

SHEFFIELD CITY COUNCIL

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Wednesday 13 December 2017 by the Cabinet.

Date notified to all members: Tuesday 19 December 2017

The end of the call-in period is 4:00 pm on Tuesday 2 January 2018

The decision can be implemented from Wednesday 3 January 2018

Item No

8. ADULT SOCIAL CARE LOCAL ACCOUNT 2016/17 - INDEPENDENT, SAFE AND WELL

8.1 The Executive Director, People Services submitted a report providing an overview on Adult Social Care performance during 2016/17 and the plan for the year ahead.

8.2 **RESOLVED:** That Cabinet notes the content, and approves publication of Independent, Safe and Well, Sheffield's Local Account of Adult Social Care and Support (2016/17).

8.3 Reasons for Decision

8.3.1 Since 2011, local accounts have formed a key part of the national Towards Excellence in Adult Social Care (TEASC) approach to sector led improvement in adult social care. They can provide a key mechanism for demonstrating accountability for performance and outcomes.

8.3.2 Although not mandatory, local accounts are considered good practice and are produced by most local authorities.

8.3.3 Local accounts are a core component of the overall approach to sector led improvement, alongside peer challenge and support, benchmarking common data sets and making best use of resources from accessing best practice in how to deliver good outcomes for local people who use services at a time of diminishing resources and growing demand. All of these components will support councils to be self aware of their performance and to set priorities through engaging local people.

8.3.4 We have focused on producing a short, easy to read report, which is accessible for local people but can also be used to judge our performance, as part of the sector led improvement programme.

8.4 Alternatives Considered and Rejected

8.4.1 Sheffield was not legally required to produce a local account. However local accounts are considered good practice and are produced by most local authorities.

8.4.2 National guidance leaves the format and content to be determined locally. We have continued with a similar approach to the local account produced last year, which received positive feedback locally and regionally.

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, People Services

8.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Healthier Communities and Adult Social Care

9. CLEAN AIR STRATEGY

9.1 The Executive Director, Place submitted a report presenting for approval a new Clean Air strategy for Sheffield, setting out how the Council and its partners intend to improve air quality in the City.

9.2 **RESOLVED:** That Cabinet:-

- (a) approves the Clean Air Strategy attached to the report as a statement of the Council's strategic approach to air quality; and
- (b) 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.

9.3 Reasons for Decision

9.3.1 Across the UK, air pollution is a public health emergency. It has been linked to strokes, heart attacks, cancer, asthma and dementia. Research shows that children exposed to air pollution have smaller lungs and negative health effects for their whole life. It is estimated that there are 500 early deaths a year in Sheffield linked to air pollution. This Clean Air Strategy sets out an approach to the problem which will tackle the sources of air pollution quickly and will help people to choose public transport and active travel, making Sheffield a healthy thriving city with clean air for everyone.

9.4 Alternatives Considered and Rejected

9.4.1 The do-nothing option: based on the Department for Environment, Food and Rural

Affairs' (Defra) analysis, even if technological improvements lead to acceptable air quality levels by 2025 (the earliest possible point according to Defra), that could have led to 4000 early deaths in Sheffield in addition to a significant cost to the city's economy over the next four years. Further, a rapid take-up of electric and better petrol cars by that point which might improve the air quality situation will still not address the congestion and obesity challenges which are likely to have become worse without appropriate intervention. Therefore the do-nothing option is not a feasible option, either legally (in terms of becoming compliant with statutory limits) or in terms of realising health and economic benefits for Sheffielders.

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

Laraine Manley, Executive Director, Place.

9.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing

10. SHEFFIELD TRANSPORT VISION

10.1 The Executive Director, Place submitted a report describing progress on the development of a new Transport Strategy for Sheffield that seeks to improve the quality of life, environment and range of opportunities for the people and businesses of the city. It sought Cabinet's approval to the initial Transport Vision document attached to the report as a basis for initial public consultation.

10.2 **RESOLVED:** That Cabinet endorses the draft Sheffield Transport Vision as a basis for commencing public consultation in the New Year 2018; this then to guide the development of the full Transport Strategy.

10.3 Reasons for Decision

10.3.1 Cabinet is asked to approve the draft Sheffield Transport Vision now appended to the report, in order to allow public consultation to take place on the broad issues and challenges we face over the next 20 years. The results of that consultation will then be fed back to Cabinet, and the Vision refined prior to further development work on a full Transport Strategy and draft delivery programme of interventions.

10.3.2 This process will enable the Council to adopt a clear strategic approach to transport for the next 20 years. The Transport Vision, and later emerging Transport Strategy, will also support the local economy, the developing Sheffield

Local Plan, and help influence and inform the refresh of the Sheffield City-Region Transport Strategy.

10.4 Alternatives Considered and Rejected

10.4.1 One alternative would be not to have a long-term transport strategy. This option would, however, diminish Sheffield City Council's influence on transport in the City, and weaken the support a transport strategy could provide towards the local economy.

10.4.2 Other alternatives could place more emphasis on individual modes of transport. This would increase travel benefits for some but diminish benefits for others, and hence work against the Council's overall desire for fairness, and the strategy for increasing opportunities for everyone. Issues of accessibility, congestion and air quality would be less likely to be addressed. The approach adopted is felt to offer a balanced strategy benefitting the whole community.

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. SHEFFIELD OLDER PEOPLE'S INDEPENDENT LIVING HOUSING STRATEGY 2017-2022

11.1 The Executive Director, Place submitted a report presenting the Older People's Independent Living (OPIL) Housing Strategy to Cabinet, setting out how the Council planned to meet the housing needs and aspirations of Sheffield's increasingly diverse and growing older population.

11.2 RESOLVED: That Cabinet:-

(a) notes the contents of the Older People's Independent Living (OPIL) Housing Strategy 2017– 2022 attached as an appendix to the report and approves it as a statement of the Council's strategic approach to OPIL housing;

(b) approves the Strategy's Delivery Plan;

- (c) delegates authority to the Director of Housing and Neighbourhood Services to make amendments to the Delivery Plan on the basis of further development as new opportunities are identified; and
- (d) 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.

11.3 Reasons for Decision

- 11.3.1 Sheffield's significant shortfall of age-friendly housing, which is greater than in comparable English cities, is testament to the need for a more strategic approach to delivering older people's housing in the City. Without a more strategic, joined-up approach the current shortfall is likely to grow in line with the city's growing older population and with it the costs to health and social care budgets.
- 11.3.2 The Strategy sets out a vision for age-friendly housing and neighbourhoods, and outlines priorities and actions for the Council and its partners to facilitate a more age-friendly housing offer and other support that will facilitate independent living among older age groups.
- 11.3.3 The Strategy provides a framework for monitoring progress in delivering more age-friendly housing and support for independent living among older age-groups.
- 11.3.4 The Strategy is aligned with current corporate priorities and supports the Council's ambition for facilitating an age-friendly city as outlined in the City for All Ages framework.

11.4 Alternatives Considered and Rejected

- 11.4.1 The main alternative considered was delivering the Strategy's priorities through a refresh of the Council's current Housing Strategy 2013-23 action plan. This refresh was not progressed, however, because of an increased focus of resources towards housing growth and the subsequent development of a new Housing Strategy Statement to provide a clear strategic plan for housing as part of the Council's wider Growth Strategy.
- 11.4.2 Another alternative was to not develop the Strategy and rely on existing programmes and the market to deliver the general needs and specialist OPIL housing required. The current lack of planned delivery strongly suggests that this is unlikely to happen in the current economic and housing market context, and current shortfalls are projected to increase in line with Sheffield's growing ageing population in the absence of a more strategic approach being adopted.

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

Safer and Stronger Communities

12. SHEFFIELD HOMELESS PREVENTION STRATEGY 2017-2022

12.1 The Executive Director, Place submitted a report presenting the 'Sheffield Homelessness Prevention Strategy 2017-22', which sets out the Council's vision and strategic priorities for homelessness prevention and reduction, to Cabinet. The strategy has been developed by officers of Sheffield City Council in consultation with partner agencies delivering services, customers and other stakeholders, reflecting the fact that the significant issues that need to be addressed require a strategic city wide approach agreed by all of the key partners.

12.2 RESOLVED: That Cabinet:-

- (a) notes the contents of the draft Sheffield Homelessness Prevention Strategy 2017 – 2022 attached as an appendix to this report and approves it as a statement of the Council's strategic approach to homelessness prevention and reduction;
- (b) delegates authority to the Director of Housing and Neighbourhood Services to develop an action plan to implement and deliver the Strategy; and
- (c) 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.

12.3 Reasons for Decision

12.3.1 To address the risk of an increase in homelessness and implement new statutory duties requires a strategic city wide approach agreed by all of the key partners.

12.4 Alternatives Considered and Rejected

12.4.1 Consideration was given to not developing a new strategy in light of the substantial reduction in homelessness that has been achieved in the last 5 years. However this option was rejected, as we still need to do more to prevent homelessness earlier and address the risk of an increase in homelessness.

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

Safer and Stronger Communities

13. MONTH 7 CAPITAL APPROVALS

13.1 The Executive Director, Resources submitted a report providing details of proposed changes to the Capital Programme as brought forward in Month 7 2017/18.

13.2 **RESOLVED:** That Cabinet:-

(a) approves the proposed additions and variations to the Capital Programme listed in Appendix 1 of the report, including the procurement strategies and delegates authority to the Director of Finance and Commercial Services or nominated Officer, as appropriate, to award the necessary contracts; and

(b) approves the making of grants as detailed at Appendix 2a of the report.

13.3 Reasons for Decision

13.3.1 The proposed changes to the Capital Programme will improve the services to the people of Sheffield.

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

13.3.3 Obtain the relevant delegations to allow projects to proceed.

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, Executive Director, Resources

13.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee

14. ZEST CENTRE & 54-56 UPPERTHORPE ROAD

14.1 The Executive Director, Place submitted a report proposing a series of recommendations to review and rationalise the property leased by Netherthorpe and Uppertorpe Community Alliance (NUCA) and its associated organisations to address the Organisations long term sustainability. Decreasing revenue support from the Council and the costs of repair and maintenance of the properties leased by NUCA is putting increasing pressure on the Organisation and limiting its ability to develop and deliver services. The report also sought Cabinet approval for a series of recommendations which will support NUCA to develop a viable medium term business plan and capital investment strategy and enable them to continue to deliver services to the local community.

14.2 **RESOLVED:** That Cabinet approves:-

- (a) the surrender of the lease of the Zest Centre, Uppertorpe, Sheffield, S6 3NA, currently held by the Uppertorpe & Netherthorpe Healthy Living Centre Trust;
- (b) the grant of a new lease of the Zest Centre to Netherthorpe & Uppertorpe Community Alliance and delegates authority to the Chief Property Officer to agree such Heads of Terms in line with the report;
- (c) the surrender of the lease of 54–56 Uppertorpe Road, currently held by Netherthorpe & Uppertorpe Community Alliance;
- (d) the release of Netherthorpe & Uppertorpe Community Alliance from a Debenture, dated 23rd December 1999 in relation to 54–56 Uppertorpe Road, upon the surrender of the lease;
- (e) the disposal by auction by the Council of 54–56 Uppertorpe Road; and
- (f) the delegation of authority to the Chief Property Officer, in consultation with the Director of Commercial and Financial Services and the Director of Legal and Governance, to take all other necessary steps, not covered by existing delegations, including any proposed capital works and improvements, to

give effect to the proposals set out in the report.

14.3 Reasons for Decision

14.3.1 The recommendations will assist the Council to deliver key corporate policy objectives set out in the Corporate Plan 2015 – 18 by supporting NUCA to develop a viable medium term business plan and capital investment strategy. Specifically:-

- The disposal of 54–56 Uppertorpe Road will release capital funding for potential reinvestment in the Zest Centre (subject to an approved business) to support the continued provision of facilities and services to the local community.
- The grant of a longer lease of the Zest Centre will assist in bidding for external grant funding for capital investment

14.4 Alternatives Considered and Rejected

14.4.1 The Council has a limited number of different options due to the existing leases in place and the wish to maintain the facilities and services which the Council considers are important to the delivery of key corporate policy objectives. These are summarised in the table below, together with the potential implications:

| | OPTION | IMPLICATIONS |
|---|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Do Nothing | <ul style="list-style-type: none"> • Reducing funding support from the Council to Zest • Inability of Zest to seek external grant funding • Zest finances become unviable • Zest no longer operate the Centre • Centre closure & loss of facilities and services • Centre & other properties return to the Council • Significant financial liabilities for the Council and limited options for disposal and generation of capital receipt |
| 2 | Sell Uppertorpe Road properties and Council retains capital receipt | <ul style="list-style-type: none"> • Zest not likely to surrender lease making option undeliverable • Other implications as for Option 1 • Subject to a separate business case |
| 3 | Focus Zest operation on lease/ use of Centre only and hand back other properties to | <ul style="list-style-type: none"> • Zest assessing this option as part of business plan process and implemented in part by decision by Zest not to use Uppertorpe Road properties • Main costs for Zest relate to the Centre itself |

| | | |
|--|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Council | <ul style="list-style-type: none"> • Council could dispose of other properties (e.g. Fawcett Street, Shipton Street) and release further capital receipts for re-investment in the Centre • Council would incur some interim cost liabilities for properties prior to disposal • May lead to reduction in some services offered by Zest and reduced income • Implications in option 1 may still apply • This option could be considered at a later date if preferred option is insufficient to resolve financial issues |
|--|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

14.4.2 The current proposals represent the best way forward in seeking to achieve the objectives of the Council and Zest within the constraints outlined earlier.

14.4.3 The Council will continue to work with Zest to assess potential options and to seek to ensure that the above objectives can be met as far as possible.

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. WAR MEMORIAL TREES

15.1 The Executive Director, Place submitted a report updating Cabinet on the city's first ever long term investment plan in the city's war memorial trees and in particular reporting back to Cabinet on the costs of engineering solutions to retain war memorial street trees on Western Road, Tay Street, Oxford Street, Springvale Road and Binfield Road, as well as proposals for Heathfield Road. Following the report to the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee on the Western Road memorial trees, the Cabinet Member for the Environment and Streetscene asked that Amey be commissioned to carry out outline design work for tree retention works in sufficient detail to enable an estimate of the level of additional funding needed to be provided to Cabinet.

15.2 **RESOLVED:** That Cabinet:-

- (a) supports the long term investment plan in the city's war memorial trees as set out in the report;
- (b) notes the costs of an estimated £500,000 involved in carrying out engineering solutions to retain 41 war memorial trees on Western Road, Tay Street, Oxford Street and Binfield Road and, in particular notes the partial and short term nature of these solutions, and therefore, requests that Amey undertake the required tree replacement work on the roads as originally planned within the terms of the Streets Ahead Contract, including a review of practical options to replant some of the original trees;
- (c) approves 300 new memorial trees to be planted in Sheffield's parks by the Council before November 2018 to create a permanent lasting war memorial for the city;
- (d) approves that, following discussions with residents on the war memorial streets, practical and affordable options be considered to replant trees that were lost and not replaced in previous years prior to the current Streets Ahead contract; and
- (e) guarantees that the 300 new trees in parks and any possible replacement trees on the war memorial streets, be replanted in perpetuity.

15.3 **Reasons for Decision**

- 15.3.1 The report aims to indicate the costs of retaining the 41 war memorial trees. The report points out the estimated cost of around £500k to retain these trees.
- 15.3.2 The recommendations in the report point to the importance of war memorial trees and the suggested long term commitment and investment plan for these trees.
- 15.3.3 The trees on Heathfield Road are in a wide grass verge. As a result, the trees that required work or replacement were not causing any damage to the highway or private property but were dead or dying. There is a provision within the contract for up to 600 'missing trees' to be replaced at no cost to the Council. It is recommended that 20 of these are used to restore this memorial.
- 15.3.4 Western Road has the largest number of memorial trees. There were originally 97 trees, but over the years this number has reduced to 54, of which 23 now fall into the replacement categories. Potential replacement works will ensure that the memorial continues but has been met with concerns amongst some residents and that led to further in-depth investigations of the Independent Tree Panel (ITP) advice. Sensitive excavation by Airspade was carried out and this confirmed that the ITP suggested root bending and pruning was simply not possible on such large mature trees.
- 15.3.5 In order to fully explore the cost of the engineering works to attempt to retain the trees on Western Road, Amey were commissioned to carry out preliminary

design work and from that derive a robust estimate of the cost of the works. This estimate is £310,090.

15.3.6 Looking specifically at Western Road where more detailed work has been carried out, there are other impacts to consider. These include;

- Each tree will need a build-out into the road which is an average of 5m long. This will mean a loss of approximately 35 parking spaces along the length of Western Road should the trees be retained.
- The road will be reduced in width even when the level of parking is low due to the regular build-outs
- One way working was considered but it was felt that this could lead to an unacceptable increase in traffic speeds and therefore lead to road safety issues
- Some of the work may still not be possible as it may cause problems with private property threshold levels and could result in water from the road running into the property
- Where work to utilities apparatus has been identified (such as to the BT chamber opposite number 239) no account of the costs for any diversion/re-location works have been included. Any such costs would be determined by the utility affected and be payable to them
- Where root damage is occurring to private property leaving trees in place by carrying out these works will exacerbate this problem for the residents and will lead to insurance claims. The existing visible damage is covered in the estimates but the costs could increase once any work is commenced as further damage may become apparent
- Ultimately the houses could become uninsurable

15.3.7 It has been demonstrated earlier in the report that the option to retain the damaging trees would be a significant cost to the Council and provides only a partial and potentially short term solution, given the continuing damage caused by the trees (as they continue to grow) and the on-going and significant impact on residents in terms of traffic and parking restrictions; damage to property and related insurance issues.

15.3.8 The option of doing nothing to the 41 trees which fall into the Council's replacement categories i.e. leaving the trees and the streets and not committing to any form of mitigation for the 41 trees, is not acceptable given the Council has a legal duty under the Highways Act to maintain the highway in a safe condition. Equally, the do nothing option potentially exposes the Council's budget to long term and potentially increasing insurance claims from property owners and accident claims from users of the paths and highway; it also leaves the street in a condition of poor accessibility to the most vulnerable members of the community, and finally, it leaves the Council open to increasing costs of 'patch and repair' over many years.

15.4 **Alternatives Considered and Rejected**

15.4.1 The review covers the war memorial trees that are classed as dead, dying, dangerous, diseased, damaging or discriminatory.

15.4.2 It should be noted that the damaging category applies to third party property as well as the public highway. In some instances the damage to third party property extends beyond damaging drives and garden walls to serious damage affecting the actual house that may in time require underpinning works.

15.4.3 Where trees are damaging property this would continue even if the highway works to retain trees was carried out. It is also possible that trees not currently causing any property damage would do so in time as they continue to grow. Equally, the engineering works may offer only short to medium term solutions given the trees will continue to grow and impact on the street environment and surrounding properties. If the trees are not replaced this will lead to potentially expensive claims against Amey or the council.

15.4.4 Where the streets were referred to the ITP, the alternatives to replacement were suggested in their advice letters as below:

15.4.5 Western Road

23 trees referred to ITP.

ITP agreed with SCC for replacement of 11 and proposed engineering works on 12. Eleven trees are damaging private property. The Council carried out a further detailed review, including Airspade excavations to check root locations and found that it could not agree with the ITP advice on any of the 12 trees they proposed engineering works for.

15.4.6 Tay Street

Not included in Household Survey as no residences.

2 trees to replace. Both are damaging the highway and one is dying.

15.4.7 Oxford Street

8 trees referred to ITP.

ITP agreed with the Council for replacement of 4 and proposed engineering works on 4. Following further review, the Council agreed with ITP advice and have found a solution to retain 3 of the four trees the ITP advised could be retained.

15.4.8 Binfield Road

6 trees referred to ITP but the tree outside number 23 was worked round prior to their inspections.

ITP agreed with the Council for replacement of 4 and proposed engineering works on 1. Following further review, the Council could not agree with ITP advice on the single tree it suggested could be retained. One tree is damaging private property.

15.4.9 Springvale Road
2 trees referred to ITP.
ITP agreed with the Council for replacement of both trees. Both are causing damage to the highway.

15.4.10 Heathfield Road
Streets Ahead works were carried out in 2014 and the street was not therefore included in the Household Survey. Only two trees needed to be replaced for condition reasons, but there are others missing that failed many years ago. The request is from a Veterans Association that the remaining trees are all replaced as they are poor specimens, along with new planting to reinstate the memorial.

15.4.11 In summary, all options suggested by the ITP have been considered in detail and, where possible, accepted. In the majority of trees, the advice was ultimately rejected as either not practical and/or would incur expenditure outside the core funding for Streets Ahead. It should also be noted that many of the engineering solutions will only give a temporary solution to the damage being caused and the tree will still require replacement at some point. Where trees are damaging third party property, it is almost always as a result of damage caused by roots. If the tree is not replaced, this damage will continue irrespective of any engineering solutions and will almost certainly give rise to claims against the Council or Amey and may make houses uninsurable.

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

16. REPORT OF THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN

16.1 The Executive Director, People Services submitted a report, in line with the requirements of the Local Government & Social Care Ombudsman, outlining for Cabinet, the Ombudsman's report on a complaint made about the Council's actions in assessing the complainant's son's special educational needs and putting provision named in his Education, Health and Care Plan in place. The report also provided the Council's response to the Ombudsman's report.

16.2 **RESOLVED:** That Cabinet notes the findings of the report and the actions taken

in response, namely:

1. Arrange a review of the complainant's son's Education, Health and Care Plan;
2. Apologise to the complainant and her son;
3. Pay £1,500 to the complainant for her son's educational benefit;
4. Pay £300 to the complainant to acknowledge the frustration, time and trouble and uncertainty the Council's faults caused her; and
5. Develop an action plan to ensure that the faults identified by the Ombudsman do not occur again.

16.3 Reasons for Decision

16.3.1 The Council has considered the findings of the Ombudsman in this case and believes that they are accurate. The Council is working to ensure that the issues identified in the report are addressed for the complainant and her son and not repeated for other service users.

16.4 Alternatives Considered and Rejected

16.4.1 The Council could choose to contest the findings of the Ombudsman. However the Council accepts the Ombudsman's view that there has been fault causing injustice to Y and Mrs X.

16.4.2 The Council could contest the recommendations of the Ombudsman, but as it acknowledges the failings in this case, it believes it should accept the recommendations the Ombudsman has proposed to remedy these failures.

16.5 Any Interest Declared or Dispensation Granted

None

16.6 Reason for Exemption if Public/Press Excluded During Consideration

None

16.7 Respective Director Responsible for Implementation

Jayne Ludlam, Executive Director, People Services

16.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Children, Young People and Family Support

17. WASTE SERVICES REVIEW: NEXT STEPS

17.1 The Executive Director, Place submitted a report seeking authority to agree terms in settlement of a number of disputes that have arisen between the parties under the Integrated Waste Management Contract (IWMC) and to agree amendments to the IWMC to realise cost savings that will ensure the IWMC remains affordable

and sustainable for the Council. The intended outcome of this strategy is to significantly reduce the cost of Waste Services and to allow for a more responsive and sustainable service in the future.

17.2 RESOLVED: That Cabinet:-

- (a) approves the terms of the settlement of a number of disputes that have arisen between the parties under the Integrated Waste Management Contract (IWMC);
- (b) agrees amendments to the IWMC in line with this report to realise cost savings that will ensure the IWMC remains affordable and sustainable for the Council; and
- (c) to the extent not already covered by existing delegations, authorises the Executive Director of Place, in consultation with the Director of Finance and Commercial Services and Director of Legal and Governance, to take such steps as appropriate to implement the above recommendations.

17.3 Reasons for Decision

- 17.3.1 Resolving the disputes that have arisen between the parties under the IWMC and agreeing proposals to realise cost savings will ensure the IWMC remains affordable and sustainable for the Council.

17.4 Alternatives Considered and Rejected

- 17.4.1 There are two alternative options open to the Council:

Option One: No change to current contract;

Option Two: Go out to procurement as set out in the Cabinet Report of January 18th 2017 and pursue the disputes.

- 17.4.2 **Option One:** The Council could continue with the IWMC in its current form but this would mean that the Council would not achieve any financial savings. The implications of not achieving budget savings would mean that the Council would need to find savings elsewhere and potentially result in service cuts in other parts of the Council. The Council would also have to resolve any outstanding disputes and as, mentioned in the report, above there is no absolute guarantee that the Council would be successful in such matters.

This option is dismissed as it does not achieve any financial savings.

- 17.4.3 **Option Two:** Proceeding with the procurement is still a viable option, but this report is seeking the opportunity to reach agreement with Veolia to resolve outstanding disputes and realise significant savings. If the recommendations detailed in this report are not approved the Council will revert to the procurement route and would need to resolve any outstanding disputes through other means. The key reasons why, on balance, the recommendation is to reach agreement with Veolia is because of the following key risks in relation to the procurement

option:

- **Level of termination payment:** There is a risk that the Council and Veolia may not be in agreement on the compensation payment due to Veolia in the event the IWMC was terminated, which could result in a lengthy and costly court process to resolve.
- **Competition in the market (& tender prices):** Although the procurement option provides an opportunity for savings compared to current contract prices, there is no guarantee that such savings can be realised until fully tested in the market.
- **3rd party waste to fill Energy Recovery Facility capacity:** The risk to the Council if a contractor is not able to fully secure the feedstock (other waste) for the Energy Recovery Facility (ERF) which would mean reduced income share to the Council, and could cause operational issues to the ERF. Also the Council's share of income from the ERF will be exposed to energy market price risk.
- **District Energy Network condition:** The short-term Operation & Maintenance contract proposed would only take on low level maintenance risks, so the Council would retain responsibility and the risk of major repairs and maintenance under this model.
- **Management Information:** Through remaining with Veolia the Council is mitigated from the risk of knowledge and information transfer between the existing and any new contractor.

This option is therefore dismissed because the preferred option, although challenging, provides greater certainty of savings that can be applied at least 12 months earlier than the procurement option.

17.5 Any Interest Declared or Dispensation Granted

None

17.6 Reason for Exemption if Public/Press Excluded During Consideration

None

17.7 Respective Director Responsible for Implementation

Laraine Manley, Executive Director, Place

17.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing