit 20,000 more nurses, 8,000 more GPs and 3,000 more midwives;
 - (iv) guarantee that you can get an appointment at your GP within 48 hours;
 - (v) make sure the NHS is exempt from the Transatlantic Trade Investment Partnership, protecting local services from big American companies; and
 - (vi) plans to integrate health and social care.

(Note: With the agreement of Council and at the request of the mover of the Motion, Councillor Geoff Smith, paragraph (d) sub-clause (v) of the Motion, as included in the Summons for the meeting, was withdrawn and the numbering of remaining sub-clauses was amended accordingly.)

Whereupon, it was moved by Councillor Roger Davison, seconded by Councillor Denise Reaney, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-

- (a) notes the difficult choices faced by the Coalition Government with regards to the NHS due to the previous Government's irresponsible spending, including:-
 - (i) wasting £12.7 billion of tax payers' money on the national programme for IT, an IT system that was deemed 'unworkable' and had to be scrapped; and
 - (ii) paying private healthcare firms £1.7 billion to carry out operations within the NHS, £250 million worth for operations that were never actually performed;
- (b) reminds Members of the current situation in Wales where the NHS is falling behind the rest of the UK in almost every measure due to mismanagement by the Welsh Labour Government;
- (c) believes that despite these challenges, the current Government has made remarkable achievements within the NHS, such as:-
 - (i) increasing the availability of specialist cancer drugs through the Cancer Drugs Fund;
 - (ii) introducing the first ever access and waiting time standards for mental health;
 - (iii) increasing access to talking therapies, with £400m investment; and
 - (iv) banning the Health Service from paying private firms more than it pays NHS hospitals to carry out procedures;
- (d) notes that in the event of a Liberal Democrat majority in the next Parliament, they would commit the £8 billion by 2020 required for the NHS to meet the increasing demand of population growth and people living longer, according to the Chief Executive of NHS England, Simon Stevens' recent report; a pledge not yet matched by the Labour or Conservative Parties; and
- (e) welcomes the letter from EU Trade Commissioner Cecilia Malmström confirming that the NHS will be unaffected by the Transatlantic Trade and Investment Partnership, specifically that 'there is no reason to fear either for the NHS as it stands today or for changes to the NHS in future, as a result of TTIP or indeed EU trade policy more broadly.'

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

Whereupon, it was moved by Councillor Jillian Creasy, seconded by Councillor Sarah Jane Smalley, as an amendment, that the Motion now submitted be amended by the deletion of paragraph (d) and the addition of a new paragraph (d) as follows:-

- (d) believes Sheffield needs a fresh alternative approach to the NHS and supports the following:-
- (i) an immediate increase in funding for the NHS to restore it to 2010 levels, followed by annual uplifts to keep pace with inflation and increasing demand, alongside a parallel investment in social care which would relieve pressure on the health service, both to be paid for largely by higher taxes on wealthy individuals and corporations;
 - (ii) the NHS Reinstatement Bill which aims to reverse the marketisation of the NHS and restore publicly provided services run by local Health Boards;
 - (iii) the creation of 200,000 new jobs in social care and a similar number in health care, with an emphasis on community based roles and mental health;
 - (iv) increase the proportion of funding going into primary care and ensure that it is distributed to reflect the needs of the population served;
 - (v) respect the NHS pay review body and bring NHS pay back in line with inflation;
 - (vii) reject the Transatlantic Trade and Investment Partnership in order to protect all public services, not just the NHS, from big American companies; and
 - (viii) integrate health and social care at national and local levels.

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

(Note: The Director of Legal and Governance advised that declarations of interest made by Members relating to the NHS pay review would apply in relation to the above amendment, which included a clause concerning the pay review body).

Following a Right of Reply from Councillor Geoff Smith, the original Motion was then put to the vote and carried, as follows:-

RESOLVED: That this Council:-

- (a) notes the recent report by the Kings Fund which provided a damning critique on the Government's NHS reforms, claiming they have been 'damaging and distracting';
- (b) notes that this follows reports last year that the Government did not understand its own NHS reforms, which were described by Government sources as a "total car crash" and a "huge strategic error";

- (c) regrets that:
 - (i) despite promising no top down reorganisation, this Government wasted £3 billion on doing just that, funding which could have been spent on front line services;
 - (ii) this Government has laid off 9,000 frontline NHS staff;
 - (iii) this Government has cut 9,746 hospital beds;
 - (iv) this Government has overseen a crisis in A&E with the worst waiting times for over 10 years; and
 - (v) this Government has neglected GP services, with one in four people now having to wait over a week to see their family doctor; and
- (d) believes that Sheffield needs a fresh alternative approach to the NHS and supports the following proposals by Labour:
 - (i) provide £2.5 billion additional investment per year into the NHS paid for through higher taxes on tobacco companies and a Mansion Tax on properties worth over £2 million;
 - (ii) repeal this Government's NHS Health and Social Care Act and reverse the damaging changes which have caused such chaos across the health service;
 - (iii) recruit 20,000 more nurses, 8,000 more GPs and 3,000 more midwives;
 - (iv) guarantee that you can get an appointment at your GP within 48 hours;
 - (v) make sure the NHS is exempt from the Transatlantic Trade and Investment Partnership, protecting local services from big American companies; and
 - (vi) plans to integrate health and social care.

(Note: 1. Councillors Jillian Creasy, Robert Murphy, Sarah Jane Smalley and Brian Webster voted for paragraphs (a) to (c) and abstained on paragraph (d) of the Motion and asked for this to be recorded.

2. Councillors Jack Clarkson and John Booker voted for paragraphs (a) to (c) and against paragraph (d) of the Motion and asked for this to be recorded).

9. NOTICE OF MOTION GIVEN BY COUNCILLOR HELEN MIRFIN-BOUKOURIS

Payment of Tax

It was moved by Councillor Helen Mirfin-Boukouris, seconded by Councillor Neale Gibson, that this Council:-

- (a) agrees that paying taxes is a duty for all citizens and believes in the benefits national taxes give to society;
- (b) notes that tax revenues fund the majority of the country's healthcare services, schools, pensions and judicial system, as well as roads, armed forces and social infrastructure;
- (c) also notes the substantial academic research which shows that societies with healthy economies, more equality, social protection, and intervention to protect vulnerable groups, have smaller undeclared economies which leads to more tax being collected for the benefit of all;
- (d) is disappointed that under this current Conservative/Liberal Democrat Government, the gap between tax owed and tax collected, according to HMRC, is a staggering £34 billion, with prosecutions at an unacceptably low level;
- (e) questions why, when the House of Commons Public Accounts Committee has held many hearings into tax avoidance, there has been no subsequent investigations by HM Treasury?;
- (f) notes that the billions of pounds in uncollected taxes sits alongside a programme of Government cuts which has seen vulnerable people being victimized by a myriad of economic hardships and that taking a tougher stance on tax avoidance and evasion could mean an end to austerity;
- (g) reminds members of the current Government that the work of the tax authority (HMRC) is under their control and as such it is their responsibility to ensure there are sufficient, well trained staff within HMRC to carry out the important function of tax collection for the benefit of all citizens;
- (h) therefore welcomes the commitment by The Rt. Hon, Ed Miliband MP, that a future Labour government would instigate an immediate independent review into the culture and practices of HMRC in regard to tax avoidance;
- (i) recognises that for many small businesses and start-ups, taxes can prevent them from growing and stifle innovation;
- (j) is therefore pleased to hear that a Labour government would put small business first in line for tax cuts and the support they need to invest and

raise productivity for the benefit of all;

- (k) believes that a more positive communication strategy by HMRC to the general public would assist in making people aware of what their taxes pay for and encourage more compliance, and that the public also need to feel confident that those that evade tax will be pursued and prosecuted;
- (l) as such, urges the Government to tighten up loopholes which allows business and wealthy individuals to avoid paying their fair share and cheating the rest of society; and
- (m) requests that a copy of this Motion be forwarded to The Rt. Hon. George Osborne MP, Chancellor of the Exchequer, and The Rt. Hon. Ed Balls MP, Shadow Chancellor of the Exchequer.

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

- 1. the deletion of paragraphs (d) to (h) and the addition of new paragraphs (d) and (e) as follows:-
 - (d) thanks the Liberal Democrats in government for the steps they've made in tackling the problem of tax evasion by:
 - (i) a tenfold increase in prosecutions relating to tax crimes;
 - (ii) closing 33 tax loopholes;
 - (iii) improving tax data systems to retrieve over £1bn from fraud;
 - (iv) making deals with tax havens like Switzerland, Liechtenstein and the Channel Islands;
 - (v) introducing the General Anti-Abuse Rule; and
 - (vi) securing £100 billion in additional revenue over the course of this Parliament – including £31 billion from big business;
 - (e) notes that in the event of a Liberal Democrat majority in the next Parliament, they would crack down further on evasion through a series of measures, including:-
 - (i) for offshore evaders, following consultation, the Liberal Democrats would introduce a new strict liability criminal offence so pleading ignorance can't be used to avoid criminal prosecution;
 - (ii) introducing a new offence of corporate failure to prevent tax evasion or the facilitation of tax evasion;
 - (iii) increasing financial penalties for offshore evaders – including, for

- the first time, linking the penalty to underlying assets;
- (iv) introducing new civil penalties so those who help evaders will have to pay fines that match the size of the tax dodge they facilitate; and
 - (v) extending the scope for HMRC to name and shame both evaders and those who enable evasion;
2. the deletion of paragraphs (j) and (m) and the relettering of paragraphs (i), (k) and (l) as new paragraphs (f), (g) and (h) respectively; and
 3. the insertion, in the new paragraph (h), of the word “further” between the words “to” and “tighten”.

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

Following a Right of Reply by Councillor Helen Mirfin Boukouris, the original Motion was then put to the vote and carried, as follows:-

RESOLVED: That this Council:-

- (a) agrees that paying taxes is a duty for all citizens and believes in the benefits national taxes give to society;
- (b) notes that tax revenues fund the majority of the country’s healthcare services, schools, pensions and judicial system, as well as roads, armed forces and social infrastructure;
- (c) also notes the substantial academic research which shows that societies with healthy economies, more equality, social protection, and intervention to protect vulnerable groups, have smaller undeclared economies which leads to more tax being collected for the benefit of all;
- (d) is disappointed that under this current Conservative/Liberal Democrat Government, the gap between tax owed and tax collected, according to HMRC, is a staggering £34 billion, with prosecutions at an unacceptably low level;
- (e) questions why, when the House of Commons Public Accounts Committee has held many hearings into tax avoidance, there has been no subsequent investigations by HM Treasury?;
- (f) notes that the billions of pounds in uncollected taxes sits alongside a programme of Government cuts which has seen vulnerable people being victimized by a myriad of economic hardships and that taking a tougher stance on tax avoidance and evasion could mean an end to austerity;
- (g) reminds members of the current Government that the work of the tax authority (HMRC) is under their control and as such it is their

responsibility to ensure there are sufficient, well trained staff within HMRC to carry out the important function of tax collection for the benefit of all citizens;

- (h) therefore welcomes the commitment by The Rt. Hon, Ed Miliband MP, that a future Labour government would instigate an immediate independent review into the culture and practices of HMRC in regard to tax avoidance;
- (i) recognises that for many small businesses and start-ups, taxes can prevent them from growing and stifle innovation;
- (j) is therefore pleased to hear that a Labour government would put small business first in line for tax cuts and the support they need to invest and raise productivity for the benefit of all;
- (k) believes that a more positive communication strategy by HMRC to the general public would assist in making people aware of what their taxes pay for and encourage more compliance, and that the public also need to feel confident that those that evade tax will be pursued and prosecuted;
- (l) as such, urges the Government to tighten up loopholes which allows business and wealthy individuals to avoid paying their fair share and cheating the rest of society; and
- (m) requests that a copy of this Motion be forwarded to The Rt. Hon. George Osborne MP, Chancellor of the Exchequer, and The Rt. Hon. Ed Balls MP, Shadow Chancellor of the Exchequer.

(Notes: 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 Ayriss, Denise Reaney, David Baker, Katie Condliffe and Vickie Priestley voted for paragraphs (a), (b), (c), (i) and (k) and against paragraphs (d), (e), (f), (g), (h), (j), (l) and (m) of the Motion and asked for this to be recorded.

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

10. NOTICE OF MOTION GIVEN BY COUNCILLOR COLIN ROSS

Liberal Democrats' Record in Government

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

- (a) would like to thank the Liberal Democrats in government and The Rt. Hon.

Nick Clegg, MP for Sheffield Hallam, for their good work in government, creating a stronger economy and fairer society in the UK by:

- (i) creating 1.8 million more jobs, of which $\frac{3}{4}$ are full time jobs;
 - (ii) cutting income tax by £800 for 25 million low and middle income earners;
 - (iii) protecting the schools budget and providing an extra £2.5 billion for disadvantaged kids;
 - (iv) providing free child care to all 3 and 4 year olds and 40% of 2 year olds from the most deprived backgrounds;
 - (v) investing in work and training through two million apprenticeships;
 - (vi) introducing shared parental leave, allowing fathers to spend more time with their children and helping women back into work;
 - (vii) improving services across the NHS, with 6,000 more doctors and increasing the availability of specialist cancer drugs through the Cancer Drugs Fund; and
 - (viii) taking mental health seriously, putting £400m extra into early intervention;
- (b) would also like to thank the MP for Sheffield Hallam for using his position to get the best for Sheffield and would like to highlight the following Government investments in our area:
- (i) £1.2 billion for the Streets Ahead programme, which will see every road, pavement and streetlight in the City repaired;
 - (ii) £5.4 million to provide Free Early Learning for disadvantaged two-year-olds, £25 million for Sheffield schools through the Pupil Premium and £5 million for Sheffield City Region to support young people into jobs;
 - (iii) millions of pounds invested in Sheffield's trams, trains and buses, alongside commitments to electrify the Midland Mainline and a new High Speed Rail station in Sheffield;
 - (iv) bringing the British Business Bank to Sheffield;
 - (v) 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;
 - (vi) notes that the Sheffield City Region Growth Deal is the fifth largest in

the country and will specifically deliver:

- (A) infrastructure investment, including improvements to Sheffield city-centre and an extended airport link road to Doncaster-Sheffield Airport;
- (B) £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
- (C) upgrades to Further Education facilities and a brand new academy run by British Glass to be based in Sheffield; and

(c) notes that a future Liberal Democrat Government would:

- (i) balance the cyclically-adjusted current budget by 2017/18, on time and fairly, protecting the economic recovery, and bring down Britain's debt as a share of national income;
- (ii) cut Income Tax by £400 for low and middle earners, easing the squeeze on household budgets;
- (iii) invest to make the UK a world leader in green and hi-tech manufacturing, continuing the Regional Growth Fund and expanding apprenticeships;
- (iv) cut energy bills and create jobs through a national programme to insulate homes, with a Council Tax cut if people take part;
- (v) pass 'Five Green Laws' to protect green spaces, trees and wildlife, improve energy efficiency and resource efficiency, reduce waste, promote clean green transport and ensure Britain leads the fight against climate change;
- (vi) ensure every child is taught by a qualified teacher, raising educational standards to world class levels and protecting spending on nurseries, schools and colleges;
- (vii) give 16-21 year olds two-thirds off their bus fares so they can afford to travel to college or work;
- (viii) guarantee pensioners the best ever system for increasing the state pension by legislating for the Liberal Democrats' 'triple lock' of uprating by the higher of earnings growth, prices growth or 2.5%; and
- (ix) introduce a new Carer's Bonus so carers can take a proper break every year.

Whereupon, it was moved by Councillor Leigh Bramall, seconded by Councillor

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

- (a) believes that the Liberal Democrats have a disastrous record in Government and that the Rt. Hon. Nick Clegg MP has betrayed Sheffield;
- (b) regrets the following actions which have been taken by the Liberal Democrats in Government and Nick Clegg MP and believes this demonstrates that they have neither created a stronger economy or fairer society:-
 - (i) cut 50% of Sheffield City Council's main government grant, resulting in unprecedented levels of cuts to Council services;
 - (ii) at the same time, overseeing increasing spending power to some of the wealthiest areas of the country, and recalls that the Government's own figures show that 63 councils are receiving an increase of spending power in the local government finance settlement; 47 Conservative-controlled, 13 recognised Conservative targets, 1 Labour-controlled, 1 Independent-controlled and the Isle of Scilly; and at the same time, the Government's own figures show that Sheffield has had a reduction double the national average;
 - (iii) introduced schemes such as the New Homes Bonus to redistribute money towards some of the wealthiest councils in the country, and notes that to pay for this year's round of New Homes Bonus, Sheffield had £12 million taken from its core funding but only received just over £7.3 million back, meaning the Council lost nearly £4.7 million, whilst on the other hand, Surrey had £11.3 million taken away from them and received £24.3 million, meaning they gained £13 million;
 - (iv) abolishing the loan to Sheffield Forgemasters as one of their first acts in government;
 - (v) trebling university tuition fees despite promising to abolish them;
 - (vi) increasing VAT to 20%, despite campaigning against potential VAT increases;
 - (vii) undertaking what this Council believes was a disastrous re-organisation of the NHS, wasting £3 billion on a top down vanity project which would have been better spent on front line services;
 - (viii) overseeing the recent crisis in A&E, with the worst waiting times for over 10 years;
 - (ix) abolishing the previous Government's Future Jobs Fund;

- (x) wrecking the economic recovery in 2010, which was caused by the Government's economic policies, recalling that the economy was growing when this Government came to power;
- (xi) overseeing a cost of living crisis, with people worse off under this Government;
- (xii) refusing to take action to force energy companies to give customers a fair deal, through voting against Labour's proposed energy price freeze;
- (xiii) overseeing a growth in the number of food banks across the country, including in Sheffield;
- (xiv) making cuts to Sure Start Centres;
- (xv) cutting police numbers, despite promising to increase them in their manifesto, and wasting money on the introduction of Police and Crime Commissioners;
- (xvi) taking court action to defend higher levels of bankers' bonuses;
- (xvii) lowering the top rate of income tax, providing a tax cut for millionaires;
- (xviii) introducing the "Bedroom Tax" and then cynically feigning opposition to it months before the election;
- (xix) proposing to locate Sheffield's HS2 station at Meadowhall, whilst giving other cities, such as Manchester and Leeds, city centre stations;
- (xx) changing the NHS funding formula, redistributing NHS funding away from areas with the highest levels of health inequalities to some of the healthiest and wealthiest areas of the country;
- (xxi) targeting welfare cuts on the most vulnerable in society, noting that just under half of the financial loss from welfare reform will fall on working households; couples with children are losing an average of nearly £1,700 a year in Sheffield; lone parents are losing over £2,000 a year; and men and women with health problems or disabilities are significantly disadvantaged;
- (xxii) drastically reducing Sheffield's EU funding, to redistribute the funding to wealthier parts of the country;
- (xxiii) abolishing Education Maintenance Allowance;
- (xxiv) cutting funding for regional economic development by two thirds through the abolition of the Regional Development Agencies;

- (xxv) overseeing a shortfall in funding for school places, at the same time as spending money on opening new Free Schools in areas where there is no shortfall of places;
 - (xxiv) making unfunded promises by the Deputy Prime Minister on free school meals, where the Council has had to pick up the bill for a Government policy where, after promising free school meals for primary school children, the Government has not given the Council and local schools enough funding to deliver this, leaving a £400,000 shortfall;
 - (xxvii) overseeing unacceptably low levels of house building, which has been lower every year than under the previous Government and the lowest in peacetime since the 1920s; and
 - (xxviii) cutting Housing Market Renewal Funding, which has taken away funding from many housing and regeneration projects in Sheffield; and
- (c) believes that Sheffield can't afford another five years of the Liberal Democrats in Government, and regrets that instead of standing up for Sheffield against some of these unfair policies, the local Lib Dems have consistently backed the Government's attack on Sheffield.

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

Following 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) believes that the Liberal Democrats have a disastrous record in Government and that the Rt. Hon. Nick Clegg MP has betrayed Sheffield;
- (b) regrets the following actions which have been taken by the Liberal Democrats in Government and Nick Clegg MP and believes this demonstrates that they have neither created a stronger economy or fairer society:-
 - (i) cut 50% of Sheffield City Council's main government grant, resulting in unprecedented levels of cuts to Council services;
 - (ii) at the same time, overseeing increasing spending power to some of the wealthiest areas of the country, and recalls that the Government's own figures show that 63 councils are receiving an increase of spending power in the local government finance settlement; 47 Conservative-controlled, 13 recognised Conservative targets, 1 Labour-controlled, 1 Independent-controlled and the Isle of Scilly; and at the same time, the Government's own figures show

- that Sheffield has had a reduction double the national average;
- (iii) introduced schemes such as the New Homes Bonus to redistribute money towards some of the wealthiest councils in the country, and notes that to pay for this year's round of New Homes Bonus, Sheffield had £12 million taken from its core funding but only received just over £7.3 million back, meaning the Council lost nearly £4.7 million, whilst on the other hand, Surrey had £11.3 million taken away from them and received £24.3 million, meaning they gained £13 million;
 - (iv) abolishing the loan to Sheffield Forgemasters as one of their first acts in government;
 - (v) trebling university tuition fees despite promising to abolish them;
 - (vi) increasing VAT to 20%, despite campaigning against potential VAT increases;
 - (vii) undertaking what this Council believes was a disastrous re-organisation of the NHS, wasting £3 billion on a top down vanity project which would have been better spent on front line services;
 - (viii) overseeing the recent crisis in A&E, with the worst waiting times for over 10 years;
 - (ix) abolishing the previous Government's Future Jobs Fund;
 - (x) wrecking the economic recovery in 2010, which was caused by the Government's economic policies, recalling that the economy was growing when this Government came to power;
 - (xi) overseeing a cost of living crisis, with people worse off under this Government;
 - (xii) refusing to take action to force energy companies to give customers a fair deal, through voting against Labour's proposed energy price freeze;
 - (xiii) overseeing a growth in the number of food banks across the country, including in Sheffield;
 - (xiv) making cuts to Sure Start Centres;
 - (xv) cutting police numbers, despite promising to increase them in their manifesto, and wasting money on the introduction of Police and Crime Commissioners;
 - (xvi) taking court action to defend higher levels of bankers' bonuses;

- (xvii) lowering the top rate of income tax, providing a tax cut for millionaires;
 - (xviii) introducing the “Bedroom Tax” and then cynically feigning opposition to it months before the election;
 - (xix) proposing to locate Sheffield’s HS2 station at Meadowhall, whilst giving other cities, such as Manchester and Leeds, city centre stations;
 - (xx) changing the NHS funding formula, redistributing NHS funding away from areas with the highest levels of health inequalities to some of the healthiest and wealthiest areas of the country;
 - (xxi) targeting welfare cuts on the most vulnerable in society, noting that just under half of the financial loss from welfare reform will fall on working households; couples with children are losing an average of nearly £1,700 a year in Sheffield; lone parents are losing over £2,000 a year; and men and women with health problems or disabilities are significantly disadvantaged;
 - (xxii) drastically reducing Sheffield’s EU funding, to redistribute the funding to wealthier parts of the country;
 - (xxiii) abolishing Education Maintenance Allowance;
 - (xxiv) cutting funding for regional economic development by two thirds through the abolition of the Regional Development Agencies;
 - (xxv) overseeing a shortfall in funding for school places, at the same time as spending money on opening new Free Schools in areas where there is no shortfall of places;
 - (xxiv) making unfunded promises by the Deputy Prime Minister on free school meals, where the Council has had to pick up the bill for a Government policy where, after promising free school meals for primary school children, the Government has not given the Council and local schools enough funding to deliver this, leaving a £400,000 shortfall;
 - (xxvii) overseeing unacceptably low levels of house building, which has been lower every year than under the previous Government and the lowest in peacetime since the 1920s; and
 - (xxviii) cutting Housing Market Renewal Funding, which has taken away funding from many housing and regeneration projects in Sheffield; and
- (c) believes that Sheffield can’t afford another five years of the Liberal Democrats in Government, and regrets that instead of standing up for

Sheffield against some of these unfair policies, the local Lib Dems have consistently backed the Government's attack on Sheffield.

11. NOTICE OF MOTION GIVEN BY COUNCILLOR HELEN MIRFIN-BOUKOURIS

Animal Welfare

It was moved by Councillor Helen Mirfin-Boukouris, seconded by Councillor Richard Crowther, that this Council:-

- (a) recognises the tremendous record of the previous Government on animal welfare issues, including banning hunting with dogs;
- (b) is proud that due to Labour's stance on this barbaric 'sport', 2015 sees the 10th anniversary of the ban, which has the highest number of convictions, above all other wild mammal legislation;
- (c) notes that while in Government, the Labour Party did much to end cruel and unnecessary suffering of animals by banning fur farming, securing an end to cosmetic testing and introducing the Animal Welfare Act;
- (d) finds The Rt. Hon. David Cameron MP's promise that a future Conservative government would allow a 'free vote' on repealing the ban on fox hunting as yet another example of how out of touch this Government is, with the majority of British people being in favour of the ban;
- (e) also notes that Nigel Farage, Leader of UKIP, has taken part in hunts and UKIP have said that they would repeal the 2004 Hunting Act;
- (f) wholeheartedly agrees with The Rt. Hon. Ed Miliband MP, Leader of the Labour Party, that "we have a moral duty to treat animals we share this planet with in a humane and compassionate way";
- (g) welcomes the Labour Party's manifesto pledge to ban wild animals in circuses, reduce animal cruelty on shooting estates, review rules on breeding and selling of dogs and cats, end the badger cull and defend the Hunting Act, and to lead the fight against global animal cruelty; and
- (h) requests that a copy of this Motion be forwarded to all Sheffield MPs and ask that they offer their support to animal welfare and commit to vote against any proposal to repeal the 2004 Hunting Act.

Whereupon, it was moved by Councillor Katie Condliffe,, seconded by Councillor Richard Shaw, as an amendment, that the Motion now submitted be amended by the addition of a new paragraph (h) as follows, and the relettering of original paragraph (h) as a new paragraph (i):-

- (h) notes the Liberal Democrats support all attempts to prevent unnecessary cruelty to animals; and

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

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

RESOLVED: That this Council:-

- (a) recognises the tremendous record of the previous Government on animal welfare issues, including banning hunting with dogs;
- (b) is proud that due to Labour's stance on this barbaric 'sport', 2015 sees the 10th anniversary of the ban, which has the highest number of convictions, above all other wild mammal legislation;
- (c) notes that while in Government, the Labour Party did much to end cruel and unnecessary suffering of animals by banning fur farming, securing an end to cosmetic testing and introducing the Animal Welfare Act;
- (d) finds The Rt. Hon. David Cameron MP's promise that a future Conservative government would allow a 'free vote' on repealing the ban on fox hunting as yet another example of how out of touch this Government is, with the majority of British people being in favour of the ban;
- (e) also notes that Nigel Farage, Leader of UKIP, has taken part in hunts and UKIP have said that they would repeal the 2004 Hunting Act;
- (f) wholeheartedly agrees with The Rt. Hon. Ed Miliband MP, Leader of the Labour Party, that "we have a moral duty to treat animals we share this planet with in a humane and compassionate way";
- (g) welcomes the Labour Party's manifesto pledge to ban wild animals in circuses, reduce animal cruelty on shooting estates, review rules on breeding and selling of dogs and cats, end the badger cull and defend the Hunting Act, and to lead the fight against global animal cruelty; and
- (h) requests that a copy of this Motion be forwarded to all Sheffield MPs and ask that they offer their support to animal welfare and commit to vote against any proposal to repeal the 2004 Hunting Act.

(Note: Councillors Jillian Creasy, Robert Murphy, Sarah Jane Smalley and Brian Webster voted for paragraphs (b) to (h) and abstained on paragraph (a) of the Motion and asked for this to be recorded.)

12. NOTICE OF MOTION GIVEN BY COUNCILLOR HARRY HARPHAM

Yorkshire Ambulance Service – Performance Concerns

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

- (a) shares the legitimate concerns expressed by “whistle-blowers” and other stakeholders regarding the Board of the Yorkshire Ambulance Service, the possible risk to patients being created by their failings and allegations of “whistle-blowers” being targeted and gagged;
- (b) notes with concern that:
 - (i) Yorkshire Ambulance Service has failed to achieve the national target for emergency response times in 11 out of the last 12 months (correct to October 2014);
 - (ii) Emergency Care Assistants have been sent out to urgent and emergency calls with no qualified paramedic, putting patients’ lives at risk;
 - (iii) there are significant cuts to paramedics (15%) and the ambulance fleet (10%) being planned; and
 - (iv) “Whistle-blowers” have alleged that emergency call-out data has been manipulated to reach targets;
- (c) calls on the Care Quality Commission to take enforcement action to ensure the safety of patients and relevant national standards are met;
- (d) pledges to oppose any application made by the Board of the Yorkshire Ambulance Service to become a Foundation Trust with greater powers, whilst the issues outlined remain unresolved; and
- (e) demands that the Board of the Yorkshire Ambulance Service:
 - (i) stops the planned cuts to paramedics and ambulances that put patients at risk; and
 - (ii) reinstates all Trade Union rights and protects “whistle-blowers”.

13. NOTICE OF MOTION GIVEN BY COUNCILLOR JOE OTTEN

Health and Social Care Services

It was moved by Councillor Joe Otten, seconded by Councillor Roger Davison, that this Council:-

- (a) notes the greater pressures on the NHS and care services due to an ageing population;
- (b) believes that integrating health and social care services will ease pressure

on hospitals and help to improve home care services for patients who need it;

- (c) thanks the Government for the introduction of the Better Care Fund, made up of £3.8 billion of local services to improve care for the elderly and vulnerable to join up health and care services around the needs of patients, so that people can stay at home more and be in hospital less;
- (d) further thanks the Government for the introduction of the first ever limit of personal liability on the cost of social care, so older people no longer have to sell their home to pay for their care;
- (e) welcomes the recent news of the planned devolution of Manchester's NHS budget to the Greater Manchester Combined Authority; and
- (f) therefore calls for the Sheffield City Region Combined Authority to work towards winning a similar deal for the Sheffield City Region.

Whereupon, it was moved by Councillor Mary Lea, seconded by Councillor Mike Drabble, as an amendment, that the Motion now submitted be amended by:-

1. the addition of the following words at the end of paragraph (a):-

“, and believes this has been compounded by the Government's disastrous re-organisation of the NHS and crippling government cuts, noting for example that the Government's 50% cut to Revenue Support Grant is impacting upon care services and despite the present Administration's priority of giving greater protection to social care, the level of cuts the Council is facing means that it is not possible to protect care from cuts;
2. the deletion of paragraphs (c) to (f) and the addition of new paragraphs (c) to (f) as follows:-
 - (c) regrets that the Government's Better Care Fund has proven to be inadequate in meeting these challenges and believes that the Government has sought to spin and mislead over the amount of investment in the Better Care Fund, noting the following comments in the revenue budget report submitted to the meeting of the Council on 6th March 2015 “contrary to what is implied in the Settlement figures, the Council will not receive £37.8m from the Better Care Fund; this figure represents the total amount of the pooled budget shared with the NHS, and the actual amount which the Council will receive from the BCF is subject to ongoing discussions with the Clinical Commissioning Group”;
 - (d) whilst welcoming the principle of devolution of NHS budgets to a local level, believes that following the Manchester model would not necessarily be the best solution for realising this for Sheffield, and is becoming increasingly concerned with what this Council believes is the chaotic, haphazard and patchwork attempts of this Government in its dying days to create the impression that they are devolving resources to northern cities when the

reality does not match the rhetoric;

- (e) welcomes the proposals outlined by the Rt. Hon. Andy Burnham MP, Shadow Secretary of State for Health, to create a genuinely integrated health and social care system; and
- (f) resolves to work with any future government to secure integration of health and social care services.

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

Whereupon, it was moved by Councillor Jillian Creasy, seconded by Councillor Sarah Jane Smalley, as an amendment, that the Motion now submitted be amended by the deletion of paragraphs (c) to (f) and the addition of new paragraphs (c) to (f) as follows:-

- (c) notes that the Better Care Fund is not new money and, in the context of deep cuts to local authorities, threatens to reduce funding for hard-pressed health services in order to support much needed social care;
- (d) supports the recommendations of the Barker report to provide free social care for the elderly, funded through general taxation;
- (e) supports better integration and local accountability of health and social care, but does not want to see the National Health Service split up with different organisational and funding arrangements in different local authority areas; and
- (f) is extremely concerned about the way the devolution of Manchester's NHS budget has been brought about, without consultation and at breakneck speed.

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

(Note: Councillors Jack Clarkson and John Booker voted for paragraphs (e) and (f) and against paragraphs (c) and (d) of the Amendment and asked for this to be recorded.)

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

RESOLVED: That this Council:-

- (a) notes the greater pressures on the NHS and care services due to an ageing population, and believes this has been compounded by the Government's disastrous re-organisation of the NHS and crippling government cuts, noting for example that the Government's 50% cut to Revenue Support Grant is impacting upon care services and despite the present Administration's priority of giving greater protection to social care, the level of cuts the Council is facing means that it is not possible to protect

- care from cuts;
- (b) believes that integrating health and social care services will ease pressure on hospitals and help to improve home care services for patients who need it;
 - (c) regrets that the Government's Better Care Fund has proven to be inadequate in meeting these challenges and believes that the Government has sought to spin and mislead over the amount of investment in the Better Care Fund, noting the following comments in the revenue budget report submitted to the meeting of the Council on 6th March 2015 "contrary to what is implied in the Settlement figures, the Council will not receive £37.8m from the Better Care Fund; this figure represents the total amount of the pooled budget shared with the NHS, and the actual amount which the Council will receive from the BCF is subject to ongoing discussions with the Clinical Commissioning Group";
 - (d) whilst welcoming the principle of devolution of NHS budgets to a local level, believes that following the Manchester model would not necessarily be the best solution for realising this for Sheffield, and is becoming increasingly concerned with what this Council believes is the chaotic, haphazard and patchwork attempts of this Government in its dying days to create the impression that they are devolving resources to northern cities when the reality does not match the rhetoric;
 - (e) welcomes the proposals outlined by the Rt. Hon. Andy Burnham MP, Shadow Secretary of State for Health, to create a genuinely integrated health and social care system; and
 - (f) resolves to work with any future government to secure integration of health and social care services.

(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, Denise Reaney, David Baker, Katie Condliffe and Vickie Priestley voted for paragraph (b) and against paragraphs (a) and (c) to (f) of the Substantive Motion and asked for this to be recorded.

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

3. Councillors, Jack Clarkson and John Booker voted for paragraphs (b), (c), (d), and against paragraphs (a), (e) and (f) of the Substantive Motion and asked for this to be recorded.)

14. NOTICE OF MOTION GIVEN BY COUNCILLOR JOHN BOOKER

Former Sheffield City Airport

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

- (a) believes that a commercially viable, fully operational airport in Sheffield would be an enormous asset for the city;
- (b) notes that Sheffield City Airport was built as a CAP168 code 2C airport as per the agreement between The Sheffield Development Corporation (SDC), Glenlivet Ltd and Tinsley Park Ltd, dated 27th October 1995 and subsequent lease of August 1997; and that the definition of "Airport" for the purposes of the agreement is laid out in Article 106 of the Air Navigation Order of 1989 and is consistent with the definition as originally laid out in clause 1.17 of the agreement between SDC and British Steel Corporation;
- (c) further notes that in 1997, Sheffield City Airport opened as a CAT 5, code 2C airport, which means it should have had, and maintained, all the facilities needed to cope with an aircraft capable of carrying up to 115 passengers;
- (d) also notes that the Airport started commercial services some three years earlier than originally planned, with the successful introduction on 16th February 1998, of KLM's three times daily Amsterdam service, which was an instant success, with KLM saying it was their best start-up service ever, and that services followed to Jersey, London, Dublin, Belfast and Brussels and in 1998, 75,157 passengers passed through its terminal;
- (e) recognises that Sheffield Development Corporation estimated it would take at least seven years after opening before the airport would make any return on capital, and that this fact was well known and, indeed, as early as 1990, had been referred to by the SDC;
- (f) is interested to know how Peel Holdings and the airport operator, just eight weeks after them acquiring one half share of the Airport, were allowed to start downgrading it; for example (i) at the end of September 2001 they reduced airport Rescue and Fire Fighting Services cover from a CAT 5 to a CAT 3, (ii) by the end of September 2002 they reduced cover from CAT 3 to a CAT 1 and also turned off the Instrument Landing System (ILS) and (iii) at the end of August 2002 they started turning the terminal building into a business centre (offices);
- (g) strongly asserts that rules and regulations should be abided by, and the closure of Sheffield City Airport was done in a most unsatisfactory manner, causing Sheffield one of its worst civic lost opportunities; and
- (h) further notes that Sheffield City Airport closed to all traffic in 2008, and that an area of eighty acres of prime development land, described as the best site on the M1 corridor between Leeds and Leicester, was transferred to

Sheffield Business Parks Ltd, for a notional £1.00, which has never been collected.

Whereupon, it was moved by Councillor Jack Clarkson, seconded by Councillor John Booker, as an amendment, that the Motion now submitted be amended by:-

1. the addition of the words "without planning permission" at the end of paragraph (f);
2. the addition of new paragraphs (g) and (h) as follows, and the relettering of original paragraphs (g) and (h) as new paragraphs (i) and (j):-
 - (g) regrets that all of these actions were quite clearly contrary to the intention of the lease, as well as Civil Aviation Authority legislation for a code 2C airport;
 - (h) places on record that it is abundantly clear that the intention of the lease/agreement was for an operational airport to be in existence for at least "the reverter period", a minimum of ten years from the date of opening;
3. the addition of a new paragraph (k) as follows:-
 - (k) further regrets that the City has lost an airport and has allowed Peel Holdings to profit from the land developments.

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

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 all the words after the words "That this Council" and the addition of the following words:-

- (a) notes that the site of the former Sheffield City Airport (SCA) has now been redeveloped as part of the enterprise zone, and recalls that the site was in private ownership before redevelopment and the Council was not in a position to determine the future of the site and had no enforceable powers to prevent redevelopment of the site;
- (b) notes that to purchase the site to stop redevelopment would have cost tens of millions of pounds, plus facilities would then have to be constructed or re-opened, costing millions more;
- (c) recalls that SCA wouldn't make money at first and so the Council would have to be part of the consortium and underwrite operational losses for many years (15 years in the case of London City Airport);
- (d) believes that the Council was in no position to underwrite losses for a project that failed once already, and which its own supporters say would lose money, and that this would be the case at any time, but particularly

now with government cuts hitting the Council hard;

- (e) therefore concludes that a private sector backer was needed to underwrite the risk, if they believed the airport was viable and this was not forthcoming;
- (f) believes that the key issue for Doncaster Sheffield Airport is the access to the airport from the M18, noting that the current road network effectively doubles the time it should take to get there from Sheffield; however, a new link road to the Airport from the M18 will be shortly in operation, and whilst the road will not take traffic directly to the Airport at present, it will reduce typical journey times to around 30 minutes from the centre of Sheffield;
- (g) notes that with Manchester, a significant international hub and easily accessible by train, and several other airports within an hour's drive, a 30 minute journey time from the centre of Sheffield to Doncaster Sheffield Airport will give businesses in the city easy access to an airport with a runway length that allows all aircraft to operate from it, and that such a journey time is comparable to that offered by many other major cities to their nearest airport; and
- (h) notes that the mover of the motion makes no constructive suggestion, the motion simply comments on previous events well before the present Administration, which have been debated on numerous occasions.

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

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

RESOLVED: That this Council:-

- (a) notes that the site of the former Sheffield City Airport (SCA) has now been redeveloped as part of the enterprise zone, and recalls that the site was in private ownership before redevelopment and the Council was not in a position to determine the future of the site and had no enforceable powers to prevent redevelopment of the site;
- (b) notes that to purchase the site to stop redevelopment would have cost tens of millions of pounds, plus facilities would then have to be constructed or re-opened, costing millions more;
- (c) recalls that SCA wouldn't make money at first and so the Council would have to be part of the consortium and underwrite operational losses for many years (15 years in the case of London City Airport);
- (d) believes that the Council was in no position to underwrite losses for a project that failed once already, and which its own supporters say would lose money, and that this would be the case at any time, but particularly now with government cuts hitting the Council hard;

- (e) therefore concludes that a private sector backer was needed to underwrite the risk, if they believed the airport was viable and this was not forthcoming;
- (f) believes that the key issue for Doncaster Sheffield Airport is the access to the airport from the M18, noting that the current road network effectively doubles the time it should take to get there from Sheffield; however, a new link road to the Airport from the M18 will be shortly in operation, and whilst the road will not take traffic directly to the Airport at present, it will reduce typical journey times to around 30 minutes from the centre of Sheffield;
- (g) notes that with Manchester, a significant international hub and easily accessible by train, and several other airports within an hour's drive, a 30 minute journey time from the centre of Sheffield to Doncaster Sheffield Airport will give businesses in the city easy access to an airport with a runway length that allows all aircraft to operate from it, and that such a journey time is comparable to that offered by many other major cities to their nearest airport; and
- (h) notes that the mover of the motion makes no constructive suggestion, the motion simply comments on previous events well before the present Administration, which have been debated on numerous occasions.

15. NOTICE OF MOTION GIVEN BY COUNCILLOR NIKKI BOND

Hate Crime

It was moved by Councillor Nikki Bond, seconded by Councillor Neale Gibson, that this Council:-

- (a) understands the deeply impactful nature of hate crimes and the importance of tackling hate crime in our city of Sanctuary;
- (b) welcomes proposals by Shadow Home Secretary, The Rt. Hon. Yvette Cooper MP, that a future Labour Government will tackle the rise in antisemitism, Islamophobia, homophobia, transphobia and abuse of disabled people in the UK, by making homophobic and disability hate crimes an aggravated criminal offence, ensuring that the Police treat such offences in the same way as racist hate crimes;
- (c) deplores proposals by UKIP to remove the race legislation within the Equality Act as this will exacerbate the level of race hate crime in our society, which was recorded as 536 incidents across South Yorkshire in 2013/14 and far exceeds other types of hate crime;
- (d) condemns the homophobic and misogynistic comments of a former Conservative candidate who tweeted his hateful views in response to news of an important research project into femicide, and believes there is no

place for this type of attitude in Sheffield;

- (e) welcomes Sheffield City Council's inclusion of gender as a category for hate crime and recognises the importance of defining hate crime as prejudice against people of protected characteristics and other recognisable groups;
- (f) recognises the work done by the Council to tackle hate crime by working in partnership with the Police and other agencies to encourage reporting through Third Party reporting centres;
- (g) acknowledges that the level of reporting of hate crime in Sheffield is not an accurate portrayal of the number of hate crime incidents and that more needs to be done to help people feel comfortable to report, with this including better promotion and publicity of Third Party reporting centres, and an increased number of them; and
- (h) welcomes the organisation of a hate crime workshop in June, organised through the Equality Hub Network, where there will be an opportunity to learn more about Third Party reporting centres and how to set one up, and encourages Sheffield citizens to attend the workshop in order to discuss how to tackle hate crime and make it easier to report.

Whereupon, it was moved by Councillor Richard Shaw, seconded by Councillor Katie Condliffe, as an amendment, that the Motion now submitted be amended by the deletion of paragraph (b) and the addition of a new paragraph (b) as follows:-

- (b) thanks the Liberal Democrats in government for blocking the Conservative Party's attempts to get rid of the Human Rights Act 1998, which enshrined in UK law the European Convention on Human Rights, securing individuals' rights to privacy, freedom of religion, expression, association and assembly, to marry and found a family, and protecting people from discrimination; as well as:-
 - (i) working with charities and other organisations to stamp out hate crime against people from ethnic minorities, noting in particular, that the Liberal Democrats have launched schemes to tackle Anti-Muslim and Anti-Semitic hate crime;
 - (ii) delivering better recording of, and response to, hate crimes against people with disabilities and making it a legal right for people not to be discriminated against or harassed because they care for someone with disabilities; and
 - (iii) recording homophobic hate crime better and helping schools tackle homophobic, biphobic and transphobic bullying.

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) understands the deeply impactful nature of hate crimes and the importance of tackling hate crime in our city of Sanctuary;
- (b) welcomes proposals by Shadow Home Secretary, The Rt. Hon. Yvette Cooper MP, that a future Labour Government will tackle the rise in antisemitism, Islamophobia, homophobia, transphobia and abuse of disabled people in the UK, by making homophobic and disability hate crimes an aggravated criminal offence, ensuring that the Police treat such offences in the same way as racist hate crimes;
- (c) deplores proposals by UKIP to remove the race legislation within the Equality Act as this will exacerbate the level of race hate crime in our society, which was recorded as 536 incidents across South Yorkshire in 2013/14 and far exceeds other types of hate crime;
- (d) condemns the homophobic and misogynistic comments of a former Conservative candidate who tweeted his hateful views in response to news of an important research project into femicide, and believes there is no place for this type of attitude in Sheffield;
- (e) welcomes Sheffield City Council's inclusion of gender as a category for hate crime and recognises the importance of defining hate crime as prejudice against people of protected characteristics and other recognisable groups;
- (f) recognises the work done by the Council to tackle hate crime by working in partnership with the Police and other agencies to encourage reporting through Third Party reporting centres;
- (g) acknowledges that the level of reporting of hate crime in Sheffield is not an accurate portrayal of the number of hate crime incidents and that more needs to be done to help people feel comfortable to report, with this including better promotion and publicity of Third Party reporting centres, and an increased number of them; and
- (h) welcomes the organisation of a hate crime workshop in June, organised through the Equality Hub Network, where there will be an opportunity to learn more about Third Party reporting centres and how to set one up, and encourages Sheffield citizens to attend the workshop in order to discuss how to tackle hate crime and make it easier to report.

(Notes: 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, Denise Reaney, David Baker, Katie Condliffe and Vickie Priestley voted for paragraphs (a) and (c) to (h) and against paragraph (b) of the Motion and asked for this to be recorded.

2. Councillors Jillian Creasy, Robert Murphy, Sarah Jane Smalley and Brian Webster voted for paragraphs (a) to (c) and (e) to (h) and abstained on paragraph (d) of the Motion and asked for this to be recorded.

3. Councillors Jack Clarkson and John Booker voted for paragraphs (a), (b) and (d) to (h) and against paragraph (c) of the Motion and asked for this to be recorded.)

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IMPLEMENTING THE COMMUNITY INFRASTRUCTURE LEVY (CIL) IN SHEFFIELD

At its meeting on 15 April 2015, the Cabinet considered a report of the Executive Director, Place containing proposals with regard to the implementation of the new Community Infrastructure Levy (CIL) in Sheffield.

The resolution passed by the Cabinet is set out below:-

“RESOLVED: That Cabinet:-

- (a) notes the recommendations of the CIL Examiner’s Report, received on 25 February 2015, that the CIL charges proposed are appropriate (with three amendments) and that the Charging Schedule be approved and resolves to recommend to Full Council that the CIL Charging Schedule is approved with an implementation date of 15 July 2015;
- (b) agrees to offer an Instalment Policy and Exceptional Circumstances Relief for CIL, as set out in the documents attached to the report;
- (c) agrees to the production of a Supplementary Planning Document on CIL and Planning Obligations, to be referred to Cabinet for subsequent approval following public consultation;
- (d) agrees that the Interim Regulation 123 List will be adopted as the Council’s list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by the CIL (the Regulation 123 List);
- (e) agrees that Cabinet shall take recommendations from the Council’s various internal programme and outcome boards to create, and update as required:-
 - (i) the priorities for the Infrastructure Delivery Plan; and
 - (ii) the Regulation 123 List; and
- (f) agrees that projects funded by the CIL shall be approved by Cabinet as part of the Council’s capital and revenue financial approval procedures.”

It is a legal requirement that a local authority can only approve the CIL Charging Schedule at a meeting of Full Council and by a majority of votes of those Members present. Accordingly, as recommended at paragraph (a) of the Cabinet’s resolution, the Council is required to approve the CIL Charging Schedule.

The Sheffield City Council Community Infrastructure Levy Charging Schedule and the report submitted to the Cabinet by the Executive Director, Place, are attached to this report.

Recommendation

That the Council notes the recommendations of the CIL Examiner's Report, received on 25 February 2015, that the CIL charges proposed are appropriate (with three amendments) and that the CIL Charging Schedule is approved with an implementation date of 15 July 2015.

Eugene Walker
Executive Director, Resources



SHEFFIELD CITY COUNCIL
COMMUNITY INFRASTRUCTURE LEVY

Charging Schedule
June 2015

Sheffield City Council Community Infrastructure Levy (CIL)

Charging Schedule – June 2015

Statement of Statutory Compliance

1. Sheffield City Council is a Charging Authority for the CIL and has produced a Draft Charging Schedule that has been approved and published in accordance with Part 11 of the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended).
2. In setting the levy rates, in accordance with CIL Regulation 14, the Council has struck an appropriate balance between;
 - the desirability of funding from CIL (in whole or in part) the actual and estimated total cost of infrastructure required to support the development of the City, taking into account other actual and expected sources of funding, and;
 - the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across the City.
3. The Charging Schedule was approved by Sheffield City Council on [Insert date when approved]
4. This Charging Schedule will come into effect on [Insert date when the Charging Schedule will come into effect]

SHEFFIELD CITY COUNCIL COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

Community Infrastructure Levy Rates

5. The Council is charging the following levels of Community Infrastructure Levy, expressed as pounds per square metre on the gross internal floorspace of the net additional liable development:

CIL Rates

Type of Development	CIL Charge (£/sq.m.)
RESIDENTIAL (Use Classes C3 and C4) ¹	
• Zone 1 - North East	£0
• Zone 2 - East	£0
• Zone 3 - Stocksbridge & Deepcar, North West, South East, City Centre West, Manor / Arbourthorne / Gleadless, Chapeltown / Ecclesfield, Rural Upper Don Valley	£30
• Zone 4 - City Centre, South	£50
• Zone 5 - South West	£80
RETAIL (Use Class A1) ⁸	
• City Centre Prime Retail Area ²	£30
• Meadowhall Prime Retail Area ³	£60
• Major Retail Schemes ⁴ (includes Superstores ⁵ and Retail Warehouses ⁶) ⁷	£60
HOTELS (Use Class C1) ⁸	£40
STUDENT ACCOMMODATION	£30
ALL OTHER USES (including offices and industry)	£0

¹ See CIL Inset Maps 1 and 2 for details of the Residential Zones. Excludes retirement / extra care / sheltered housing / assisted living.

² See CIL Inset Maps 1 or 2.

³ See CIL Inset Map 1.

⁴ Retail outlets of 3,000 sq.m. gross internal floorspace or more. Includes:

⁵ Superstores - shopping destinations in their own right where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.

⁶ Retail Warehouses - large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), clothes, DIY items and other ranges of goods, catering mainly for car-borne customers.

⁷ Where such a use falls within one of the Prime Retail Areas, the rate applicable to the Prime Retail Area only will be charged.

⁸ Excluding car parking provided for the use of the development.

Calculation of the CIL Charge

6. The method of calculation of the CIL charge is set out in Regulation 40 in the CIL Regulations 2010 as amended by the 2014 Regulations:

“Calculation of chargeable amount

40.—(1) The collecting authority must calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with this regulation.

(2) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.

(3) But where that amount is less than £50 the chargeable amount is deemed to be zero.

(4) The relevant rates are the rates, taken from the relevant charging schedules, at which CIL is chargeable in respect of the chargeable development.

(5) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula—

$$\frac{R \times A \times I_p}{I_c}$$

where—

A = the deemed net area chargeable at rate R, calculated in accordance with paragraph (7);

I_p = the index figure for the year in which planning permission was granted; and

I_c = the index figure for the year in which the charging schedule containing rate R took effect.

(6) In this regulation the index figure for a given year is—

- (a) the figure for 1st November for the preceding year in the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors(1); or
- (b) if the All-in Tender Price Index ceases to be published, the figure for 1st November for the preceding year in the retail prices index.

(7) The value of A must be calculated by applying the following formula—

$$G_R - K_R - \frac{(G_R \times E)}{G}$$

where—

G = the gross internal area of the chargeable development;

G_R = the gross internal area of the part of the chargeable development chargeable at rate R;

K_R = the aggregate of the gross internal areas of the following—

- (i) retained parts of in-use buildings, and
- (ii) for other relevant buildings, retained parts where the intended use following completion of the chargeable development is a use that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development;

E = the aggregate of the following—

- (i) the gross internal areas of parts of in-use buildings that are to be demolished before completion of the chargeable development, and
- (ii) for the second and subsequent phases of a phased planning permission, the value E_x (as determined under paragraph (8)), unless E_x is negative,

provided that no part of any building may be taken into account under both of paragraphs (i) and (ii) above.

(8) The value E_x must be calculated by applying the following formula—

$$E_P - (G_P - K_{PR})$$

where—

E_P = the value of E for the previously commenced phase of the planning permission;

G_P = the value of G for the previously commenced phase of the planning permission; and

K_{PR} = the total of the values of K_R for the previously commenced phase of the planning permission.

(9) Where a collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish that a relevant building is an in-use building, it may deem it not to be an in-use building.

(10) Where a collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish—

- (a) whether part of a building falls within a description in the definitions of K_R and E in paragraph (7); or
- (b) the gross internal area of any part of a building falling within such a description,

it may deem the gross internal area of the part in question to be zero.

(11) In this regulation—

“building” does not include—

- (i) a building into which people do not normally go,
- (ii) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery, or
- (iii) a building for which planning permission was granted for a limited period;

“in-use building” means a building which—

- (i) is a relevant building, and
- (ii) contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development;

“new build” means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings;

“relevant building” means a building which is situated on the relevant land on the day planning permission first permits the chargeable development;

“relevant charging schedules” means the charging schedules which are in effect—

- (i) at the time planning permission first permits the chargeable development, and
- (ii) in the area in which the chargeable development will be situated;

“retained part” means part of a building which will be—

- (i) on the relevant land on completion of the chargeable development (excluding new build),
- (ii) part of the chargeable development on completion, and
- (iii) chargeable at rate R.

(1) Registered in England and Wales RC00487. ”

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SHEFFIELD CITY COUNCIL

Cabinet Report

Report of: Simon Green, Executive Director, Place

Report to: Cabinet

Date: 15 April 2015

Subject: Implementing the Community Infrastructure Levy (CIL) in Sheffield

Author of Report: Richard Holmes (205 3387)

Key Decision: YES

Reason Key Decision: Affects 2 or more wards

Summary:

The CIL is a new way of seeking contributions from developers towards essential infrastructure that is required to support new development. This report seeks Cabinet approval to recommend that Full Council adopt the Charging Schedule and begin charging CIL on qualifying developments receiving planning permission from 15 July 2015.

Cabinet is also asked to approve an Instalments Policy and to offer Exceptional Circumstances Relief. It is also asked to agree to the production of a Supplementary Planning Document on CIL and planning obligations and a list of priority projects for CIL spending.

Reasons for Recommendations:

The CIL will help to deliver the city's strategic priorities for infrastructure provision, will be generated by economic and housing growth and reinvested into economic growth and infrastructure. Specifically it will:

- Be fairer, faster and more transparent than Section 106;
- Give the Council and local communities freedom to set infrastructure priorities that are justified;
- Be a predictable funding stream making infrastructure delivery more efficient;
- Give developers certainty and quicker planning decisions;
- Be more transparent and flexible than Section 106;
- Reward communities for new development through the neighbourhood portion;
- Be supported and promoted by Government.
- Focus on strategic infrastructure priorities for the city as well as local priorities through the neighbourhood portion;
- Focus on delivering new homes and businesses in the priority locations set out in the local plan;
- Generate significantly more funding than Section 106;
- Be set at a level that ensures it is affordable.

The Council is committed to charging a CIL and the Government Planning Inspector has confirmed the levels of the charge proposed are appropriate. The Council must now approve the CIL Charging Schedule at a meeting of Full Council.

Implementation of the CIL will also require details of the Instalments Policy and Relief for Exceptional Circumstances to be approved by Cabinet. It will also require clarification on how the CIL will work alongside Section 106 and how the CIL funds will be spent.

Recommendations:

That Cabinet:

- Notes the recommendations of the CIL Examiner's Report, received on 25 February 2015, that the CIL charges proposed are appropriate (with three amendments) and that the Charging Schedule be approved and resolves to recommend to Full Council that the CIL Charging Schedule is approved with an implementation date of 15 July 2015;
- Agrees to offer an Instalment Policy and Exceptional Circumstances Relief for CIL, as set out in the documents attached;
- Agrees to the production of a Supplementary Planning Document on CIL and Planning Obligations to be referred to Cabinet for subsequent approval following public consultation;

- Agrees that the Council’s Programme Boards and Outcome Boards will set the priorities for the Infrastructure Delivery Plan (IDP) and the priorities for CIL spending in support of the IDP will be set by agreeing a Regulation 123 List. Projects funded by CIL, in part or whole, will be approved by Cabinet as part of the Council’s capital and revenue financial approval procedures.
-

Background Papers: CIL Examiner’s Report – see www.sheffield.gov.uk/cil
Draft CIL Charging Schedule as amended – see www.sheffield.gov.uk/cil
Draft Interim Regulation 123 List - see www.sheffield.gov.uk/cil
Proposed CIL Instalments Policy (attached)
Proposed CIL Exceptional Circumstances Relief Policy (attached)

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
YES Cleared by Paul Schofield
Legal Implications
YES Cleared by Paul Bellingham
Equality of Opportunity Implications
YES Cleared by Ian Oldershaw
Tackling Health Inequalities Implications
YES Cleared by Paul Billington
Human rights Implications
NO
Environmental and Sustainability implications
YES Cleared by Paul Billington
Economic impact
YES Cleared by Ed Highfield
Community safety implications
YES Cleared by Janet Sharpe
Human resources implications
YES Cleared by Julie Toner
Property implications
YES Cleared by Nalin Seneviratne
Area(s) affected
All
Relevant Cabinet Portfolio Lead
Leigh Bramall
Relevant Scrutiny Committee
Economic and Environmental Well-being
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
YES

REPORT TO CABINET

IMPLEMENTING THE COMMUNITY INFRASTRUCTURE LEVY IN SHEFFIELD

1. SUMMARY

- 1.1 The Community Infrastructure Levy (CIL) is a new way of securing contributions from developers towards infrastructure provision through the planning system. It is a national scheme that the Government is promoting as a better way for new development to contribute towards new infrastructure, and will replace many individually negotiated planning agreements (known as Section 106 agreements). The CIL is a tariff system that local authorities can choose to charge on new developments in their area by adopting a Charging Schedule. The CIL is levied on new buildings and extensions to buildings according to their floor area. In this way money is raised from developments to help the Council pay for essential infrastructure to support these new developments. This infrastructure will include schools, transport improvements, open space and public spaces, plus any other community facilities required to ensure sustainable growth. The majority of the money received can be spent on any new infrastructure needed as a result of new development in any location. The levy will be paid by most new development, although it will only be charged on new net additional floorspace and on larger schemes (100 square metres of net non-residential additional floorspace or single individual dwellings).
- 1.2 CIL charges can vary by type and location of development, but must be based on viability. So some developments will pay more than others and some with more limited viability, such as offices and industry, will pay no CIL.
- 1.3 A CIL represents a great opportunity to focus on city-wide priorities and provide new infrastructure that is of strategic, city-wide importance. CIL funding is not restricted to individual developments or local areas, so can be targeted where it is most needed. Setting CIL infrastructure priorities will be matched with a wider Infrastructure Delivery Plan that will enable the city to focus on priorities for growth and the strategic outcomes set out in the Corporate Plan.
- 1.4 Cabinet agreed in September 2011 that the Council should work towards implementing a CIL, to ensure that major new development contributes to the provision of infrastructure improvements where viable. The CIL will relate to strategic priorities in the Sheffield Local Plan and will help to deliver the city's strategic priorities for infrastructure provision.
- 1.5 National legislation governs the process for setting up a CIL. The first stage was to produce a *CIL Preliminary Draft Charging Schedule* setting out the proposed rates that would be charged on new development. This was subject to a period of public consultation from January 2013. The Council later consulted on a *Draft Charging Schedule* and a *Revised Draft Charging*

Schedule in March and August 2014, before submitting the Draft Charging Schedule to the Government for a Public Examination led by a Planning Inspector. This took place on 6 and 7 January 2015.

1.6 Throughout the process of producing the Charging Schedule the Council has worked closely with local developers to set appropriate rates, and believe developers are generally supportive of the CIL approach. The Council has engaged specifically and directly with the Sheffield Agents' Forum, the Sheffield Chamber of Commerce and the Local Enterprise Partnership.

1.7 The benefits of CIL are that it:

- Is fairer, faster and more transparent than Section 106;
- Gives Councils and local communities freedom to set infrastructure priorities that are justified;
- Is a predictable funding stream making infrastructure delivery more efficient;
- Gives developers certainty and quicker planning decisions;
- Is more transparent and flexible than Section 106;
- Rewards communities for new development through the neighbourhood portion;
- Will raise more income than Section 106;
- Is supported and promoted by Government.

1.8 CIL is good for Sheffield because it:

- Can be focussed on strategic infrastructure priorities for the city as well as local priorities through the neighbourhood portion;
- Can focus on delivering new homes and businesses in the priority locations set out in the local plan;
- Will generate significantly more funding than Section 106;
- Has been set at a level that ensures it is affordable.

1.9 The Examiner's Report was received on 25 February 2015 and recommended that the Charging Schedule be approved with three amendments. Cabinet is now asked to recommend approval of the Draft Charging Schedule as amended following the Examiner's recommendation and refer it to Full Council in June 2015. It is then intended to begin charging CIL on development granted planning permission from 15 July 2015.

2. WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE

2.1 The Community infrastructure Levy (CIL):

“allows local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money can be used to fund a wide range of infrastructure that is needed as a result of development. This includes new or safer road schemes, flood

*defences, schools, hospitals and other health and social care facilities, park improvements, green spaces and leisure centres*¹

The Current Position – Section 106 Agreements

- 2.2 Contributions from developers towards new and improved infrastructure are currently delivered through negotiated legal agreements (Section 106) that form part of the planning application process. The Government has restricted the scope of these agreements as part of the CIL process and have now given the traditional tests for requesting obligations a statutory footing, (i.e. they must focus only on what is needed to make the individual development acceptable, such as a specific access road). The CIL is now the Government's preferred mechanism for delivering the wider infrastructure demand that new development creates, such as additional school places or open space. Section 106 has been further limited from 6 April 2015, when a restriction on pooling financial contributions from developers towards infrastructure was imposed. For these reasons CIL will be the best way of securing significant financial contributions for infrastructure from new development.

Increased Income

- 2.3 CIL is expected to deliver annual income of £3-4 million when established and between £11.3 million and £17 million by the end of 2019/20. There will be a gradual build-up of income, because payment is due on commencement of development and in instalments over two years thereafter, other than for the smallest payments. In the medium to long term, CIL is anticipated to generate significantly more funds for infrastructure compared to Section 106, as it is more efficient than the current situation where contributions are negotiated on an individual basis as developments come forward. If the Council does not adopt a CIL, the projects that can be secured through Section 106 will become much more limited. This would affect the city's ability to raise money for essential infrastructure to support growth. As the Government is promoting CIL, a decision not to adopt one could make it more difficult for the city to secure other funding from the Government towards infrastructure.

The Neighbourhood Portion

- 2.4 CIL can be spent wherever it is most needed though some will be allocated directly to the neighbourhoods where the new development takes place. This is the 'Neighbourhood Portion' and the Regulations require that this will be a minimum of 15% of the CIL received in the area. Where there is a parish council in an area, the Neighbourhood Portion must be handed over to the parish to spend on their local priorities. Where there is no parish the Council holds the CIL money on behalf of the local community, but the local community determine how it is spent.

¹ CIL Overview – Communities and Local Government, 2011.
<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11>

2.5 In areas where there is a Neighbourhood Plan or Neighbourhood Development Order, the Regulations require that the Neighbourhood Portion will be 25%. There are currently three areas of Sheffield where a Neighbourhood Area is designated and where designated bodies are actively preparing a Neighbourhood Development Plan. These are: Stocksbridge Neighbourhood Area, proposed by Stocksbridge Town Council and designated on 28th February 2014; Dore Neighbourhood Area, designated 16th October 2014; and Broomhill, Broomfield, Endcliffe, Summerfield, and Tapton (known as BBEST), designated on 14th January 2015.

2.6 All of these plans are still at an early stage of gathering information and evidence, engaging with stakeholders, and developing plan objectives. Detailed timetables taking account of each required stage of the process will emerge for each area following these early stages. The 25% Neighbourhood Portion would not be available to these areas until a Plan is adopted. There are currently no proposals for Neighbourhood Development Orders in the city.

3. OUTCOME AND SUSTAINABILITY

3.1 The National Planning Policy Framework (NPPF) recognises that a lack of infrastructure can be a significant barrier to investment, and that priorities for infrastructure provision should be identified.

4. INSTALMENTS, EXCEPTIONAL CIRCUMSTANCES, PLANNING OBLIGATIONS, GOVERNANCE AND IMPLICATIONS

Proposed Instalments Policy

4.1 If the Council wishes, the CIL legislation (Regulation 69B) allows for payments to be made on a phased basis using an Instalments Policy, rather than 100% of the charge being paid on commencement of the development. The Council is proposing to offer payment of CIL in instalments as a matter of course. This will make it easier for developers to pay the charge, as receipts from new development can then be used to partly fund CIL payments. Viability work on the CIL charges assumed that an instalments policy would be in place.

4.2 The Instalments Policy proposed is as follows:

Chargeable Amount	Payment Due
Where the chargeable amount is less than £10,000	Payment will be required in full within 60 days of the commencement date
Where the chargeable amount is £10,000 or more but less than £50,000	Two equal instalments will be due 60 and 540 days after the commencement date
Where the chargeable amount is more than £50,000	Three equal instalments will be due after 60, 540 and 720 days after the commencement date

- 4.3 This instalments policy can apply to individual stages of a scheme where the developer chooses to develop it in phases using separate planning permissions, so there is additional flexibility in the CIL payment available for developers.

Proposed Offer of Exceptional Circumstances Relief (ECR)

- 4.4 The Council has the discretion to offer ECR where individual sites with specific and exceptional cost burdens would not be viable due to the payment of the CIL charge.
- 4.5 An objection was received during consultation on the Draft Charging Schedule from the Sheffield Housing Company on the grounds that ECR may be necessary in order to develop some of its housing sites that are financially very marginal in terms of viability.
- 4.6 Regulation 55 states that the Council may grant relief from liability to pay CIL if it appears to the Council that there are exceptional circumstances which justify doing so and the Council consider it expedient. Each case will be considered individually by the Council as part of the determination of the planning application, which retains the discretion to make judgements about the viability of the scheme in economic terms and whether the exceptional circumstances policy should apply.
- 4.7 The Government and the Council expect that these exceptional circumstances will be rare, as the CIL rates set have been set at a level where most development can afford to pay the charge and the charges include significant margins for flexibility.

Commitment to Produce a Supplementary Planning Document (SPD) on CIL and Planning Obligations

- 4.8 Once the CIL is adopted it will be the main source of funding for the provision of most infrastructure required to serve new development, significantly taking over from Section 106. The Council will therefore need to withdraw existing Supplementary Planning Guidance and Interim Planning Guidance on the provision of open space and school places through Section 106, and replace them with a Supplementary Planning Document that will focus on the delivery of the local plan policies on open space and education provision.
- 4.9 Cabinet is asked to authorise Council officers to work on the publication of this Supplementary Planning Document as soon as possible for later Cabinet approval.

Governance

- 4.10 We are required to publish a list of CIL priority projects for spending (the 'Regulation 123 List'). An Interim Regulation 123 List was approved for the CIL Examination. CIL should focus on delivering local plan priorities, so projects were chosen based on priorities for infrastructure identified in the Sheffield Local Plan Core Strategy, adopted in March 2009.

- 4.11 This report does not require Cabinet to take any decisions on CIL spending at this stage, as the proposals for funding will be brought through the Capital Approvals process and CIL money is not expected in significant amounts until 2017. Initial agreement has been given in principle to the shortlist of projects in the Interim Regulation 123 List that includes the BRT North project for which developer contributions have already been committed by Cabinet on 20 November 2013. But there will be a need for the Council to agree priorities which will require some governance arrangements to be put in place to determine how to spend the CIL revenue.
- 4.12 We are intending to publish the draft Infrastructure Delivery Plan (IDP) for consultation this year. The Regulation 123 List of CIL spending priorities will be updated for consultation at that time.
- 4.13 The Council's annual business planning process uses the Outcome Boards, comprising Members and officers, to set strategic objectives in line with the Corporate Plan priorities. The objectives are then delivered through Programme Boards, comprising officers from different services across the Council, which will commission projects, and recommend to Cabinet for inclusion in the Council's Capital Programme through the approved process. The commissioning work will be informed by the IDP which will align with, and contribute to, the delivery of the Council's Corporate Plan objectives. By adopting this approach, Cabinet will make the final decision on the use of CIL, and the Council can be assured that there is the necessary cross portfolio collaboration and consideration of needs to ensure that the overall infrastructure of the city is improved to provide the schools, transport infrastructure and neighbourhood facilities which will be needed for its projected economic growth.

Financial Implications

- 4.14 As explained in paragraph 2.3 it is expected that, once established, there will be income from a CIL around £3 to 4 million per year once the system is effectively up and running and CIL income is routinely collected (probably from 2017 onwards). Given the restrictions on Section 106 detailed earlier, this income would not be otherwise achieved without a CIL in place.
- 4.15 The CIL rates would typically amount to between one and two and a half per cent of the total costs of any new development. The rates represent a cautious approach to ensuring the right balance between achieving a reasonable CIL income and not putting overall viability at risk.
- 4.16 The Council has already incurred costs relating to CIL through officer time, commissioning the independent Viability Study and holding the CIL Examination. These operating costs will continue to be incurred as we work towards implementation of the CIL and we will also be likely to incur operational costs once CIL is adopted. However, the CIL regulations (Regulation 61) allow for up to 5% of CIL revenue to be claimed by the Council to cover these costs.

4.17 Elsewhere in England, CIL money is already being collected and spent on infrastructure projects. For example:

- Bristol City Council collected over £500,000 CIL in 2013/14 and are expecting a further £2.8 million in 2014/15. This will be allocated to a Bus Rapid Transit and Bus Link schemes being developed in 2014/15.
- Redbridge London Borough collected nearly £2 million in 2013/14, of which £1million was spent on school extensions.
- Wycombe's approved spending in 2014/15 includes £100,000 of CIL on a link road, £75,000 on town centre public realm, £84,000 for feasibility and design of a new school and £35,000 on the improvement of river banks. A further £50,000 was allocated from the neighbourhood portion for a community centre.
- Wandsworth London Borough collected £2.5 million of CIL in 2013/14. Priorities for spending are transport improvements, state education facilities, public health care facilities, public open space and sports and leisure provision.

Legal Implications

4.18 Section 205 of the Planning Act 2008 ("the 2008 Act") permitted the Secretary of State to make regulations for the imposition of a CIL and the legislative framework for such is set out in Part 11 of the 2008 Act.

4.19 On 6 April 2010 the Community Infrastructure Levy Regulations 2010 ("the Regulations") came into force which builds on the framework set out in Part 11 of the 2008 Act and introduced the ability for Local Planning Authorities to charge the levy.

4.20 As set out in this report, the Regulations permit the Council to charge CIL and govern its operation. The Charging Schedule has been prepared in accordance with the Regulations (as subsequently amended), and the 2008 Act, and has been found to be legally sound by the Independent Examiner.

4.21 The Council must ensure that its corporate procedures for the ongoing operation of charging and collecting the CIL are compliant with the requirements of the Regulations.

4.22 Section 213(2) of the 2008 Act provides that the Council can only approve the CIL Charging Schedule at a meeting of Full Council and by a majority of votes of those Members present.

Equality of Opportunity Implications

4.23 As the CIL is largely replacing the previous Section 106 system of achieving developer contributions, in itself it is equality neutral. However, when considering the benefits of a CIL that there should be more funding available and it is more flexible in what the funds can be spent on, it has the potential for positive equality impacts. Many of the infrastructure projects that a CIL would help to deliver would benefit those reliant on public services such as

state schools and public transport, as well as those living in areas where air quality is poor, for example. For this reason, CIL is considered to offer potential benefits to poorer residents and communities in Sheffield, so could have a positive equality impact.

Tackling Health Inequalities Implications

- 4.24 CIL funds could be used to deliver health services where they are classed as infrastructure, such as health centres and doctors' surgeries. This would be dependent on such infrastructure projects being prioritised, either city-wide or by the local communities using the Neighbourhood Portion.

Human Rights Implications

- 4.25 The process for implementing a CIL including public consultation conforms to national legislation that takes due account of human rights.

Environmental and Sustainability Implications

- 4.26 The National Planning Policy Framework² promotes sustainable development through three key dimensions, where the planning system has an economic, social and environmental role. Infrastructure cuts across all three of these roles and the CIL will assist in the delivery of infrastructure to aid sustainable development.

Economic Impact

- 4.27 The CIL will have a positive economic impact in generating increased funding for infrastructure that can be used in a flexible and more efficient way. Local developers and businesses have been closely involved in the process for setting CIL rates, to ensure the right balance has been struck between raising sufficient funding to deliver infrastructure priorities, whilst not being set so high that it adversely effects levels of development. Through the CIL consultation process, the Council has engaged specifically and directly with the Sheffield Agents' Forum, the Sheffield Chamber of Commerce and the Local Enterprise Partnership. Proposed rates have been adjusted through the process to ensure they are reasonable and affordable. General support from the business community is also reflected by the very small number of objectors (3 in total) present at the CIL Examination.
- 4.28 The CIL will help to deliver the city's strategic priorities for infrastructure provision, will be generated by economic growth and reinvested into economic growth and infrastructure. Effective and full economic regeneration through the provision of new homes, businesses, services and leisure cannot be achieved without adequate supporting facilities. Infrastructure connects people with these jobs and services and provides the means for these to be delivered effectively. The city's aspirations for economic growth, as set out in strategies such as the Corporate Plan, City Strategy, Economic Masterplan,

² *National Planning Policy Framework*. Communities and Local Government, March 2012 - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

City Centre Masterplan and Don Valley Masterplan can only be achieved with the provision of adequate physical, social and green infrastructure.

Community Safety Implications

- 4.29 Transport improvements are expected to be a significant item of infrastructure that will be delivered through CIL and road and pedestrian safety is a key element of transport improvements.

Human Resources Implications

- 4.30 Putting the CIL in place will require significant input from Council staff, particularly in the Planning Service. However, this should lead to improved funding for infrastructure in the future, and CIL receipts can be used to cover some or all of the cost of its implementation.

Property Implications

- 4.31 The CIL will be chargeable on most new development, including buildings funded or constructed by or on behalf of the Council.
- 4.32 CIL receipts could be eligible to be spent by the Council on new buildings or structures where they are defined as infrastructure and are identified as a priority for CIL spending.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 One option is not to implement a CIL, as it is not compulsory. Some local authorities have decided not to implement a CIL at the present time, where there are no major infrastructure requirements or viability is marginal, but most councils are working on a CIL because funding for essential infrastructure is otherwise limited. As of mid-January 2015, 186 out of 326 local authorities had published a Charging Schedule (including 5 out of 8 core cities) and around 60 were already charging CIL. The CIL Examiner's report confirms that it is appropriate to implement a CIL in Sheffield.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The CIL will help to deliver the city's strategic priorities for infrastructure provision, will be generated by economic growth and reinvested into economic growth and infrastructure. Specifically it will:
- Be fairer, faster and more transparent than Section 106;
 - Give the Council and local communities freedom to set infrastructure priorities that are justified;
 - Be a predictable funding stream making infrastructure delivery more efficient;
 - Give developers certainty and quicker planning decisions;

- Be more transparent and flexible than Section 106;
 - Reward communities for new development through the neighbourhood portion;
 - Be supported and promoted by Government.
 - Focus on strategic infrastructure priorities for the city as well as local priorities through the neighbourhood portion;
 - Focus on delivering new homes and businesses in the priority locations set out in the local plan;
 - Generate significantly more funding than Section 106;
 - Be set at a level that ensures it is affordable.
- 6.2 The Council is committed to charging a CIL and the Government Planning Inspector has confirmed the levels of the charge proposed are appropriate. The Council must now approve the CIL Charging Schedule at a meeting of Full Council.
- 6.3 Implementation of the CIL will also require details of the Instalments Policy and Relief for Exceptional Circumstances to be approved by Cabinet. It will also require clarification on how the CIL will work alongside Section 106 and how the CIL funds will be spent.

7. **RECOMMENDATIONS**

That Cabinet:

- 7.1 Notes the recommendations of the CIL Examiner's Report, received on 25 February 2015, that the CIL charges proposed are appropriate (with three amendments) and that the Charging Schedule be approved and resolves to recommend to Full Council that the CIL Charging Schedule is approved with an implementation date of 15 July 2015;
- 7.2 Agrees to offer an Instalment Policy and Exceptional Circumstances Relief for CIL, as set out in the documents attached;
- 7.3 Agrees to the production of a Supplementary Planning Document on CIL and Planning Obligations to be referred to Cabinet for subsequent approval following public consultation;
- 7.4 Agrees that the Council's Programme Boards and Outcome Boards will set the priorities for the Infrastructure Delivery Plan (IDP) and the priorities for CIL spending in support of the IDP will be set by agreeing a Regulation 123 List. Projects funded by CIL, in part or whole, will be approved by Cabinet as part of the Council's capital and revenue financial approval procedures.

Simon Green
 Executive Director, Place
 April 2015



SHEFFIELD CITY COUNCIL

COMMUNITY INFRASTRUCTURE LEVY

Instalments Policy July 2015

Sheffield City Council Community Infrastructure Levy (CIL) Charging Schedule – July 2015

Instalments Policy

1. The CIL legislation (Regulation 69B) allows for payments to be made on a phased basis using an Instalments Policy, rather than 100% of the charge being paid on commencement of the development. The Council's CIL Viability Study assumed that phased payments will be offered as this affects the viability calculations. Details of the process for such a policy are set out in the Government's CIL Guidance (paragraph 47).
2. So the Council is offering payment of CIL in instalments as a matter of course. This will make it easier for developers to pay the charge, as receipts from new development can then be used to make the CIL payments.
3. In order to keep the phasing policy relatively simple, phased payments are offered where the CIL charge is at a significant level. Where the chargeable amount is equal to or greater than £10,000, payment can be made in instalments. The percentages to be paid and the timescale in which they will be due will vary depending on the size of the total CIL charge, as follows:

Chargeable Amount	Payment Due
Where the chargeable amount is less than £10,000	Payment will be required in full within 60 days of the commencement date
Where the chargeable amount is £10,000 or more but less than £50,000	Two equal instalments will be due 60 and 540 days after the commencement date
Where the chargeable amount is more than £50,000	Three equal instalments will be due after 60, 540 and 720 days after the commencement date

4. This instalments policy will apply from 15 July 2015 until further notice.



SHEFFIELD CITY COUNCIL

COMMUNITY INFRASTRUCTURE LEVY

Exceptional Circumstances Relief Policy

July 2015

Sheffield City Council Community Infrastructure Levy (CIL) Charging Schedule

Exceptional Circumstances Relief Policy

1. This document gives notice that Sheffield City Council has determined to make relief for exceptional circumstances available, in accordance with Regulations 55 to 57 of the Community Infrastructure Levy Regulations 2010 (as amended).
2. Relief for exceptional circumstances will be available from 15 July 2015 until further notice.
3. Exceptional Circumstances Relief (ECR) will be offered where individual sites with specific and exceptional cost burdens would not be viable due to the payment of the CIL charge (See CIL Regulations 55 to 57). The Regulations state that the Council may grant relief from liability to pay CIL if it appears to the Council that there are exceptional circumstances which justify doing so and the Council consider it expedient to do so. Each case will be considered individually by the Council, which retains the discretion to make judgements about the viability of the scheme and whether the exceptional circumstances policy applies. Schemes can also be made viable by phasing payments (see CIL Guidance paragraph 56 and/or by use of the Council's Instalments Policy).
4. The Government and the Council expect that these exceptional circumstances will be rare, as the CIL rates set have been set at a level where most development can afford to pay the charge and include significant margins for flexibility.
5. More information is set out in the Government's CIL Guidance, paragraphs 129 to 134.



Report to Council

Agenda Item 8

Report of: Director of Human Resources

Date: 3 June 2015

Subject: Changes to the Constitution – Disciplinary Procedures for Statutory Officers

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

Summary:

This report provides details of changes to the Constitution required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 relating to Disciplinary Procedures for Statutory Officers.

Recommendations:

That the Council:-

- (a) notes the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 relating to the disciplinary procedures for Statutory Officers, as set out in the report;
- (b) adopts the changes to the following Parts of the Constitution, as set out in the report and appendices:-
 - (i) Part 2 – Article 4.02 (o)
 - (ii) Part 3 – Responsibility for Functions (Terms of Reference of the Senior Officer Employment Committee)
 - (iii) Part 4 – Officer Employment Procedure Rules; and
- (c) gives approval for the Miscellaneous Matters (Part B) attached to the Council Procedure Rules to be removed from the Constitution.

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial implications
NO – cleared by Pauline Wood
Legal implications
YES – cleared by Andrea Simpson
Equality of Opportunity implications
NO
Tackling Health Inequalities implications
N/A
Human rights implications
N/A
Environmental and Sustainability implications
N/A
Economic impact
N/A
Community safety implications
N/A
Human resources implications
YES – cleared by Louise Pellet
Property implications
N/A
Area(s) affected
None
Relevant Cabinet Portfolio Leader
Clr Ben Curran
Relevant Scrutiny Committee if decision called in
Not applicable
Is the item a matter which is reserved for approval by the City Council?
Yes
Press release
NO

1. Introduction

- 1.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 were made on 25th March 2015 and came into force on 11 May 2015. They amend the Local Authorities (Standing Orders) (England) Regulations 2001 and require local authorities to make changes in respect of disciplinary action against their Statutory Officers, namely the Head of Paid Service (Chief Executive), Monitoring Officer (Director of Legal and Governance) and Chief Finance Officer (Executive Director, Resources).
- 1.2 The amended disciplinary provisions must be incorporated into Council Standing Orders with existing Standing Orders modified as necessary and Full Council must approve the changes no later than its first Ordinary Meeting falling after 11 May 2015. Therefore, the changes need to be approved at this Council Meeting to comply with the 2015 Regulations.

2. Background and Current Position

- 2.1 The 2001 Regulations provide that alleged misconduct by any of the Statutory Officers must be investigated by a “Designated Independent Person” agreed between the authority and the relevant officer, or nominated by the Secretary of State in default of such an agreement, and appointed by the authority.
- 2.2 The Designated Independent Person must make a report to the authority on whether the evidence supports any allegation of misconduct and recommending any appropriate disciplinary action, defined in the 2001 Regulations as “any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff’s personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body”.
- 2.3 No disciplinary action may be taken against the officer except in accordance with the Designated Independent Person’s recommendation and only Full Council could make the decision to appoint or dismiss the Head of Paid Service.

3. Proposed Changes

3.1 Disciplinary Procedures for Statutory Officers

- 3.1.1 The 2015 Regulations provide that the Council must appoint a “Panel” to advise the Council on matters relating to the dismissal of any of the three Statutory Officers covered by the Regulations. The provisions relating to the “Panel” are required to be incorporated into Council Standing Orders in respect of disciplinary action and a Statutory Officer cannot be dismissed unless these provisions are complied with. There is no provision in the Regulations for dealing with alleged misconduct where appropriate disciplinary action might fall short of dismissal so provision, consistent with the requirements of the 2001 Regulations, must be made in Council Standing Orders..

- 3.1.2 A decision to dismiss a Statutory Officer must be taken by Full Council. Before taking a vote at a meeting to consider whether or not to approve a proposal to dismiss the officer, Full Council must take into account: -
- (a) any advice, views or recommendations of the Panel (but the Panel's recommendations are not binding on the Council);
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
- 3.1.3 The "Panel" is to be appointed under s102 (4) of the Local Government Act 1972 as an Advisory Committee of the Council and is subject to all the legal requirements for Committees, including the proportionality rules. It is proposed that the Panel is established as a Sub-Committee of the Senior Officer Employment Committee. The Annual Council Meeting on 20 May 2015 agreed to continue to disapply proportionality to the Sub-Committees of the Senior Officer Employment Committee.
- 3.1.4 The Council must invite Independent Persons (who have been appointed by this or another authority under s28(7) of the Localism Act 2011 for Standards regime purposes) to be considered for appointment to the "Panel". It is intended that discussions will be held with the three Independent Persons that were appointed by Full Council at its meeting on 7 November 2012 regarding their extended role.
- 3.1.5 The Council must appoint to the "Panel" at least two Independent Persons who have accepted an invitation, in the following priority order:
- an Independent Person who has been appointed by this Council and who is a local government elector,
 - any other Independent Person who has been appointed by this Council,
 - an Independent Person who has been appointed by another authority or authorities.
- 3.1.6 Any "Panel" must be appointed at least 20 working days before a meeting of the Council to consider whether or not to approve a proposal to dismiss a Statutory Officer. Using a Sub-Committee of the Senior Officer Employment Committee would allow a meeting to be arranged within that timeframe.
- 3.1.7 To comply with the 2015 Regulations, amendments have been made to the Terms of Reference of the Senior Officer Employment Committee and the Officer Employment Procedure Rules have been rewritten. The list of functions of the Full Council in Part 2 of the Constitution at Article 4.02 (o) must also be amended by the addition of the words "... and the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer." Revised versions of the Terms of Reference of the Committee and Officer Employment Procedure Rules are attached as Appendices A and B and the original version of the Procedure Rules is also attached at Appendix C.

3.2 Additional Changes

- 3..2.1 In addition, the changes required by the 2015 Regulations has provided an opportunity to review the Officer Employment Procedure Rules to ensure continued compliance with the requirements of the 2001 Regulations and to review the Miscellaneous Matters (Part B) attached to the Council Procedure Rules (which also relate to employment matters). To ensure greater clarity and avoid duplication, the Officer Employment Procedure Rules have been completely revised, amendments have been made to the Terms of Reference of the Senior Employment Committee and it is proposed that the Miscellaneous Matters section is removed. The Miscellaneous Matters (Part B) is attached as Appendix D.

4. **Legal Implications**

- 4.1 The proposed changes to the Constitution will ensure that the Council complies with the requirements of the 2015 Regulations.

5. **Financial Implications**

- 5.1 Any remuneration, allowances or fees paid to an Independent Person appointed to the "Panel" must be no more than the level of the remuneration, allowances or fees payable to them for their role as an Independent Person for the Standards regime. The Independent Persons dealing with Standards matters are entitled to receive the co-optees allowance of £707.98 per annum, as provided for in the Council's Members' Allowances Scheme.

6. **Human Resources Implications**

- 6.1 In addition, the Contracts of Employment for the officers must now be changed to reflect the provisions of the Standing Orders. Failure to do this could result in the Council complying with the Regulations but still being found to have breached the officers' contracts. Changing the Contracts of Employment may mean consulting with the officers and agreeing new contracts. However, the Local Government Association has advised that it is seeking to amend Joint Negotiating Committee model procedures through collective agreement thereby potentially removing any need to make changes at a local level.

7. **Recommendations**

- 7.1 That the Council:-
- (a) notes the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 relating to the disciplinary procedures for Statutory Officers, as set out in the report;
 - (b) adopts the changes to the following Parts of the Constitution, as set out in the report and appendices:-
 - (i) Part 2 – Article 4.02 (o)
 - (ii) Part 3 – Responsibility for Functions (Terms of Reference of the Senior Officer Employment Committee)

- (iii) Part 4 – Officer Employment Procedure Rules; and
- (c) gives approval for the Miscellaneous Matters (Part B) attached to the Council Procedure Rules to be removed from the Constitution.

Director of Human Resources

Sheffield City Council – Constitution Part 3 - Responsibility for Functions

SENIOR OFFICER EMPLOYMENT COMMITTEE

Terms of Reference

- (a) To consider, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, and make recommendations to the Council on all matters relating to the appointment of the Chief Executive and the appointment, discipline and dismissal of the Chief Executive, Monitoring Officer and Chief Finance Officer.
- (b) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, all matters relating to the appointment, ~~discipline and dismissal~~ of:-
- Executive Directors and other Officers who report directly to the Chief Executive;
 - The Council's Statutory Officers, other than the Chief Executive.
- (c) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, all matters relating to the dismissal of:-
- Executive Directors and other Officers who report directly to the Chief Executive;
 - The Council's Statutory Officers, other than the Chief Executive, Monitoring Officer and Chief Finance Officer.
- (d) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, all matters relating to the discipline short of dismissal of:-
- Executive Directors and other Officers who report directly to the Chief Executive;
 - The Council's Statutory Officers.
- (ee) To determine, subject to legal requirements relating to the Council's Statutory Officers and to the Officer Employment Rules in Part 4 of this Constitution, all matters relating to the appointment, discipline and dismissal of:-
- Directors-Officers who report directly to any of the Officers described above Chief Executive or an Executive Director for all or most of their duties (but not any person whose duties are solely secretarial or clerical).

- | (ef) To establish such Sub-Committees as appropriate to undertake recruitment and to hear individual matters, which may include authority to make appointments and other decisions, and authority to make recommendations direct to the Council.

OFFICER EMPLOYMENT PROCEDURE RULES**1. Officers**

- a) For the purposes of Section 4 of the Local Government and Housing Act 1989, as modified by Schedule 5 to the Local Government Act 2000, the Head of Paid Service shall be the Chief Executive.
- b) For the purposes of Section 5 of the Local Government and Housing Act 1989, the Monitoring Officer shall be the Director of Legal and Governance.
- c) For the purposes of Section 151 of the Local Government Act 1972, the Officer with responsibility for the administration of the financial affairs of the Council, the 'Chief Finance Officer', shall be the Executive Director of Resources.
- d) Chief Officer for the purpose of these Officer Employment Procedure Rules means the Head of Paid Service, Monitoring Officer, Chief Finance Officer, any Executive Director, any Officer who reports **directly** to the Chief Executive, or any Statutory Chief Officer as defined in section 2 (6) (a), (c) or (d) of the Local Government and Housing Act 1989:
 - Director of Children's Services appointed under section 18 of the Children Act 2004, who shall be the Executive Director of Children, Young People and Families
 - Director of Adult Social Services appointed under section 6 of the Local Authority Social Services Act 1970, who shall be the Executive Director of Communities
 - Director of Public Health appointed under section 73A National Health Service Act 2006 (local authorities and NHS), who shall be the Director of Public Health.

And any Officer who reports **directly** to any of the Officers listed above for all or most of their duties, but not any person whose duties are solely secretarial or clerical.

2. Recruitment and Appointment

2.1 Where the Council recruits officers, the Council will:

- (a) Draw up a job description, person and health specification which includes:

- (i) The duties of the officer concerned;
 - (ii) Any skills, knowledge and attainments to be sought in the person to be appointed; and
 - (iii) The identification of any job duties which have a potential to cause harm to the employee's health.
- (b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
- (c) Make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request; and
- (d) Where no qualified person has applied, the Council shall review (a) and (b) above and where required shall make further arrangements for advertisement.

2.2 Declarations

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council, or of the partner of such persons.
- (b) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

2.3 Seeking support for appointment

- (a) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information. No Councillor will seek support for any person for any appointment with the Council; and
- (b) Councillors may provide a reference for a candidate if they are not directly involved in the recruitment process. However, any attempt by a Councillor to influence the process in the favour of the applicant will result in the applicant's disqualification.

2.4 Where a post has been advertised, the Council shall:

- (a) Interview all qualified applicants for the post, or
- (b) Select a shortlist of such qualified applicants and interview those included on the shortlist.

2.5 Where the Council is seeking to reduce the number of employees, the Council may seek to mitigate redundancy through internal recruitment processes.

3. Recruitment of Head of Paid Service and Chief Officers

3.1 Where the Council proposes to appoint a Chief Officer, the Council will follow Procedure Rule 2 above.

4. Appointment of Head of Paid Service

4.1 The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council (the Senior Officer Employment Committee or a sub-committee thereof). That committee or sub-committee must include at least one member of the Cabinet. Full Council will approve the appointment before an offer of appointment is made to that person.

5. Appointment of Chief Officers

- (a) A committee or sub-committee of the Council will appoint Chief Officers. That committee or sub-committee must include at least one Member of the Cabinet. Such appointment should only be made where no well-founded objection has been received from any Member(s) of the Cabinet within 5 working days of being notified by the Proper Officer of the intended appointment.
- (b) The committee shall not issue an offer of appointment of a Chief Officer until the 5 working day period of notification has elapsed and there have been no objections raised from any member of the Cabinet. After the offer of appointment has been accepted, the appointment will be reported to the next available meeting of the Council for information.
- (c) Where objections are raised, the Leader of the Council must notify the Proper Officer that he/she or any member of the Cabinet has a well-

founded and material objection. Such objections will be reported to the next available meeting of the Council for a decision to be made as to whether the objection should be overruled/upheld.

- (d) The Monitoring Officer shall be the Proper Officer for the receipt of objections to the appointment and dismissal of Chief Officers. Where an interim Monitoring Officer is applying for recruitment to the post of Monitoring Officer, the Head of Paid Service shall be the Proper Officer.
- (e) Full Council is to approve any salary package for any post (not including schools) that is in excess of £100,000, before an offer of appointment is made.

6. Appointment of Director of Public Health

The Council is to act jointly with the Secretary of State for Health when appointing a Director of Public Health. The Council is to follow its established Officer Employment Procedure rules, as set out here, and is also to:

- (a) Involve Public Health England on behalf of the Secretary of State for Health in all stages of the recruitment and appointment process and follow the statutory guidance on appointing Directors of Public Health;
- (b) Engage with the Faculty of Public Health on the draft job description, person specification and advert to ensure it covers the statutory responsibilities of this role and necessary areas of professional and technical competence;
- (c) Ensure all candidates meet the statutory requirements for appropriate regulation and registration; and
- (d) Organise the Appointment Committee to include:
- Members of the Committee as listed in Procedure Rule 5 above
 - Chief Executive or his/her nominated deputy
 - Public Health England Regional Director or another senior professionally qualified member of Public Health Committee acting on his/her behalf
 - External professional assessor appointed after consultation with the Faculty of Public Health
 - Senior NHS representation.

7. Other Appointments

7.1 Officers below Chief Officer

Appointments of officers below Chief Officer (other than Assistants to Political Groups) are the responsibility of the Head of Paid Service, or his/her nominee, and may not be made by Councillors.

7.2 Appointment of Consultants in Public Health

The Council is to be supported by Public Health England and follow the statutory guidance on appointing Consultants in Public Health and is to:

- (a) Incorporate Faculty of Public Health role template into the job description and person specification;
- (b) Ensure all candidates are appropriately qualified and formally regulated; and
- (c) Consider who is to be involved in the appointment process, having regard to the list provided in the statutory guidance.

7.3 Assistants to Political Groups

- (a) The Council can create up to three assistants for political groups, subject to certain qualifying criteria as defined in Section 9 of the Local Government and Housing Act 1989.
- (b) The Council can only allocate one Political Assistant post to each of the qualifying groups.
- (c) The Council shall only make an appointment to any Political Assistant post once it has allocated a Political Assistant to each of the qualifying groups.
- (d) Appointment of Political Assistants shall be an Officer Responsibility. The selection process may include members of the relevant Political Group.
- (e) The Chair of the recruitment process shall be an Officer and the final recruitment decision shall be an Officer Responsibility, i.e. it is a matter for the Council as employer, under Section 112 of the Local Government Act 1972, to decide the terms on which the Political Assistant is employed.
- (f) The Political Assistant Post is a fixed term contract which must end at the first Annual Council meeting after the person has been in post for 3 years, as set out in the HR Protocol for Political Assistants.

8. Disciplinary Action and Dismissal of Certain Officers: Head of Paid Service, Monitoring Officer and Chief Finance Officer

- 8.1 Suspension** – The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- 8.2 The Panel** will be established as set out in Appendix A of these procedure rules and will be responsible for advising the Council on Dismissal. The Panel will:
- Commission an independent person to carry out an investigation of the alleged misconduct;
 - Hear the evidence from the relevant officer;
 - Consider the conclusions of the investigation;
 - Decide whether dismissal is an appropriate disciplinary action.
- 8.3** If the Panel considers dismissal to be the appropriate action they will:
- Formulate advice, views or recommendations;
 - Present a report to Council, incorporating:
 - any advice, views or recommendations of the Panel;
 - the conclusions of any investigation into the proposed dismissal;
 - any representations from the relevant officer.
- 8.4** The Council will make the decision on the dismissal, considering the above. The Panel's recommendations are **not binding** on the Council.
- 8.5** If the Panel do not consider dismissal to be appropriate, the Panel will refer the matter to the Senior Officer Employment Committee for a decision on any other disciplinary action.

9. Disciplinary Action and Dismissal of other Chief Officers

- 9.1 Suspension** – Chief Officers may be suspended whilst an investigation takes place.
- 9.2 Disciplinary Action and Dismissal** – The Senior Officer Employment Committee, which must include at least one Member of the Cabinet, will take into account the recommendations of the report made by an Investigator appointed by the Committee and will make the decision to

dismiss Chief Officers (except for the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer).

- 9.3** The dismissal can only be made where there is no well-founded objection by any Cabinet Member within 5 working days from notification by the Proper Officer.
- 9.4** Appeals against dismissal of these Officers will be heard by the members of the Senior Officer Employment Committee who were not involved in the original decision.
- 9.5** That committee will take disciplinary action for any Chief Officer, including the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.

10. Disciplinary Action and Dismissal of other Officers

- (a) Councillors will not** be involved in the disciplinary action against any officer below Chief Officers, except where such involvement is necessary for any investigation or inquiry into alleged misconduct though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.
- (b) Appeal against Dismissal** for disciplinary, capability or other substantial reasons shall be to the Appeals and Collective Disputes Committee, which shall comprise of three Members who have been accredited by attending appropriate training sessions.
- (c) Appeals against dismissal by reason of redundancy** shall be to a panel of authorised Chief Officers.

Appendix A: The Panel

- 1.0** A statutory officer cannot be dismissed unless these provisions relating to the Panel are complied with.
- 2.0** The Panel is appointed (under section 102(4) of the Local Government Act 1972) as an advisory committee of the Council and shall be a sub-committee of the Senior Officer Employment Committee. The Panel is subject to all the legal requirements for committees, including the proportionality rules.
- 3.0** The Council must invite independent persons (who have been appointed by this or another authority under section 28(7) of the Localism Act 2011 for Standards regime purposes) to be considered for appointment to the Panel.
- 4.0** The Council must appoint to the Panel at least two independent persons who have accepted an invitation, in the following priority order:
 - an independent person who has been appointed by this authority and who is a local government elector;
 - any other independent person who has been appointed by this authority;
 - an independent person who has been appointed by another authority or authorities.
- 5.0** The remuneration, allowances or fees paid to an independent person appointed to the Panel must be no more than the level of the remuneration, allowances or fees payable to them for their role as an Independent Person for the Standards regime.
- 6.0** The Panel must be appointed at least 20 working days before a meeting of the authority to consider whether or not to approve a proposal to dismiss a statutory officer.
- 7.0** A decision to dismiss **must** be taken by full Council. In making the decision Council **must** take into account the factors as specified:
 - a) any advice, views or recommendations of the Panel;
 - b) the conclusions of any investigation into the proposed dismissal;
and
 - c) any representations from the relevant officer.

The Panel's recommendations are **not binding** on the Council.

OFFICER EMPLOYMENT PROCEDURE RULES**1. Recruitment and appointment****(a) Declarations**

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.
- (ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment.

- (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. **Appointment of Head of Paid Service**

The full Council will approve the appointment of the head of paid service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Cabinet.

4. **Appointment of Chief Officers and Deputy Chief Officers**

A committee or sub-committee of the Council will appoint chief officers. That committee or sub-committee must include at least one Member of the Cabinet.

5. **Other appointments**

- (a) **Officers below Chief Officer.** Appointment of officers below (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. **Disciplinary action**

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- (c) **Councillors** will not be involved in the disciplinary action against any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

7. **Dismissal**

Councillors will not be involved in the dismissal of any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability

and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

(B) MISCELLANEOUS MATTERS**B1 Officers**

- (1) For the purposes of Section 4 of the Local Government and Housing Act 1989, as modified by Schedule 5 to the Local Government Act, 2000, the Head of Paid Service shall be the Chief Executive.
- (2) For the purposes of Section 5 of the Local Government and Housing Act 1989, "the Monitoring Officer" shall be the Director of Legal and Governance.
- (3) For the purposes of Section 151 of the Local Government Act 1972, the officer with responsibility for the administration of the financial affairs of the Council "the Chief Financial Officer" shall be the Executive Director, Resources.
- (4) Chief Officer for the purposes of these Standing Orders means Head of Paid Service, Monitoring Officer, Section 151 Officer or Statutory Chief Officer referred to in Section 2(6) (a), (c) or (d) of the Local Government and Housing Act 1989, any non-statutory Chief Officers (within the meaning of Section 2(7) (a) or (b) of the Local Government and Housing Act 1989) and Heads of Service. Additional rules apply to the Head of Paid Service, Monitoring Officer and Section 151 Officer.

B2 Applications for Employment

- (1)
 - (a) Canvassing of members of the Council or any Committee or other Body of the Council or members of a Governing Body directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment.
 - (b) A member of the Council or of a Governing Body shall not solicit for any person any appointment under the Council but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.
- (2) A candidate for any appointment under the Council who knows that he/she is related to any member or senior officer of the Council or of a Governing Body shall when making application disclose that relationship. A candidate who fails to disclose such

a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice.

- (3) Every member and Chief Officer, as defined in Standing Order B1(4), of the Council shall disclose to the Chief Executive and every member of a Governing Body, Headteacher, Deputy or Assistant shall disclose to the Governing Body through the Headteacher any relationship known to him/her to exist between himself/herself and any person who he/she knows is a candidate for an appointment under the Council. The Chief Executive shall report to the Council or to the appropriate Committee and the Headteacher shall report to the Governing Body any such disclosure made to him/her.
- (4) The purport of this Standing Order shall be included either in the form of application or in the notification calling the candidate for interview.

B3 Appointment of Chief Officers

- (1) Where the Council propose to appoint a Chief Officer as defined in Standing Order B1(4) and it is not proposed that the appointment be made exclusively from among their existing officers, they shall:
 - (a) Draw up a statement specifying:-
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed.
 - (b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.
 - (c) Make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- (2) Where a post has been advertised as provided in Standing Order B2(1)(b) the Council shall:-
 - (i) interview all qualified applicants for the post; or
 - (ii) select a shortlist of such qualified applicants and interview those included on the shortlist.

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- (3) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with Standing Order B2(1)(b).
 - (4) Every appointment and dismissal of a Chief Officer as defined in Standing Order B1(4), other than the appointment and dismissal of the Head of Paid Service which shall be approved by the full Council, shall be made by a Committee or Sub-Committee of the Council and must include at least one member of the Cabinet.

Such appointment should only be made where no well-founded objection has been received from any Member(s) of the Cabinet within 5 days of being notified by the Proper Officer of the intended appointment/dismissal.

- (5) No offer of appointment or notice of dismissal of the Head of Paid Service or a Chief Officer as defined in Standing Order B1(4) may be made by the appointor or dismissor where, within a period of 5 working days, the Leader of the Cabinet has notified the Proper Officer that he/she or any other member of the Cabinet has a well founded and material objection. Such objection will be reported to the next available meeting of the Council for a decision to be made as to whether the objection should be overruled/upheld.
- (6) The Monitoring Officer shall be the Proper Officer for the receipt of objections referred to in paragraphs (4) and (5) above.
- (7) The involvement of Members in the appointment of Officers will be restricted to that of the Head of Paid Service, Chief Officers as defined in Standing Order B1(4), Heads of Service and Political Assistants.
- (8) The steps taken under Standing Order B2(1) or (2) may be taken by the Council, a Committee, Sub-Committee or Chief Officer of the Council.

B4 Disciplinary Action against certain Chief Officers

- (1) No disciplinary action (as defined in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) in respect of the Head of the Council's Paid Service, the Monitoring Officer, the Chief Finance Officer or Executive Directors, except action described in paragraph (3) below, may be taken by the Authority or by a Committee, Sub-Committee, a joint Committee on which the Authority is represented or any other person acting on behalf of the Authority, other than in accordance with a

recommendation in a report made by a designated independent person under Regulation 7 of those Regulations.

- (2) The action mentioned in paragraph (1) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- (3) All such actions shall be subject to the process set out in Standing Orders B3(4) and (5).

B5 Appointment, Dismissal and Disciplinary Action for Staff other than Chief Officers referred to in section B4 above and Political Assistants

- (1) Appointment, dismissal and disciplinary action of staff other than Chief Officers referred to in section B4 above and Political Assistants, will be the responsibility of the Head of Paid Service or his/her nominee.
- (2) Nothing in paragraph 1 shall prevent a person from serving as a member of any Committee or Sub-Committee established by the Authority to consider an appeal by:-
 - (a) another person against any decision relating to the appointment of that other person as a member of staff of the Authority; or
 - (b) a member of staff of the Authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

B6 Appeals against Dismissal or Disciplinary Action

Appeals against dismissal or disciplinary action shall be to a Panel of the Council which shall comprise two Members of the majority group and one from a minority group who have been accredited by attending appropriate training sessions. Appeals against dismissal by reason of redundancy shall be to a panel of authorised chief officers.

B7 Political Assistants

- (1) Not more than one political assistant's post shall be allocated by the Council from time to time, to each of the qualifying political groups into which the Council is divided.

- (2) No appointment to a political assistant's post shall be made until the Council has allocated such a post to each qualifying political group.
- (3) For the purpose of this Standing Order, a "qualifying political group" means a political group which qualifies for the allocation to it of a political assistant's post in accordance with sub-sections 6 and 7 of Section 9 of the Local Government and Housing Act 1989.
- (4) The purpose of this Standing Order shall be brought to the attention of applicants for appointment.
- (5) Appointment and dismissal of Political Assistants shall be made by a Committee or Sub-Committee of the Council.
- (6) The provisions of Standing Order B3(4) and (5) do not apply to these appointments.