

SHEFFIELD CITY COUNCIL

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Wednesday 21 October 2020 by the Cabinet.

Date notified to all members: Friday 23 October 2020

The end of the call-in period is 4:00 pm on Thursday 29 October 2020

The decision can be implemented from Friday 30 October 2020

Item No

7. **REPORT OF THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN - COMPLAINT ABOUT REMOVAL OF STREET TREES AND STREETS AHEAD CONTRACT**

- 7.1 The Executive Director, Place, submitted a report summarising the findings of a formal report by the Local Government & Social Care Ombudsman (attached to the report as Appendix A) regarding a complaint made by Mr G about the removal of street trees from the road where he lived, as part of the Council's 'Streets Ahead' programme of works delivered by its contractor, Amey Hallam Highways plc.

The report details the recommendations to the Council arising from the report and includes an outline of the steps already taken to improve transparency in relation to decision making. The report recommended that Cabinet recognise the failings of the Council and provide a full apology. Cabinet approval is also sought for the creation of a public archive of Sheffield City Council (SCC) street tree related material to be held within the City Archives in perpetuity.

7.2 **RESOLVED:** That Cabinet:-

(a) endorses the publication of a public unreserved apology accepting the findings of the Local Government & Social Care Ombudsman investigation;

(b) notes that the Cabinet Member for Environment, Streetscene and Climate Change has provided a private apology to the family of Mr G recognising the failings of the Council in its communications with him;

(c) notes that the Street Tree Partnership Working Strategy details the new, transparent decision process for tree removals, and the additional information requirements from the contractor in submitting the recommendation;

(d) notes that the Highways Maintenance (Streets Ahead client team) and

contractor will receive additional training in the Council's complaints procedure;

(e) notes the work that is being done to embed openness and transparency across all of the Council's services; and

(f) approves the funding for Sheffield Archives Service to establish and manage the creation of a complete archive of SCC tree related material to be held within the City Archives in perpetuity.

7.3 Reasons for Decision

7.3.1 The recommendations to Cabinet reflect the work the Council has already commenced that contribute to realising the recommendations of the Ombudsman and our commitment to open and transparent decision making.

In addition, Cabinet is asked to approve the new archive project which will allow open access to our records and correspondence in relations to our past approach and decisions.

7.4 Alternatives Considered and Rejected

7.4.1 No alternative options have been considered, the Council accepts the findings of the report and is pleased to demonstrate our progress and commitments to realising the recommendations from the Ombudsman report.

7.5 Any Interest Declared or Dispensation Granted

None

7.6 Reason for Exemption if Public/Press Excluded During Consideration

None

7.7 Respective Director Responsible for Implementation

Laraine Manley, Executive Director, Place.

7.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

9. SHEFFIELD COVID BUSINESS RECOVERY PLAN

9.1 The Executive Director, Place, submitted a report setting out the priorities of the Sheffield COVID Business Recovery Plan, which has been developed by the Sheffield Business Response Group – a co-operation between the Cabinet Member for Business and Investment and the business community in Sheffield. The report seeks Cabinet endorsement of the plan and notes the new approach to collaboration between the Council and the business community, which will continue as the plan is delivered.

9.2 **RESOLVED:** That Cabinet:-

(a) notes the role of the Council in developing the Sheffield COVID Business Recovery Plan as part of a collaboration with the Sheffield Business Response Group;

(b) endorses the Sheffield COVID Business Recovery Plan as a framework for action to help address the economic impacts of COVID;

(c) notes and acknowledges the role the Council will play in delivering elements of the Plan as part of the Business Response Group, with the Plan informing the City's bids for COVID relief and recovery funding;

(d) notes the collaborative approach taken to develop the action plan, creating the basis for a new long-term relationship with the private sector in Sheffield, working together to help to shape the city's long-term economic Strategy; and

(e) notes that a report seeking approval to establish a £2m Fund to support interventions that address some of the economic impacts of Covid-19 would be considered by the Leader in early November.

9.3 **Reasons for Decision**

9.3.1 The COVID pandemic has presented a number of challenges for businesses and the economy which, if not addressed, could lead to long-term issues in terms for employment, business and wages with knock-on impacts on health inequalities and people's wellbeing. The Sheffield COVID Business Recovery Plan sets out the priorities for the city in addressing these issues and creates a framework for the Council to work alongside the business community to support the city's recovery, protecting jobs and businesses.

9.4 **Alternatives Considered and Rejected**

9.4.1 Do nothing: The Council had the option of not collaborating with the Business

Response Group to produce an action plan and instead solely relying on the Sheffield City Region Renewal Action Plan for its response to COVID. However, this approach would have several disadvantages:

1. It ignores the issues affecting businesses at a city level which a regional approach may not always be able to reflect;
2. It ignores the vital role that anchor institutions and business networks play in the economy, not only in the more 'traditional' economic sphere of business support, transport, infrastructure and skills but also addressing inequalities, public health and environmental sustainability which are intrinsically linked to the economy;
3. The opportunity to build a refreshed, more collaborative relationship with the business community would have been missed;
4. The process of developing the city's own plan for business has informed our discussions with Sheffield City Region and allowed the city to better articulate what it needs from the regional plan. This opportunity would have been lost under a 'do nothing' approach.

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 Scrutiny and Policy Development Committee

11. MONTH 5 CAPITAL APPROVALS 2020/21

11.1 The Executive Director, Resources submitted a report providing details of proposed changes to the Capital Programme as brought forward in Month 5, 2020/21.

11.2 **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;

(b) approves the acceptance of grants as detailed at Appendix 2; and

(c) approves the making of grants to 3rd Parties as detailed at Appendix 2a.

11.3 Reasons for Decision

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

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.

To obtain the relevant delegations to allow projects to proceed.

11.4 Alternatives Considered and Rejected

11.4.1 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.

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

Eugene Walker, Executive Director, Resources

11.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee

12. MEDIUM TERM FINANCIAL ANALYSIS (MTFA) 2021/22 TO 2024/25

12.1 The Executive Director, Resources, submitted a report providing Members with details of the forecast financial position of the Council for the next 4 years (2021/22 to 2024/25) and to set the financial constraints within which the budgeting and business planning process will need to work to achieve a balanced budget position over the medium term.

12.2 **RESOLVED:** That Cabinet:-

(a) notes the forecast financial position of the Council for the next 4 years as set out in the report;

(b) notes, as a planning assumption, core Council Tax increases of 2% each year;

(c) notes the additional pressures caused by the COVID crisis, and that further transformation savings are required, and lobby Central Government for additional financial support;

(d) notes that the Council's current level of reserves provides time for action to be taken strategically in response to the COVID crisis and the more general financial position, but that actions will be needed, on current projections, to maintain financial stability in the medium term; these actions will include further co-operation with other key stakeholders, in particular the NHS; and

(e) considers the information contained in the capital sections of the report and note that discussions will continue with Cabinet Members to provide guidance on how to proceed with the programmes highlighted.

12.3 **Reasons for Decision**

12.3.1 To inform Cabinet Members of the latest changes to the Council's medium term forecasts, and to provide a strategic framework for the development of budget proposals and the business planning process beyond 2021/22.

12.4 **Alternatives Considered and Rejected**

12.4.1 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.

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

Eugene Walker, Executive Director, Resources

12.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee

13. PROCUREMENT OF A KITCHEN, WORKTOPS AND ASSOCIATED PRODUCTS SUPPLY CONTRACT TO SUPPORT THE REPAIRS AND MAINTENANCE SERVICE

13.1 The Executive Director, Place, submitted a report seeking authority to procure the contracts for the supply of fitted kitchens, worktops and associated products to support the Repairs and Maintenance Service in line with the contents of the report.

13.2 **RESOLVED:** That Cabinet:-

(a) approves the tendering of the fitted kitchens, worktops and associated products supply contract via an existing compliant framework as outlined in the report; and

(b) delegates authority to the Executive Director of Place, in consultation with the Director of Finance and Commercial Services and the Director of Legal and Governance to:

(i) decide the award of the new contracts to the successful suppliers chosen by the Council following the procurement; and

(ii) take all other decisions necessary in order to meet the aims, objectives and outcomes of the report which are not already covered by existing delegations in the Leaders Scheme of Delegations.

13.3 Reasons for Decision

13.3.1 The procurement will enable the Council to:

- Have a compliant mechanism in place to meet the service requirements, whilst allowing for a thorough review in the medium term to identify any further savings/efficiencies as part of the ongoing Repairs & Maintenance TOM (target operating model) project.
- Harness any immediate savings and economies of scale that can be

realised by re-engaging the market, any savings realised that can be cashable in nature will contribute to the services' savings targets.

- Realise the Councils Social Value ambitions by driving further value added impact through this supply chain.

13.4 **Alternatives Considered and Rejected**

13.4.1 Alternative Option 1 – Do not Procure.

If the Council did not carry out this procurement then the Repairs and Maintenance Service would not be able to maintain the Council's Housing Stock fully.

We are bound by the Public Contracts Regulations and Council Governance to conduct a procurement where the level of financial spend indicates this, alternatives around the route to market will be options appraised, considered and benchmarked and fully documented in the Procurement Strategy.

13.4.2 Alternative Option 2 – Extend the contract with the current supplier.

The current contract has expired and there are no further extensions possible under the framework agreement

13.4.3 Alternative Option 3 – Conduct a full OJEU compliant SCC Tender

The option to conduct a standalone tender was ruled out as there was no option to open up the specification and include other manufacturers. The JTC kitchens are fitted in almost every Council rented property which has been upgraded under the Decent Homes programme over time. Kitchens from other manufacturers are not completely interchangeable and sizes do vary, making the responsive repair of these kitchens and the component parts very difficult.

Given the specification can only be met by one manufacturer there is no competitive market to approach. Value on this will be driven by a competitive offering via a Framework and harnessing the economies of scale these bring. In addition, much due diligence on the supplier has already been satisfied which does save time and resource compared to conducting a full tender.

13.4.4 Alternative Option 4 – Conduct a further competition under a fully OJEU compliant Framework.

The option to conduct a further competition under a Framework has been considered but again has been ruled out for the same reasons as in option 3. There is no opportunity to accept a bid from another manufacturer who's products will not be compatible with the items we have installed.

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

Laraine Manley, Executive Director, Place

13.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Safer and Stronger Communities Scrutiny and Policy Development Committee

14. TRANSPORT FRAMEWORK FOR TAXI AND MINIBUS PROVISION

14.1 The Executive Director, Place submitted a report seeking authority to extend the current transport framework for taxi and minibus provision (with or without escorts). Sheffield City Council currently provide taxi and minibus transport for Special Education Needs (SEN) children, Looked after Children (LAC) and vulnerable adults.

14.2 **RESOLVED:** That Cabinet:-

(a) approves the extension of the current transport framework for taxi and minibus provision (with or without escorts) for a period of 3 years in accordance with and for the reasons outlined in the report; and

(b) delegates authority to the Executive Director of Place, in consultation with the Director of Finance and Commercial Services and the Director of Legal and Governance to:

(i) decide the award of any new contracts to the successful suppliers chosen by the Council following their application to the Dynamic Purchasing System (DPS) framework and following any further competition; and

(ii) take all other decisions necessary in order to meet the aims, objectives and outcomes of the report which are not already covered by existing delegations in the Leaders Scheme of Delegation.

14.3 **Reasons for Decision**

14.3.1 The continuation of the DPS framework will permit competitive tendering amongst local businesses and will drive down the cost and increase availability of taxis & minibuses to the City Council. The DPS is preferred to any of the existing frameworks as a better and more economic fit for the needs of Sheffield Transport. It is expected that the framework will continue to develop over its 3-year period, delivering a service that users benefit from as well as providing local employment and developing local businesses

14.4 **Alternatives Considered and Rejected**

14.4.1 Alternative Option 1 – Do nothing

If the Council did nothing and did not put in place a new framework or extend the existing DPS framework, then the Council would not be able to meet its statutory responsibility to provide travel assistance to children who have an entitlement because of their special educational needs and for Adult Care clients to meet their respite and other needs.

14.4.2 Alternative Option 2 – Put in place a new Council framework agreement.

A framework agreement is an umbrella agreement that will set out the terms of supply such as price, quality, and quantity under which individual contracts can be made throughout an agreed period, usually up to 4 years. Frameworks help streamline procurement for both suppliers and authorities; suppliers don't have to demonstrate suitability and capability every time they wish to compete for a contract, and the award of individual tenders can be quicker than under some other procedures. The Council requires a highly flexible contracting system that is responsive to changing client needs and/or funding arrangements, whilst maintaining specified levels of service quality. The main benefit of a framework agreement is providing taxi services on a call off arrangement meaning the Council can increase or decrease its demand for taxi services in the future as this arrangement gives no guarantee of any minimum or maximum value of work for suppliers. Furthermore, it is evident that this service would highly benefit from multiple suppliers making a DPS framework more suitable.

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 Scrutiny and Policy Development Committee

15. REGIONAL ADOPTION AGENCY

15.1 The Executive Director, People Services submitted a report setting out the proposals for Sheffield City Council's Adoption Service to form a Regional Adoption Agency (RAA) with three other local authority adoption services, those of Barnsley MBC and Rotherham MBC, Doncaster Council together with Doncaster Children's Services Trust, and seeking approval to proceed.

15.2 **RESOLVED:** That Cabinet:-

(a) approves the proposal for Sheffield City Council's Adoption Service to form and be part of the South Yorkshire Regional Adoption Agency (SYRAA) as set out in the report; and

(b) delegates authority to the Executive Director of People Services, in consultation with the Director of Legal and Governance to enter into a formal Agreement with participating bodies to effect the SYRAA; and thereafter to take such steps, where no authority exists under the Leaders Scheme of Delegation to achieve the aims and objectives as set out in the report.

15.3 Reasons for Decision

15.3.1 Being part of a Regional Adoption Agency (RAA) will improve our ability to place Sheffield's children in adoptive families and to do so in a timely manner. This will be good for children and will result in costs efficiencies for the Council.

It will cost us no more financially to be part of a RAA and over time will increasingly lead to cost efficiencies. In particular, improved recruitment of adopters will reduce the need to spend money purchasing inter-agency placements.

Joining a RAA in the model proposed is in line with staff preferences not to be transferred out of their Council employment and as such promotes staff retention and continuity.

Joining a RAA is consistent with the Government's drive for all adoption services to regionalise.

15.4 Alternatives Considered and Rejected

- 15.4.1 In consideration of the 'do nothing' and remain as we are option, we have to account for the Government legislation that requires all adoption services nationally to regionalise. As such, it is not a choice whether we become part of a regional adoption agency in some way or other. A failure to act could result in the Secretary of State designating which RAA the Sheffield adoptive function should be provided by, either by allocating another local authority and/or an adoption agency to provide the adoptive service. By being proactive Sheffield can be involved in the formation of the South Yorkshire RAA, being instrumental in its formation. Aside from it being a requirement, we do believe that regionalising provides an excellent opportunity to pool resources and expertise across the region to deliver improved services and outcomes for the region's children and importantly for Sheffield's children.

There was an option to develop a more fully integrated and separate service inclusive of transferring staff under TUPE regulations. This is not a preferred option as we wish to continue employing our existing staff. This model was objected to by staff and trades unions and it presents a risk to staff retention and continuity that would have a negative impact for children and adopters.

Our preferred and recommended model is that set out above.

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

John Macilwraith, Executive Director, People Services

15.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Children, Young People and Family Support Scrutiny and Policy Development Committee