

# SHEFFIELD CITY COUNCIL

## Cabinet

### Meeting held 13 December 2017

**PRESENT:** Councillors Julie Dore (Chair), Olivia Blake, Ben Curran, Jackie Drayton, Jayne Dunn, Mazher Iqbal, Mary Lea, Bryan Lodge and Jack Scott

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#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Cate McDonald.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 The Chair, Councillor Julie Dore, reported that the Appendix to agenda item 18 (see minute 17 below) – ‘Waste Services Review: Next Steps’ was not available to the public and press because it contained exempt information described in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), relating to the financial or business affairs of any particular person. Accordingly, if the contents of the Appendix were to be discussed at the meeting, the public and press would be excluded from the meeting at that point in the proceedings.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the previous meeting of the Cabinet, held on 15 November 2017, were approved as a correct record.

#### **5. PUBLIC QUESTIONS AND PETITIONS**

##### **5.1 Public Question in respect of Evidence Based Policy and Air Quality**

5.1.1 Vanessa Lygo commented that evidence based policy demanded a rational, rigorous and systematic approach. It was based on the premise that policy decisions should be informed by a wide range of available evidence and should include rational analysis. It was now widely recognised that policy decision making which was based on systematic evidence was seen to produce better outcomes.

5.1.2 Ms. Lygo asked did this Council and its Members support and promote the concept of evidence based policy development (EPB)? And was the proposed Clean Air Strategy underpinned by the wide body of evidence that supported different methods of tackling air pollution?

5.1.3 In response, Councillor Jack Scott, Cabinet Member for Transport and

Sustainability, commented that the Council did support evidence based policy. Some of the solutions to reducing air pollution were not cheap, easy and popular but they were the right things to do. The Strategy did reference an evidence based approach. The Council needed to win hearts and minds and interventions needed to be based on evidence and thought through properly.

5.2 Public Question in respect of Clean Air Strategy

5.2.1 Brian Mosley asked, given the overwhelming body of scientific evidence demonstrating the valuable services of urban roadside trees in improving local air quality, how did the Council explain the glaring omission in this proposed Clean Air Strategy? Why was there no consideration of urban vegetation and trees included in this purported progressive and modern strategy?

5.2.2 Councillor Jack Scott responded that pages 56/57 of the Strategy was explicit about the role trees could have. The Council had planted 65,000 new trees. Dead trees did not improve air quality. The Council could increase street trees by 10x and it would have a negligible impact on air quality.

5.2.3 The key was to prevent dangerous emissions in the first place. The Clean Air Strategy was the boldest plan in the country to try and improve air quality. Councillor Scott understood concerns in respect of street trees but the Council could quadruple the number of trees in the City and it would still have a negligible impact on air quality.

5.3 Public Question in respect of Clean Air Strategy

5.3.1 Neil Parry commented that he welcomed the new Clean Air Strategy and believed it to be bold and ambitious. The citizens of Sheffield wanted this public health emergency sorting out for the sake of the health of their families. The Strategy stated “working together to tackle the sources of air pollution will create a healthy thriving City”.

5.3.2 Mr Parry added that the Air Quality Action Plan approved by the Council in 2013 was also ambitious but seen as anti-business by some senior Councillors and Officers. This perpetuated the notion that if something was good for the environment it must be bad for business. Even though senior Officers were designated champions charged with implementing the action plan, Mr Parry believed it had a very low priority and failed to make an impact.

5.3.3 Mr Parry therefore asked will the implementation of the Clean Air Strategy be a high priority for the Council and Officers or be seen as another task to be done after their day’s work has finished?

5.3.4 Councillor Jack Scott welcomed Mr Parry’s support for the Strategy. The Strategy stated that clean air was a good driver for economic growth. He also welcomed the challenge to the Council and believed that the Strategy should be fundamental to people’s day job. He understood the scepticism following the Air Quality Action Plan but saw renewed enthusiasm to make this Strategy work. Councillor Scott believed it was a social justice issue and there could not be a fairer City without

cleaner air in poorer areas. The Council could not implement the Strategy on its own and needed to work with partners to create cleaner air. Following approval of the Strategy at the meeting today, further plans would be brought forward as to how the Strategy would be implemented.

#### 5.4 Public Questions in respect of War Memorial Trees

5.4.1 Sue Rodgers referred to the Cabinet report, on the agenda for the meeting, in respect of War Memorial Trees. She referred to the statement in the report which read 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'.

5.4.2 Ms. Rodgers commented that there had been no invitation or discussions to her knowledge to residents on Oxford Street and she suspected neither Binfield or Frechville Street and possibly not Springvale Road. Could the Council evidence this consultation?

5.4.3 Ms. Rodgers further referred to the statement in the Cabinet report that 'the Council would guarantee that the 300 new trees in parks and any possible replacement trees in parks and any possible replacement trees on the war memorial streets, be replanted in perpetuity'. Ms. Rodgers asked what did this mean? And had there been any Citywide consultation on this?

5.4.4 Ms. Rodgers further referred to the statement in the Cabinet report which read 'the survey gauged public reaction to specific tree proposals on a street by street basis. Any streets where a majority of respondents disagreed with the proposed works were referred to the Independent Tree Panel (ITP) for an independent second opinion'. Ms. Rodgers believed that, at the time of this survey, there was no knowledge of the memorial status of the trees on Oxford Street, discovered by Ms. Rodgers after the survey. Also, she believed there had been no consultation survey on trees on Tay Street even though these trees were known to be memorial trees.

5.4.5 Ms. Rodgers then referred to the statement in the Cabinet report which said that 'Tay Street was not included in the household survey as there were no residences. Two trees needed to be replaced. Both were damaging the highway and one was dying'. Ms. Rodgers commented that, from the information given to residents by the Council to identify the trees, the one purported to be dying looked completely healthy and repeated requests and promises for this to be reviewed by the ITP had been ignored.

5.4.6 Ms Rodgers further referenced the Cabinet report which stated 'Oxford Street 8 trees referred to the ITP. ITP agreed with the Council for replacement of 4 trees and proposed engineering works on 4 trees. Following further review the Council agreed with ITP advice and had found a solution to retain 3 of the 4 trees the ITP advised could be retained'. Ms. Rodgers commented that the fourth tree which the ITP wished to retain and which was condemned by the Council was the tree with the highest CAVAT (Capital Asset Value for Amenity Trees) of trees under threat surveyed in Sheffield. It was located on a busy residential road next to a tall block

of flats with many residents who would benefit from its air cleaning attributes. Ms. Rodgers believed the 3 trees at the top of the street would benefit from islands into the street which would also benefit traffic calming which was needed as the street was a rat run.

- 5.4.7 In concluding, Ms. Rodgers commented that she would be grateful if her observations, comments and questions could be addressed at the meeting.
- 5.4.8 Councillor Bryan Lodge, Cabinet Member for Environment and Streetscene, responded that the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee had been requested to look at the issue of the War Memorial trees and their recommendations had been accepted by Cabinet. People had fed their views into the Council and many petitions had been submitted. Any trees that have to be felled will be replaced and kept in perpetuity. Any of the trees which had been felled previously would be replaced where it was feasible.
- 5.4.9 Paul Billington, Director of Culture and Environment, commented that the Judge, in a recent legal judgement regarding trees, accepted that a number of meetings had taken place regarding the issue of tree felling. Significant public consultation had taken place and an open public meeting had taken place in respect of Western Road. The Council had not been able to commit previously to replacing trees in perpetuity but the report on the agenda for this meeting was now recommending that this take place.
- 5.4.10 Councillor Mary Lea, Cabinet Member for Culture, Parks and Leisure, confirmed that 300 trees would be planted in parks around the City and discussions were now being held as to the locations for these. The locations would be presented for public consultation and it was hoped that they would be planted for the 100<sup>th</sup> anniversary of the end of the First World War.
- 5.4.11 Paul Billington added that a heritage review had not taken place. This was a highways maintenance contract and not just about trees. The Council's position had been supported by the Courts on two occasions. The Council was committed to preserving war memorials so he hoped that the public could support the proposals going forward.

#### 5.5 Public Questions in respect of War Memorial Trees

- 5.5.1 Elizabeth Motley commented that engineering solutions allowed within the Streets Ahead Contract were the use of thinner profile kerbs, excavations for root examination, rambling or reprofiling, flexible paving or surfacing, removal of displaced kerbs and filling of pavement cracks, root pruning, root shaving, root barriers and guidance panels, tree growth retardant, the creation of larger tree pits, heavy crown reduction or pollarding to stunt tree growth and retention of dead, dying, dangerous and diseased trees for their habitat value. Creation of new tree pits which allow air and water to pass deep into the roots, which may lead to surface level roots subsidising back down.
- 5.5.2 Ms. Motley added that, where tree roots were damaging buildings, if this was low

garden walls, then she believed that these could be rebuilt at a likely cheaper cost than felling a tree and replanting would be. Surely, therefore felling should be a last resort?

- 5.5.3 Ms. Motley then referred to the costings presented in the report on the agenda for the meeting. She asked if they had been independently assessed by a Quantity Surveyor or estimator, who had no connection to Amey? If not, how could we ensure that they represented value for money?
- 5.5.4 Ms. Motley then asked how had the need for 5m length build outs been calculated? Had an independent civil engineer looked at this and made an independent assessment?
- 5.5.5 Ms. Motley further commented that she believed that it had been assessed by independent experts that only three build outs were necessary for the whole length of Western Road. How had this led to the assumption that 35 car parking spaces will be lost?
- 5.5.6 Ms. Motley also asked how had the sum of £500k come about for retaining the trees? Had this cost been independently cross checked? She further asked why weren't these figures drawn up by independent experts, not the actual contractor doing the work? She concluded by commenting that the trees proposed to be felled were street related and not park related. Their connection was in the same streets where the boys that were killed in the wars walked to school. She did not believe putting them in parks was acceptable as it did not represent the same connection, memory and local linkages.
- 5.5.7 Councillor Bryan Lodge responded that engineering solutions were undertaken as a matter of course across the City, for example on Carterknowle Road, and these incidences were not recorded as they were undertaken as part of routine ongoing work. He had seen evidence of the damage caused to people's properties and engineering solutions would not work with trees in these circumstances.
- 5.5.8 Councillor Lodge believed the views of tree protestors were not shared by everyone across the City but people did not feel comfortable in coming forward to share the alternative viewpoint because of the behaviour of some of the protestors.
- 5.5.9 Existing trees would be replaced as well as those that had been felled in the past. Trees across the City were being replaced and the Council was planting around an extra 600 trees. He believed that it was right to replace the trees near the school and an additional 300 trees would be planted in parks across the City.
- 5.5.10 Councillor Lodge accepted there was cynicism in relation to the costs quoted but further detail could not be released due to commercial sensitivity. Costs were looked at as part of the bidding process and the previous Council Administration had been involved in looking at the specification. Amey's schedule of rates were competitive compared to other options and Councillor Lodge was confident that it was value for money.

5.5.11 If approval was given at the meeting today, Amey would not necessarily be given the contract and it would go out to tender. He was confident that the figures in relation to the parking spaces was correct.

5.6 Public Question in respect of War Memorial Trees

5.6.1 Nicky Bea commented that she believed it was very disrespectful to the fallen World War 1 Soldiers to fell the memorial trees. Had the Council considered seeking funding from memorial or military groups to save the trees and, if not, why not?

5.6.2 Councillor Lodge stated that this was not a decision taken lightly. He believed it was disrespectful to those that had their properties, drives etc. damaged to not undertake the work to prevent this in the future. Consideration was undertaken of alternative funding but no groups had come forward to provide this.

5.7 Public Question in respect of War Memorial Trees

5.7.1 David Dilner asked how many of the 41 Memorial Trees were unsaveable using any of the 14 engineering solutions in the Streets Ahead Contract that came at no extra cost to the taxpayer?

5.7.2 Councillor Lodge responded that the trees referred to in the report had been identified as the engineering solutions would not resolve the damage caused to properties, driveways, boundary walls etc. and the damage that they could cause in the future.

5.8 Public Questions in respect of War Memorial Trees

5.8.1 Reuben Fowles asked the following questions in respect of the War Memorial Trees:-

(i) Has Amey produced any paperwork to show that they have considered all the possible engineering solutions provided for in the Streets Ahead Contract and their reasons for excluding their use for each endangered tree on Western Road? Can we see this paperwork?

(ii) Would it be possible to plant any more saplings in the spaces along Western Road and Mona Road and review the trees again every five years or so to produce a rolling scheme of review, repair and replacement rather than tearing down half the mature trees in one fell move and worsening the level of airborne pollutants for decades to come?

(iii) The ITP report recommended saving eleven of the trees listed for removal. Once again, Mr Fowles believed, their findings had been ignored. Why did Amey have the final jurisdiction over the street trees owned by the City of Sheffield? Can we see the Amey report that has refuted all the ITP recommendations for Western Road?

(iv) After the Council Scrutiny Committee, the residents of Western Road were

promised further consultation to consider their views on the report. Since then, the residents had heard nothing. When will this pledge be honoured?

5.8.2 Councillor Bryan Lodge commented that the Council's response to the ITP findings was available on the Council's website. The City Council made the final decision and not Amey. Further investigation work had taken place and it was found that the solutions were not possible. Some of the trees the ITP had identified for solutions had been saved and details of this were available on the Council's website.

5.9 Public Questions in respect of War Memorial Trees

5.9.1 Arthur Baker asked the following questions in respect of War Memorial trees:-

(i) How much confidence does the Council have in the Amey estimate of £310,000 for the cost of saving the Western Road memorial trees? Does the Council have any plans to consult any other organisation for a more independent estimate of these costs?

(ii) Could the Leader of the Council give Mr Baker, as a resident of Western Road, a categorical assurance that 'masked Council thugs' will not be used on Western Road during tree felling as they had been used in other parts of the City?

(iii) Would the Leader of the Council agree with Mr Baker and the Secretary of State for the Environment that the Council's plan to chop down 23 War Memorial trees on Western Road, Crookes was 'absolutely bonkers'. Would she also agree that Sheffield was in danger of being regarded as 'a second rate City run by a third rate Council'.

5.9.2 In responding to the question, the Leader of the Council, Councillor Dore, commented that some of the language in Mr Baker's questions was unhelpful and the Council did not employ masked operatives. Councillor Lodge had responded to previous questioners in relation to the cost estimates.

5.10 Public Question in respect of Clean Air Strategy

5.10.1 Marie Miller commented that the Cabinet was being asked at today's meeting to approve a Clean Air Strategy for Sheffield. Why then were the Council planning to remove healthy trees on a road where children walked to the local primary school? Ms. Miller stated that it was proven that trees absorbed air pollution.

5.10.2 Councillor Jack Scott responded that there was already evidence of poor air quality across the City and retaining trees would not make a measurable difference to this. No City in the world would be able to plant enough trees to tackle the air quality problem. He did not disagree with the other benefits that trees could have which was why the Council was undertaking a replanting programme. Planting more trees was not the solution to tackling air quality and solutions needed to be bolder and would probably be more expensive. More children needed to be encouraged to walk to school and public transport needed to be improved.

5.11 Public Questions in respect of War Memorial Trees

5.11.1 Alan Storey asked the following questions in respect of War Memorial trees:-

(i) In 1919 the working class community of Crookes organised a public subscription so that they could plant trees on Western Road to remember local lads who had died in World War 1. Later, the trees were turned over to the City Council to act as the protectors/guardians/stewards of these trees. What moral and legal authority did the City Council have to tear down those healthy trees?

(ii) The Cabinet is acting on the report of the Working Party on Western Road trees which endorsed what it called “the concept of the trees” on Western Road, meaning that it was ok to fell some of the healthy trees as long as saplings were planted in their place and the “concept of the trees” was maintained. Did the Council know of anyone who lived on Western Road who endorsed this concept?

(iii) A petition asking the Leader of the Labour Party, Jeremy Corbyn MP, to mediate the Sheffield trees debate, including the trees on Western Road, between the City Council and tree campaigners, has gathered more than 10,500 signatures. If Corbyn agrees to act as a mediator, will the City Council come to the table?

(iv) When Western Road residents were last at the City Council Cabinet meeting on 20 September, almost three months ago, they were informed that the Cabinet would consult with Western Road residents before making any decisions. Could the Cabinet explain why it had not done so or even answer an email sent by Mr Storey’s neighbour to the Executive Director, Place about the plans?

(v) Yesterday morning at 4:15 a.m. Amey/Acorn sent a tree ‘crew’ to do its work on the cherry trees of Abbeydale Park Rise. Did the Council plan to do the same thing on Western Road?

(vi) It was agreed that, if you were building a snooker table, it was a good idea to have perfectly straight sides and not to have roots growing out a few centimetres from the cushions. Substitute “kerbs” for “cushions”. Why was this a problem on Western Road?

5.11.2 Councillor Bryan Lodge responded that not all of the trees which had been planted in 1919 had survived and some had been replaced. Why was that ok then and not now? The City was a different place to when the trees were planted and handed over to the Council and to when some of the trees were replanted in the 1940’s. He had received comments from some residents that it was difficult to walk on Western Road due to some of the trees.

5.11.3 In respect of Abbeydale Park Rise, Amey stewards would not be required if some residents had not been acting in a sinister manner as vigilantes or climbing into safety zones. Councillor Lodge had always stated that he supported peaceful protest and he therefore asked protestors to act in a peaceful manner and respect the Court injunction.



- 5.11.4 Paul Billington added that he had had discussions with many organisations who were aware of the solutions outside of the contract and the issues in respect of the War Memorial trees and none had been willing to offer funding. The War Memorial Trust said that they could offer £30k but that would not cover the cost of the War Memorial trees. Trees for Cities tended to offer low grants, on average around £7k. He would, however, continue to talk to the organisations.
- 5.11.5 Councillor Julie Dore added that if Jeremy Corbyn wished to approach her with any questions or concerns she would engage with him accordingly.

## **6. ITEMS CALLED-IN FOR SCRUTINY**

- 6.1 It was noted that there had been no items called-in for Scrutiny since the last meeting of Cabinet.

## **7. RETIREMENT OF STAFF**

- 7.1 The Executive Director, Resources submitted a report on Council staff retirements.

- 7.2 **RESOLVED:** That this Cabinet :-

(a) places on record its appreciation of the valuable services rendered to the City Council by the following staff in the Portfolios below:-

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
<b><u>People Services</u></b>		
Sheryl Cartwright	Higher Level Teaching Assistant Level 4, Talbot Specialist School	31
Jean Vollum	Library and Information Assistant	42
<b><u>Place</u></b>		
David Bennett	Incomes Plus Specialist Officer, Housing and Neighbourhoods Service	39
John Simpson	MOT/Taxi Tester, Transport Services	39

(b) extends to them its best wishes for the future and a long and happy retirement; and

(c) directs that an appropriate extract of this resolution under the Common Seal of the Council be forwarded to them.

**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.

**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.

## 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.

### 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.

## 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.

## 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.

#### 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 Upperthorpe Community Alliance (NUCA) and its associated organisations to address the Organisation's 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 It was requested that any further requests from community and charity groups be considered on a case by case basis to ensure that a precedent wasn't set. It was confirmed that all cases of this nature would be brought to Cabinet for consideration and there had to be a clear business case and rationale before any support was considered.

- 14.3 **RESOLVED:** That Cabinet approves:-

- (a) the surrender of the lease of the Zest Centre, Upperthorpe, Sheffield, S6 3NA, currently held by the Upperthorpe & Netherthorpe Healthy Living Centre Trust;
- (b) the grant of a new lease of the Zest Centre to Netherthorpe & Upperthorpe 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 Upperthorpe Road, currently held by Netherthorpe & Upperthorpe Community Alliance;
- (d) the release of Netherthorpe & Upperthorpe Community Alliance from a Debenture, dated 23rd December 1999 in relation to 54–56 Upperthorpe Road, upon the surrender of the lease;
- (e) the disposal by auction by the Council of 54–56 Upperthorpe 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.

#### 14.4 Reasons for Decision

14.4.1 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 Upperthorpe Road will release capital funding for potential reinvestment in the Zest Centre (subject to an approved business case) 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

#### 14.5 Alternatives Considered and Rejected

14.5.1 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:

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



	Centre only and hand back other properties to Council	Upperthorpe Road properties <ul style="list-style-type: none"><li>• Main costs for Zest relate to the Centre itself</li><li>• Council could dispose of other properties (e.g. Fawcett Street, Shipton Street) and release further capital receipts for re-investment in the Centre</li><li>• Council would incur some interim cost liabilities for properties prior to disposal</li><li>• May lead to reduction in some services offered by Zest and reduced income</li><li>• Implications in option 1 may still apply</li><li>• This option could be considered at a later date if preferred option is insufficient to resolve financial issues</li></ul>
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14.5.2 The current proposals represent the best way forward in seeking to achieve the objectives of the Council and Zest within the constraints outlined earlier.

14.5.3 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.

## 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.

## **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 the complainant and her son.
- 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.

## 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 18<sup>th</sup> 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, 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.
- **3<sup>rd</sup> 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.