

SHEFFIELD CITY COUNCIL

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Wednesday 15 March 2017 by the Cabinet.

Date notified to all members:

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

The decision can be implemented from

Item No

8. CARE HOME FEES 2017/18

8.1 The Executive Director, Communities submitted a report requesting for Cabinet to approve the annual uplift of care home fees in Sheffield for the financial year 2017/18.

8.2 **RESOLVED:** That:-

- (a) in 2017/18 there is a 3.2% increase to the standard fee in residential and nursing homes; and
- (b) the fees for out of City placements are increased by the same amount provided they are at or below the standard fee rate.

8.3 Reasons for Decision

8.3.1 To ensure that fees paid for care and nursing homes in the City of Sheffield are uplifted in line with increases in the cost of wages and inflation for 2017/18.

8.4 Alternatives Considered and Rejected

8.4.1 Use the same formula as 2016/17 with different staff: non-staff ratios for residential (63:37) and nursing care (70:30).

8.4.2 Use the higher nursing care ratio of (70:30) for all types of care.

8.4.3 The options were appraised taking into account the following:

- Provider feedback from engagement events & planned consultation
- Market factors as described in the appendix to this report
- Costs of care as calculated in the appendix to this report
- Current and projected supply and demand
- The financial position of the Council.
- National Minimum Wage (NMW) at £7.50
- CPI at 1%

8.5 Any Interest Declared or Dispensation Granted

None

8.6 Reason for Exemption if Public/Press Excluded During Consideration

None

8.7 Respective Director Responsible for Implementation

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

8.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Healthier Communities and Adult Social Care

9. SHEFFIELD CITY COUNCIL PUBLIC HEALTH STRATEGY

9.1 The Director of Public Health submitted a report proposing that Sheffield City Council adopts the draft Public Health Strategy.

9.2 **RESOLVED:** That Cabinet:-

- (a) approves the Sheffield City Council Public Health Strategy 2017- 19; and
- (b) asks that Cabinet Members and the Executive Management Team consider how best to implement the strategy across the functions of the Council.

9.3 Reasons for Decision

9.3.1 It is recommended that Cabinet approve the strategy and give consideration to how best to enact the recommendations. This will enable the organisation to deploy it's resources to achieve the aims.

9.4 Alternatives Considered and Rejected

9.4.1 It is not mandatory for a Local Authority to produce a (formal) public health strategy. Some have done so, many have not. The principal alternative option would be to not produce a public health strategy, or to produce a strategy that focused on the Public Health Grant. This was discounted as the ambition is that the totality of SCC is an organisation committed to improving the health and well being of residents of Sheffield.

9.5 Any Interest Declared or Dispensation Granted

None

9.6 Reason for Exemption if Public/Press Excluded During Consideration

None

9.7 **Respective Director Responsible for Implementation**

Greg Fell, Director of Public Health

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

Healthier Communities and Adult Social Care

10. GROWING SUSTAINABLY: A BOLD PLAN FOR A SUSTAINABLE SHEFFIELD

10.1 The Executive Director, Place submitted a report 'Growing Sustainably: a bold plan for a sustainable Sheffield'. This set out how the Council intended to progress its approach to creating a more sustainable Sheffield.

10.2 **RESOLVED:** That Cabinet:-

- (a) recognises and welcomes the dedication and commitment that has been provided by the Sheffield Green Commission in developing and delivering their report 'Sheffield's Green Commitment';
- (b) notes the recommendations of the report Sheffield's Green Commitment, which have informed Recommendation 3;
- (c) approves the document Growing Sustainably: a bold plan for a sustainable Sheffield, and the five priority themes it contains, as a statement of the Council's strategic approach to Sustainability;
- (d) delegates authority to the Executive Director, Place in consultation with Cabinet Member for Infrastructure and Transport to develop a gap analysis for each of the proposed five priority themes to identify Sheffield's strengths and opportunities for the City which will then form a detailed action plan;
- (e) delegates authority to the Executive Director, Place in consultation with Cabinet Member for Infrastructure and Transport to develop an Action Plan consistent with the principles set out in Growing Sustainably; and
- (f) notes that the implementation of any of the proposed actions may be subject to further decision making in accordance with the Leader's Scheme of Delegation.

10.3 **Reasons for Decision**

10.3.1 The introduction of a Sustainability strategy will provide the City with an opportunity to build on the excellent work that is already being done, and take forward the significant progress made by the Sheffield Green Commission.

10.3.2 It enables the Council to make a bold statement of its intentions, and to seek the support of its partners and stakeholders across the City.

- 10.3.3 It set out five priority areas, which provided the direction and focus for our efforts and will allow us to develop an action plan.
- 10.3.4 To be clear to Government and our other partners in the Sheffield City Region of our intentions and strategy, which will support any request for investment or funding.
- 10.3.5 City sustainability is not something which one organisation can achieve in isolation, and will require the support and contribution of all organisations, businesses and residents across the city. Creating a clear vision and strategy will help to crystallise and re-affirm our ambitions and enable other partners to also contribute.
- 10.3.6 We understand that we have a unique role in facilitating and enabling, working alongside business and our communities to create collective approaches to the opportunities and challenges we face as a City.

10.4 **Alternatives Considered and Rejected**

10.4.1 The 'As-is' option: no new Sustainability Strategy or approach put in place in the City

Much of the valuable work which already takes place in the city supporting sustainability outcomes would continue. However, the new opportunities for co-ordinated approach, working together to deliver greater benefits would be lost, as would the potential to embed sustainability more strongly within our City and our activities.

10.5 **Any Interest Declared or Dispensation Granted**

None

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

None

10.7 **Respective Director Responsible for Implementation**

Laraine Manley, Executive Director, Place

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

Economic and Environmental Wellbeing

11. **MENTAL HEALTH SOCIAL CARE FUNCTIONS**

- 11.1 The Executive Director, Communities submitted a report in relation to Mental Health Social Care Functions.

11.2 **RESOLVED:** That Cabinet:-

- (a) approves the principles for the commissioning of mental health services set out in the report; and
- (b) approves the four mental health service specifications to be incorporated into the CCG contract with SHSC (using the arrangements put in place for the Better Care Fund).

11.3 **Reasons for Decision**

11.3.1 Approval of the recommendations will enable the Council to work jointly with the CCG (utilising the Better Care Fund) to deliver the four mental health services currently delivered by SHSC directly on behalf of the Council.

11.3.2 This is the preferred option as it is in line with integrating health and social care and will enable:

- Increasingly joint commissioning with CCG e.g. joint commissioning planning and performance monitoring, opportunities for joint commissioning of other mental health services.
- Transparent spending and costs across the mental health and social care economy.
- Reduced risk of unintended negative financial impacts on SCC and the CCG.
- Transformational changes to be more easily delivered.
- Greater opportunities to attract external investment – integrated mental health budgets will make grant funding / transformation funding bids more likely to succeed.

11.4 **Alternatives Considered and Rejected**

11.4.1 **Option 1**

Seek to extend current arrangements to give officers time to consider alternative arrangements. Due to the implications on service delivery and HR implications time would need to be needed to complete all consultation and ensure a safe service can be delivered. A 12-month extension would probably be required. In addition to approval for the extension the Director of Finance and Commercial Services would also need to be prepared to waive Contract Standing Orders for this period.

This is not our preferred option:

- It would require the agreement of SHSC, which may not be obtained;
- It is not in line with our commissioning intentions nor does it allow us to start to address the issue of cost transference; and
- Officers from both Commercial Services and Legal Services would need to

review all of the details of any proposed extension to ensure that it did not breach the Public Contracts Regulations 2015 and they have already indicated that it may not be possible to extend the contracts for the period that would be required to allow for appropriate consultation, procurement and transition.

11.4.2 Option 2

Allow the current arrangements to end on the 31st March.

There is not enough time to coordinate the delivery of the contracted services within the Council safely and in addition this proposal is inconsistent with commissioning intentions and the wider integration agenda.

The alternative would be to consider procuring a replacement service provider independently of the CCG. However, this would almost certainly require an extension of the current contracts in the short term to allow time for a legally compliant procurement process to be carried out. This gives rise to the same concerns as option 1.

This is not our preferred option because of the risk to the public and the Council.

11.4.3 Option 3

Work with SHSC to return the social care function to SCC.

This would need to be in combination with option 1. This is not our preferred option as it would work against our commitment to providing integrated support for service users; and, would cause considerable disruption at a time when social care services are already undergoing significant change. This option will however be kept under review

11.5 Any Interest Declared or Dispensation Granted

None

11.6 Reason for Exemption if Public/Press Excluded During Consideration

None

11.7 Respective Director Responsible for Implementation

Laraine Manley, Executive Director, Place

11.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Healthier Communities and Adult Social Care

12. NEIGHBOURHOOD PLANNING - UPDATED DECISION MAKING FRAMEWORK

12.1 The Executive Director, Place submitted a report requesting Cabinet consider and approve revised decision making arrangements for Neighbourhood Planning (originally approved 18th December 2013) to allow the Council to meet new statutory timescales for decision making.

12.2 **RESOLVED:** That:-

(a) all decisions involving any aspect of the executive statutory function relating to Neighbourhood Planning be delegated to the Head of Planning, in consultation with the Director of Creative Sheffield. Such delegated authority to be exercised in consultation with the relevant Cabinet Member responsible for Planning (currently the Cabinet Member for Infrastructure and Transport) PROVIDED THAT any such decision where:

- that stage of the Neighbourhood Plan process has resulted in significant public objection and/or the decision is publicly contentious in the opinion of the Cabinet Member; or
- the decision is considered to be a Key Decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards in the City;

then such decision shall be delegated to the Cabinet Member responsible for Planning; and

(b) the same scheme of delegation as agreed under part (i) shall apply to decisions relating to the making of Neighbourhood Development Orders and Community Right to Build Orders as well as Neighbourhood Plans.

1.3 **Reasons for Decision**

11.3.1 The Housing and Planning Act 2016 and amendments to Regulations (set out in this report at section 1.8ff), reduce the time allowed to determine all decisions relating to Neighbourhood Planning. The proposed revisions to the framework agreed in December 2013 are the speediest routes by which decisions can be made, whilst still retaining Member involvement in the decision making process.

11.4 **Alternatives Considered and Rejected**

11.4.1 This report recommends revision only to those decisions that were reserved for Cabinet in December 2013 (see paragraph 1.3 of the report).

11.4.2 If Cabinet were to continue as the decision making body for some decisions as agreed in December 2013 this would:

- make it very difficult to meet tight statutory deadlines enforced by the updated Neighbourhood Planning legislation allowing for required consultation periods within parts of the process and turnaround time for writing and signing off reports before the decision is made.

- risk intervention by the Secretary of State in the neighbourhood planning process in Sheffield.

12.5 Any Interest Declared or Dispensation Granted

None

12.6 Reason for Exemption if Public/Press Excluded During Consideration

None

12.7 Respective Director Responsible for Implementation

Laraine Manley, Executive Director, Place

12.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing.

13. REVENUE BUDGET AND CAPITAL PROGRAMME 2016/17 MONTH 10 AS AT 31 JANUARY 2017

13.1 The Acting Executive Director, Resources submitted a report providing the month 10 monitoring statement on the City Council's Revenue and Capital Budget for 2016/17.

13.2 **RESOLVED:** That Cabinet:-

- (a) notes the updated information and management actions provided by this report on the 2016/17 Revenue Budget position;
- (b) considers for approval the requests for access to funding and carry forward requests in Appendix 7 of the report;
- (c) In relation to the Capital Programme:
 - (i) approves the proposed additions to the Capital Programme listed in Appendix 6.1 of the report, including the procurement strategies and delegations of authority to the Interim Director of Finance and Commercial Services or nominated officer, as appropriate, to award the necessary contracts following stage approval by Capital Programme Group;
 - (ii) approves the proposed additions to the Capital Programme relating to the Growth Investment Fund listed in Appendix 6.1 of the report;
 - (iii) approves the proposed variations, deletions and slippage in Appendix 6.1 of the report;
 - (iv) notes the variations authorised by Directors under the delegated

authority provisions, and;

(v) notes the latest position on the Capital Programme.

13.3 Reasons for Decision

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

13.4 Alternatives Considered and Rejected

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

13.5 Any Interest Declared or Dispensation Granted

None

13.6 Reason for Exemption if Public/Press Excluded During Consideration

None

13.7 Respective Director Responsible for Implementation

Eugene Walker, Acting Executive Director, Resources

13.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee.

14. LAND AT SPIDER PARK, SEVENFIELDS LANE

14.1 The Executive Director, Place submitted a report in relation to Land at Spider Park, Sevenfields Lane.

14.2 RESOLVED: That:-

- (a) the Additional Land be declared surplus to the requirements of the City Council;
- (b) subject to advertising the proposed disposal of the Property and the Additional Land and upon no public objections being upheld that the Property be sold to the preferred developer for the purposes of residential development;

- (c) the Chief Property Officer be authorised to agree final terms for the disposal of the Property and the Additional Land, including the variation of any boundaries as required, and to instruct the Director of Legal and Governance to complete the necessary legal documentation; and
- (d) Cabinet notes that the Director of Culture & Environment will bring forward, as part of the monthly budget monitoring report, a capital approval submission to deliver the enhanced play area at section 2 of the report. The sum be allocated to the Corporate Resource Pool and be available for reinvestment to enhance the play facilities in the area.

14.3 Reasons for Decision

- 14.3.1 Release of the additional land is required to enable the Council to benefit from a capital receipt which is sufficient to secure sufficient funds for the installation of new play equipment and associated landscaping on the site of the former Wisewood Secondary School to the scale and quality indicated by the design annexed to the 2013 Report at Appendix E of the report.
- 14.3.2 The development of housing on the subject site will provide natural surveillance over the remaining open space and make the thoroughfare between Dial House Road and Sevenfields Lane safer to users.

14.4 Alternatives Considered and Rejected

- 14.4.1 The Council could decline the request for additional space although this is likely to result in the preferred developer withdrawing its offer for the land. This would mean that the Council would have to re-market the site with no guarantee that an alternative developer would come forwards and with the resultant delays to the relocation of the external play area.

14.5 Any Interest Declared or Dispensation Granted

None

14.6 Reason for Exemption if Public/Press Excluded During Consideration

None

14.7 Respective Director Responsible for Implementation

Laraine Manley, Executive Director, Place

14.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing

15. CABINET ACTING AS CHARITY TRUSTEES OF OXLEY PARK, STOCKSBRIDGE: LEASE OF INMAN PAVILLION, STOCKSBRIDGE

15.1 The Executive Director, Place submitted a report seeking approval of Cabinet, acting as the Trustees of the Oxley Park Trust, to the renewal of the existing lease of Inman Pavilion to the Garden Village Community Association (Registered Charity No. 1162028).

15.2 **RESOLVED:** That Cabinet acting as the Trustees of Oxley Park approve the grant of a lease of the Inman Pavilion to the Garden Village Community Association for a period of 25 years from a date to be agreed, subject to a peppercorn rent, with GVCA retaining responsibility for all repairs, maintenance, insurances and all costs relating to the use and occupation of the Pavilion.

15.3 **Reasons for Decision**

15.3.1 The proposal to grant a new lease at a peppercorn rent:

- regularises the existing occupation of the building
- enables grant funding bids to be made by GVCA to repair, maintain and improve the Pavilion
- ensures that a valuable asset is retained for use by the local community
- supports the charitable objects of the Oxley Park Trust and GVCA

15.4 **Alternatives Considered and Rejected**

15.4.1 Alternative options are limited as GVCA have protection of occupation under the provisions of the Landlord & Tenant Act 1954 the Trustees would be bound to grant a new lease based on statutory terms.

15.5 **Any Interest Declared or Dispensation Granted**

None

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

None

15.7 **Respective Director Responsible for Implementation**

Laraine Manley, Executive Director, Place

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

Economic and Environmental Wellbeing