

# SHEFFIELD CITY COUNCIL

## Cabinet

### Meeting held 17 March 2021

**PRESENT:** Councillors Bob Johnson (Chairman), Jackie Drayton, Terry Fox, Julie Grocutt, Mazher Iqbal, Mark Jones, Mary Lea, George Lindars-Hammond, Abtisam Mohamed and Paul Wood

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

- 1.1 An apology for absence was received from Councillor Paul Wood who joined the meeting part way through.

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

- 2.1 It was reported that the appendices to the following reports were not available to the public and press because they 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 content of the appendix was to be discussed, the public and press would be excluded from the meeting:-

<u>Item No.</u>	<u>Title</u>	<u>Excluded Appendix</u>
16	Future High Street Fund – Fargate and High Street	A, B and C
18	Contract to Act as Agent of Yorkshire Water to Collect Water Rates Along With Council Tenant Rent	A

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

- 3.1 There were no declarations of interest made.

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

- 4.1 The minutes of the meeting of Cabinet held on 17<sup>th</sup> February 2021 were approved as a correct record.

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

- 5.1 Public Questions Concerning the EIA report, Age UK at Hillsborough Park and John Lewis

5.1.1 Nigel Slack asked the following three questions:

1. Will Council please send me the EIA report 916 regarding the new LACs and explain why this did not form part of the background papers?
2. It is always fun to see the rush of decisions being made by Council in advance of Purdah and it is interesting how many are 'good news' stories. The decision on Hillsborough Park is great news and yet we have other great organisations and buildings still awaiting proper lease arrangements. How did Age UK at Hillsborough Park manage to jump to the head of the queue?
3. With John Lewis no longer able to guarantee the future of the Sheffield store, what arrangements are in place for Council to reclaim the costs of their recent lease negotiations and have the funds for the refurbishment of the store been provided to John Lewis and if so, how will they be retrieved?

Mr Slack expressed his sadness at the closing of Thorntons.

5.1.2 Councillor Terry Fox (Cabinet Member for Finance, Resources and Governance and Deputy Leader of the Council) echoed Mr Slack's sadness at the loss of Thornton's. He agreed to share the EIA report with Mr Slack, but stressed that this was a live document and may well change before it is completed.

5.1.3 Councillor Mary Lea (Cabinet Member of Culture, Parks and Leisure) responded to question two. She agreed that this was a great project and would benefit those with dementia or impacted by dementia and those who use Hillsborough Park. She said she was not aware of a queue for leases and stated that this project was first proposed in 2017. She said there were various factors that influenced when a lease was signed, including feasibility and sustainability.

5.1.4 Councillor Mazher Iqbal (Cabinet Member for Business and Investment) stated that the closure of Thornton's was another loss for the High Street. He explained that high streets were changing before the pandemic, and unfortunately have continued to change due to the impact of COVID-19.

Councillor Iqbal said that the Council will work with its partners to provide staff with as much support as possible.

Councillor Iqbal stated that John Lewis had surrendered their lease in July 2020, which had a 42 year term remaining. He added that there was also a charge on the ground rent, which was nominal. The payment at that time was £3 million and following that the Council also entered into a 20 year model lease for the building. At that time, the rent was based on John Lewis' turnover. The Council was looking at refurbishing the building and those refurbishment costs would have been released once the work had been undertaken. Councillor Iqbal directed Mr Slack to the agenda – specifically the Future High Street Fund and the Pound Park which was being consulted on. He added that there was a West Bar scheme of £150 million. Councillor Iqbal stated that the Council continues to strive for a world-class city

centre.

## 5.2 Public Question Concerning Local Area Committees

### 5.2.1 Vicky Seddon asked the following question:

The intentions spelled out in the tabled proposals for a new variety of Area Committees (we have had them in different formulations in the past) are ambitious and commendable. Giving local communities a voice in the decisions on their localities is to be welcomed. But with the membership of these committees restricted to the elected councillors in the wards designated as part of that Area, and (to my understanding) no provision for co-options, how do the movers of the motion envisage those communities having any real decision-making input in the proposed Area Committees?

### 5.2.2 Councillor Terry Fox (Cabinet Member for Finance, Resources and Governance and Deputy Leader of the Council) thanked Ms Seddon and Mr Slack for their participation throughout this process. Councillor Fox stated that the Local Area Committees had been influenced by Sheffield residents throughout the process. He explained that democratically elected councillors will be sat on the committees as decision makers, however; he stated this would not take away from the power residents will have to shape and influence decisions.

### 5.2.3 Councillor Bob Johnson (Leader of the Council) thanked Ms Seddon for her question and for her involvement in the development of LACs.

## 5.3 Public Questions Concerning Local Area Committees

### 5.3.1 Mike Hodson asked the following questions of the Cabinet:

While welcoming this potentially ambitious and far-reaching proposal to enable the citizens of Sheffield to exercise more influence, more control and more scrutiny over local issues and decisions, I do wonder at the haste with which this scheme has been put together, and at the lack of some key elements needed to achieve this laudable ambition: in particular

Where is the prior consultation and discussion with communities that was supposed to precede and enable this proposal to proceed?

If a stronger local voice is a key aim and outcome, why are some key provisions apparently missing? Such as:

- commitment to and provision for community representation in addition to that of local Councillors
- provision for non-Councillor members to add items to the agenda for meetings
- provision for non-Councillor members to request additional meetings
- provision for measures to promote openness and transparency and access to information

A recognition that these multi-ward Areas are over-large for effective community participation, and that the lack of effective access to these Area Committees will

diminish the vital trust needed for the scheme to succeed?

- 5.3.2 Councillor Bob Johnson (Leader of the Council) responded to question one and stated that the Council had been working for some time to increase engagement with residents – including the Big City Conversation. He explained that residents had expressed their desire to play an increased role in local decisions, and the Local Area Committees are the principal way in which the Council aimed to achieve this.
- 5.3.3 Councillor Terry Fox (Cabinet Member for Finance, Resources and Governance and Deputy Leader of the Council) responded to question two. He stated that there was currently a skeleton proposal for Local Area Committees, which will be built upon during tomorrow's Special Full Council meeting. Councillor Fox stated that the Council wanted to include all residents and communities in this process.
- 5.3.4 Councillor Bob Johnson (Leader of the Council) stated the committees have been designed to fulfil the minimum legal requirement for establishment of local decision making. Councillor Johnson explained the committees aimed to work in a way which best suit different neighbourhoods.

#### 5.4 Public Questions Concerning Council Meetings and Tree Felling

5.4.1 Russell Johnson asked the following questions:

1. Will the Leader describe the steps being taken to:
  - a) restore credibility to the Public Questions process at FC and Cabinet, in response to concerns about frequent non-answers and commitments to provide written answers that do not materialise or are meaningless?
  - b) fulfil the promise regarding after-meeting PQ responses becoming part of the public record of the meeting in every case?
2. The alleged 'Broken Wrist' reported by SCC to have taken place during the defence of trees being felled under the Amey PFI. Having made inquiries to the Police and the Health & Safety Executive, and earlier Public Questions to SCC having received no proper answer, I now ask:
  - a. Will the Council now admit that the Broken Wrist story originated as propaganda from within the Council partly as a means of securing further Police cooperation to assist Amey in tree removal. This after having 'thrown them [SYP] under a bus' (their words!) at the Rustlings Road debacle?
  - b. Will the council now sincerely apologise for their wilful misleading of the public and Police in doing this, demonstrating the moral rectitude expected of political leaders?
  - c. Furthermore, will the Council now disclose the source of other deliberate misinformation designed to cast peaceful protestors as criminals: namely the lies about the use of nails, and oil, etc, invented with the same intention.

d. If, as many suspect, the source is SCC, would the Cabinet Member apologise on record for this behaviour that is clearly in contravention of the Nolan Principles, damaging to the reputation of the ruling Party and the integrity of our Governance.

3. The 'Archive', and The Independent Inquiry into the Tree Felling Fiasco:

a) Is Cllr Jones aware that campaigners for truth, transparency and openness are understandably becoming rather, nay, exceedingly, sceptical about the purpose and intentions behind the much-delayed 'Repository'?

b) Please would either the leader or Cllr Jones properly address the public clamour for an independent truth searching process around the disgraceful ecological assault on public assets in felling thousands of healthy mature trees.

5.4.2 Councillor Bob Johnson (Leader of the Council) responded to question one and stated that when meetings were held in public questions could be submitted up to the commencement of that meeting. He added that operating virtually had presented some challenges, and that in order to ensure as many questions as possible are responded to a deadline was necessary. Councillor Johnson stated he was told that there is one outstanding issue relating to Cabinet, and the March Council minutes were yet to be published.

5.4.3 Councillor Mark Jones (Cabinet Member for Environment, Streetscene and Climate Change) responded to Mr Johnson's additional questions. Councillor Jones stated that he recognised the historical conflicts over tree felling and said he could not respond to historic allegations in this form as he did not have sufficient information around the allegations raised here. Councillor Jones said the Council had looked into the wrist injury, and he was not aware of any attempts to cover up information.

5.4.4 Councillor Jones responded to question three and stated that the aims of the Tree Dispute Archive were to gather together all relevant information, to catalogue this and to publish this information as part of the city's archive collection. He added that much of the information was already available to the public through answers to Freedom Of Information requests on the Council website; however, the Tree Dispute Archive aims to collate and index this information to make it easier for the public to access.

5.4.5 Councillor Jones stated there were four stages in the Tree Dispute Archive programme, the first stage of which was gathering information, the second was cataloguing information, the third stage was publication of this information and the fourth was preserving the digital files for the long term. He stated there was a large amount of information and added that four months had been set aside to carry out this work with completion due in July 2021. Councillor Jones explained that the date could change dependent on the amount of information; however, he added that the Council would work hard to try to avoid a delay and if there was a delay this would be communicated. Councillor Jones said he believed the Chief Archivist may be able to meet campaigners and outline the project and he would pass on this request to

the Chief Archivist's service. He stated that the process is complex and resource intensive, and that the Council apologised to those who felt there was a delay in this project being completed.

5.5 Public Question Concerning SCC v Fairhall et al

5.5.1 Justin Buxton asked the question:

"With reference to paragraph 22c of SCC's Statement of Case to High Court, July 2017 (D92LS739) SCC v Fairhall et al:

'Further, the direct action has the effect of:'

SCC elaborates and claims "significant consequential implications for the **cost**, phasing and delivery of those necessary works - if the trees cannot be **removed** as the first stage of the highway maintenance works then the remainder of the works cannot be carried out;"

Please specify and detail what the 'costs' stated were, specify how they would have been incurred and identify the contractual obligations in terms of liability of SCC to bear these specific costs.

Please could you specify and detail how these alleged 'costs' quoted have been managed since the halting of the original tree felling programme pursuant to the subsequent new excusing **cause** applied to the Streetsahead contract.

Furthermore, please explain and detail why the excusing cause was not implemented in preference to applying for a high court injunction, threatening residents with huge damages, and consequentially apply to court for committal to prison of a number of residents. All at considerable expense to SCC, both monetarily and reputationally?"

5.5.2 Councillor Mark Jones (Cabinet Member for Environment, Streetscene and Climate Change) stated that this was a complicated request with numerous questions. He stated that any issues relating to the court case were put by the Council and answered by the Complainant in the live evidence. Councillor Jones said that it was not his place to question the Judge's decision.

5.5.3 Councillor Jones said that the implications of the excusing cause in order to facilitate the change in the service delivery to a retain and phase approach introduced a change in the obligations of each party under the contract. He added that this change was introduced at the same time as a number of other negotiated changes, which were approved under the ICMD on the 31<sup>st</sup> January 2020. He said that the overall effect of these changes was a saving to the Council, and any impact of the introduction of the excusing cause is contained within the adjustable unitary charge payment. Councillor Jones said that the Council pay a single charge and all work was covered by that payment, and therefore individual elements are difficult to isolate.

5.6 Public Questions Concerning the Local Area Committees:

5.6.1 Ruth Hubbard asked the following questions:

I don't know many people in Sheffield who are against meaningful participatory local democracy. Certainly I'm deeply committed to it, however challenging, because it's vital to so much about the situation we find ourselves in. The people who have been against it have been you, the political leadership. I welcome any change from that position. But it was the longstanding position of the last Leader who told me repeatedly that people were not interested and it was down to you to make the decisions. And that's how Sheffield has been run for many years and how things have played out in communities across the city. I've lived a few places (and worked in and with a few councils) and I've never seen anything like it. Obviously it has done real and lasting damage and continues to do so. Pretty much everyone – at best – is sceptical, and that is your legacy and there are lots of consequences. Pretty much no one believes that you are interested in genuinely participatory mechanisms (or that you can even think any differently) above controlling the city, “managing” the electorate, and protecting your position for as long as possible, even with your miniscule mandate. (And that's not to say that at the same time you haven't wanted to try and implement policies that you think are right.) There's time for nothing here, but there's layer upon layer of it - but at the extreme it appears you have somehow moved in a few short steps from wanting to imprison people for exercising a bit of community power, to “empowering communities”.

1. So firstly, I've heard and see no narrative about where we are and how we got here. Why do you think there is any basis for anyone to even begin to trust that you are at all interested in “empowering communities”? Where is the starting point that acknowledges or diagnoses and brings some understanding or analysis, and that resolves outstanding issues?
2. This set of reports has been out a few days and it appears almost no one has seen or discussed or helped shape what is quite a detailed set of proposals on structures, scope, terms of ref, limits and boundaries, processes, workstreams and so on – and with further details to be defined by you. It appears out of nowhere as the usual top-down ‘decision’ of the “strong leader” with a blueprint ready to be imposed and rammed through tomorrow in an Emergency Council Meeting, yet it is about community empowerment.
3. Are you not setting this up to fail at the first hurdle with no clarifications, buy-in, consultation and enhancements? Doesn't it entirely negate what you say you want to do if it is intended simply to be imposed? Is it not an imperative to consult (and so that the Gunning Principles can also be properly applied) if you are genuinely committed to community empowerment? What outside (and council staff) expertise have you consulted – there are many different approaches and models for this kind of thing to underpin and provide a deeper understanding and rationale.
4. Thirdly, there is a clear sense in the proposals that with any move to locality based committees that this might be a way of further distancing citizens, communities and stakeholders from *actual* decision-making. Can you give a commitment that the proposals will not be used to e.g. remove public questions

in main council decision-making bodies and that direct stakeholder engagement in scrutiny (in whatever form that happens) will not be even further minimised?

5. Thirdly, are we now to understand the position of this Cabinet is that you support some kind of *participation* in local decision-making (albeit imposed top-down and defined/controlled by you) but do not support people having *actual representation* (via all councillors) in council decision-making?

5.6.2 Councillor Bob Johnson (Leader of the Council) responded to Ms Hubbard's questions. He said that he had spoken with Ms Hubbard about this issue previously and stated that Local Area Committees had been consulted on over 12 to 18 months, including through the Big City Conversation during which a large number of people from a range and depth of Sheffield's communities asked for more localised decision making. He explained this was the Council's first step, and that the existing governance would allow the Council to work with and be part of Sheffield's communities.

5.6.3 Councillor Terry Fox (Cabinet Member for Finance, Resources and Governance and Deputy Leader of the Council) stated that there was cross party participation on the overview and scrutiny of the Local Area Committees. He stated that there was an opportunity for residents to shape and steer Local Area Committees, and this commitment would be outlined in tomorrow's Special Council meeting. Councillor Fox thanked Ms Hubbard and other members of the public for their input into this process.

5.6.4 The Council noted the information reported and thanked all of the presenters for attending the meeting and providing their updates and for answering Members' questions.

## **6. COVID-19 UPDATE**

6.1 The Director of Public Health provided a Coronavirus (Covid-19) position statement. With regards to the Epidemiology, he stated that the rate of infection was in decline as a result of the impact of the lockdown and the R rate was currently just below 1. Test positivity was 4.5% from 12-13% last month.

6.2 The case rate had come down but was starting to increase again. There were still a significant number of cases but Sheffield had the lowest number of cases in South Yorkshire. This was higher than the England rate.

6.3 Hospitalisation was decreasing which indicated that the vaccination programme was having an effect. Cases among the elderly were falling rapidly but cases in the working age population were increasing.

6.4 The roadmap was right to cautiously lift restrictions. There will be an uptick in cases. The basic public health messages needed to be continued. Autumn and winter would be of more concern and could see a further surge in cases.

6.5 The vaccination programme was going well with over 45% of the adult population



receiving their first dose. The city was supporting the NHS and if supply remained good, cohorts 1-9 would be vaccinated by April. The evidence was clear that the vaccination was working.

- 6.6 The vaccination programme was now actively planning and delivering the second dose. There were some side effects, but the benefits outweighed them. There was no direct evidence to support a link between the Astra-Zenica vaccine and DVT. It was safe and effective.
- 6.7 Inequality and accessibility was an issue. Sheffield City Council was supporting a transport pilot to take people who needed it to venues. Supply may become an issue.
- 6.8 The Outbreak Plan and its four priorities had recently been reviewed and no major changes had been made.

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

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

## **8. RETIREMENT OF STAFF**

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

- 8.2 **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'</u> <u>Service</u>
<b>Place</b>		
Ruth Wadsworth	Neighbourhood Support Officer	29
Paul Bangert	Delivery Manager, Design Management	39
John Hibbert	Facilities Manager	36
Glassford Josephs	Estate Officer	30
Peter Morton	Commercial Services	40

	Assistant	
Kathryn Spurr	Senior Business Support Officer	42
Nigel Wildgoose	Income Specialist Officer	22
<b>People Services</b>		
Gillian McCarthy	Library and Information Assistant	21
Tracy Morton	Care Manager Level 2	34
John Murphy	Service Development and Business Manager	32
Sharon Drinkwater	Residential Support Worker	35
Linda Goulding	Team Manager	38
Debbie Miles	Group Leader, Children and Families	26
Allen Robertson	Provider Service Worker	31
Rachel Wyatt	Teacher, Nether Green Infant School	29

**Resources**

Gary Lund	HR Manager - Health, Safety and Wellbeing	37
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(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.

**9. MONTH 10 CAPITAL APPROVALS 2020/21**

9.1 The Executive Director, Resources, submitted a report providing details of proposed changes to the Capital Programme as brought forward in Month 10 2020/21.

9.2 **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 delegate authority to the Director of Finance and Commercial Services or nominated Officer, as appropriate, to award the necessary contracts;

(b) approves the acceptance of the DfE grant as detailed at Appendix 2 of the report; and

(c) approves the making of grants to 3<sup>rd</sup> parties as detailed at Appendix 2a of the report.

### **9.3 Reasons for Decision**

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

9.3.2 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.

9.3.3 Obtain the relevant delegations to allow projects to proceed.

### **9.4 Alternatives Considered and Rejected**

9.4.1 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.

### **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**

Eugene Walker, Executive Director, Resources

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

Overview and Scrutiny Management Committee

## **10. EMPOWERING COMMUNITIES: SHIFTING POWER FROM THE TOWN HALL TO COMMUNITIES IN EVERY PART OF SHEFFIELD**

- 10.1 The Director of Communities, Libraries and Learning present the report. Through the Big City Conversation before the pandemic, together with the work undertaken by the Overview and Scrutiny Management Committee on Sheffield City Council's governance in 2019/20, citizens told us that they want more control and influence over the decisions and issues that really matter to their local area.

The new Area Committees will engage, enable, and empower communities across the city with increasing control over decision making, marking a major shift in power to communities with a rolling programme of devolution over the next 12 to 18 months.

The report set out a work plan for the coming months, focusing on the immediate steps to establish the new Local Area Committees by May 2021 and an iterative programme of activity over the 12 - 18 months from May to increase the responsibilities of those Area Committees.

10.2 **RESOLVED:** That Cabinet:-

1. Agrees the approach and issues identified within this report as providing the framework within which the detailed work on Local Area Committees to replace the current 7 Local Area Partnerships will be taken forward;
2. Agree the initial engagement of community groups and residents as part of the shaping of the Local Area Committees as defined by the big city conversation, and the continuing engagement of local communities as further powers are devolved over the implementation period;
3. Approves the arrangements set out in this report and recommends Council to establish 7 Local Area Committees and to approve the draft Area Committee Terms of Reference and Area Committee Procedure Rules attached to this report at Appendix 1 & 2 of the report as changes to the Constitution, together with any minor consequential amendments, to take effect from Annual Council;
4. Subject to Full Council agreeing to establish area committees, agrees that the proposals for an enhanced Leader and Cabinet governance model and for a Committee system of governance, as approved by Cabinet on 19<sup>th</sup> February 2020, each be amended to include area committees as described in this report;
5. Requests the Director of Policy Performance and Communications, in consultation with the Director of Legal and Governance, to set out the main features of these proposals as amended in a notice to be published as required by the Referendum Regulations, and to undertake additional activity to ensure that they are communicated to people in the city as clearly as possible before the referendum;
6. Notes and support the Programme Governance described within the report;

7. Approves the use of reserves for 2021/22 as set out in the report; and
8. Requires Officers to ensure that progress with programme development and implementation is regularly reported to Elected Members.

### **10.3 Reasons for Decision**

10.3.1 We want people and communities in every part of Sheffield to be in control and shape the decisions and issues which matter to them and their area. As a City Council, we recognise that we need to match the knowledge, passion and insight that Sheffielders have for their local areas with the ability to take decisions at the local level which can deliver real change.

10.3.2 The proposed establishment of Local Area Committees will ensure that this ambition is achieved. We will put in place a community led committee system with strong decision-making powers and accountability.

### **10.4 Alternatives Considered and Rejected**

10.4.1 Retaining the existing Local Area Partnership Structure is an option however this would not allow for the significant shift in devolvement of powers to local decision-making committees. Retaining Local Area Partnerships would therefore not achieve the aims and ambitions of the City to further empower local communities.

### **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**

Director of Legal and Governance

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

Overview and Scrutiny Management Committee

NOTE: The above item is not subject to call-in as (1) all of the above, apart from resolution 3, are removed from the call-in process to allow for the consideration at Full Council on 18th March, 2021 of the establishment of seven Local Area Committees and approval of the draft Area Committee Terms of Reference and Area Committee Procedure Rules, together with any minor consequential amendments, to take effect from Annual Council. This will also enable the notice

that the Council is required by the Local Authorities (Conduct of Referendums) (England) Regulations 2012 to publish not fewer than 28 days before the date of the referendum to be amended in good time in respect of the new governance proposals, and additional activity to be undertaken to ensure that the proposals are communicated to people in the city as clearly as possible before the referendum; and

(2) resolution 3 is subject to approval of the Full Council at its meeting to be held on 18 March 2021 and is not subject to call-in.

## **11. MAINTAINING A STABLE ADULT SOCIAL CARE MARKET IN SHEFFIELD**

- 11.1 The report of the Executive Director – People Services sought approval for the recommended increases in fee rates for Council contracted and framework independent sector care homes, home care, extra care, supported living and day activity providers in Sheffield for the financial year 2021-22.

The report also sought approval for the recommended increase in Direct Payments for people who choose this means of arranging their own care and support. The report set out the process that the Council has followed and the analysis that informed the recommended fee rates to ensure a sustainable, quality and diverse social care market.

### **11.2 RESOLVED:** That Cabinet:-

1. Approves the investment of an additional £4.2m for care providers delivering care on behalf of the Council to deliver enhanced pay terms for front line workers in 2021/22. This investment has been allocated equitably as a 5.66% increase to the staffing element of the fee rates (above the minimum wage increase of 2.18%) for each of the sectors as set out in the following recommendations:
2. Approves an increase to the fee rate for day activities and standard rate care homes of 4.89% including the additional investment in staffing as set out at recommendation 1 above;
3. Approves an increase to the fee rates for home care, extra care (care element only), and supported living on the Council's standard contracted and framework rate and to direct payment providers of 4.99% including the additional investment in staffing as set out at recommendation 1 above;
4. Approves an increase for non-standard residential care rates that are individually negotiated and for council arranged respite care of 1.9% subject to contractual compliance;
5. Approves an increase to the personal assistant rates used by people in receipt of a direct payment of 5.66% based on the additional investment in staffing as set out at recommendation 1 above;

6. Delegates authority to the Executive Director of People in consultation with the Director of Adult Health and Social Care and the Director of Strategy and Commissioning and the Cabinet Member for Children, Young People and Families and Cabinet member for Health and Social Care to agree any appropriate and proportionate fee increases requested by care homes outside Sheffield because cost pressures will vary from place to place; and
7. Delegates authority to the Executive Director of People in consultation with the Director of Adult Health and Social Care and the Cabinet Member for Children, Young People and Families and Cabinet Member for Health and Social Care to take all other necessary steps not covered by existing delegations to achieve the outcomes outlined in this report.

### **11.3 Reasons for Decision**

- 11.3.1 In order to develop and maintain a stable adult social care market in Sheffield the Council need to ensure that the fees paid by the Council to providers for adult social care in the city of Sheffield are increased in line with the cost of delivering care in the city including inflationary pressures in 2021/22.
- 11.3.2 The impact of the pandemic on the adult social care sector is ongoing and the Council will continue to monitor the costs and pressures facing each type of care provision to support a sustainable, quality and diverse market during a very challenging and volatile time for providers, for people who use services and for the Council and wider health and social care system as commissioners.

### **11.4 Alternatives Considered and Rejected**

- 11.4.1 The Council originally consulted in December 2020 on a proposed fee increase based on a lower increase in fee uplift. Following the feedback from providers and further market analysis, the Council has reflected on the feedback and the risk to the market of the initially proposed uplift and is recommending a higher increase to care home non-staffing costs and the investment of an additional £4.2m into salaries of front line staffing.
- 11.4.2 The Council has considered whether to adjust the care home fee to reflect lower occupancy levels. This option has been discounted however on the basis that some market contraction is required and a more targeted intervention will ensure this is safely managed and protects the balance and continuity of care for those who need it in the city. Adjusting care home fees to reflect average occupancy levels would have very different implications for homes depending on their occupancy with some gaining and others still struggling to achieve viability. A targeted approach enables the Council to intervene to ensure that the inevitable risks associated with the contraction needed to achieve a balanced and sustainable, diverse and quality market can be best mitigated during a period of unprecedented market volatility.

### **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**

Executive Director of People Services

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

Healthier Communities and Adult Social Care Scrutiny and Policy Development Committee

**12. SHARED OWNERSHIP PRODUCT**

12.1 The Executive Director – Place submitted a report regarding the Shared Ownership Product. This policy will provide for the shared ownership model that the Council will implement and the associated model lease that the Council is required to use for Shared Ownership properties owned by the Council. Once in place it will guide how the council will manage Shared Ownership properties delivered as part of the Councils Stock Increase Programme.

12.2 **RESOLVED:** That Cabinet:-

1. That Cabinet approve and resolve that the Council shall become a Provider of Shared Ownership Homes in the City of Sheffield on or after 1 April 2021;
2. That in pursuance of establishing the Council's Shared Ownership Homes provision the Cabinet authorise and direct that:
  - I. The Council shall apply for Homes England funding under the Shared Ownership Affordable Homes Programme 2021-26 ("SO AHP 2021-26");
  - II. Upon acceptance of the Councils application for funding the Council shall thereafter enter a grant funding contract with Homes England in accordance with SO AHP 2021-26;
  - III. The Council shall adopt and adhere to the Governments Capital Funding Guide and Homes England Model for the Shared Ownership Homes under SO AHP 2021-26;
  - IV. The Shared Ownership Policy attached at Appendix A of the report is approved and shall be adopted and implemented by the Council from 18th March 2021;
  - V. The Shared Ownership Policy may be amended to reflect any changes in



legislation or guidance from the Government. Any material amendments to the Policy shall be undertaken in consultation with, and following the approval of, a Cabinet Review Group that shall be convened for this purpose; and

- VI. The Cabinet now delegates all authority and powers necessary for the execution of its decisions and directions set out in 1 and 2 above to the Director of Housing & Neighbourhood Services in consultation with the Cabinet Member for Neighbourhoods and Community Safety subject only to the authority of the Cabinet Review Group insofar as approval for Policy change is required pursuant to paragraph 2.v. above.

### 12.3 Reasons for Decision

- 12.3.1
- The Council have committed to purchase homes for Shared Ownership so a policy is required to set out how these properties will be managed.
  - Sheffield City Council has a shortfall of affordable housing. The annual shortfall in Sheffield is currently estimated at 902 units. This shortfall includes all forms of affordable housing, including Shared Ownership this information is from the SHMA July 2019.
  - Numbers of bids for housing across the city are high for most property types and waiting times are high and there is pressure on existing stock. New affordable homes in a range of affordable tenures, including Shared Ownership will increase the quality and range of housing tenure options available to people.
  - Deposit costs for Shared Ownership are much lower as they only have to get a deposit for the percentage that they are purchasing, for example, a deposit of a 25% share is much lower than the deposit for the full 100% of a property. This means the Shared Ownership route of purchasing a property is once again easier for people who cannot save or have a deposit ready.
  - This Strategy is aligned with current corporate priorities and supports the Council's ambition for providing a range affordable homes in the city.

### 12.4 Alternatives Considered and Rejected

12.4.1 **Do Nothing** - One alternative is not to develop a Shared Ownership product and rely on other Council programmes to provide affordable housing in the City. Although this is an option to consider, Shared Ownership is a product that provides a route towards home ownership which meets the aspirations of Sheffield and is at the forefront of future government funding for affordable housing. By not offering this option in Sheffield, our citizens have fewer options than in similar cities.

12.4.2 **Develop a Sheffield Model for Shared Ownership** – Although the Council could use HRA budget to deliver a Sheffield Model the ambition is to deliver 3000+ affordable homes which will only be possible with the HE Grant funded contribution which requires us to use the HE standard model. There is also the point to consider that the more caveats or rules the Council have with a Sheffield

own model the more restrictive and less inclusive the product could be. Mortgage lenders, insurers etc are familiar with the standard model. A step away from the standard model might mean mortgage and insurance options are reduced for potential purchases, which could lead to more restrictions and the product being able to reach less people.

**12.4.3 Develop a Person Led Model** – The Council has considered a person led model which allows the customer to purchase existing properties on the open market then the Council will purchase the S/O shares. This model allows the Council to access Homes England Capital Grant Funding. The changes to the HE model which place responsibility on the Council for some repairs in the first 10 years only applies to new build properties and so would not apply with this model. There are currently only two other councils who use this model and so there is not much evidence regarding this method. We have therefore discounted this as an alternative at this stage until the Council can gather more information and until the Council are familiar with delivering the standard model.

**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**

Executive Director - Place

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

Safer and Stronger Communities Scrutiny Committee

**13. CARERS' STRATEGY UPDATE AND COMMISSIONING PLAN**

**13.1** The Executive Director – People Services submitted a report giving an update on the Carers' Strategy Update and Commissioning Plan. The report gave details of:

- the proposed strategy update for carers.
- the proposed commissioning plan for carers.
- A proposal for the Council to tender for and award a contract for a service that supports adult/parent carers with information advice and guidance as well as support to take a break from caring. Adult carers will be able to get a Care Act (2014) section 10 carer's assessment.
- A proposal to have a grant agreement with Sheffield Young Carers which will contribute to a service that helps young carers achieve outcomes such as increased confidence, self-esteem, resilience and raised aspirations.

The contracts are currently provided by Sheffield Carers Centre and Sheffield

Young Carers however, due to changes in the marketplace and COVID-19 the Council seeks to have new carers provision in place for January 2022.

The current contracts end on 31<sup>st</sup> December 2021.

Securing new services will provide support to young carers, parent carers and adult carers who care for someone who lives in Sheffield. This will support the Council to prevent, reduce and delay care and support needs developing within the carer population of Sheffield which is currently between 60,000-90,000.

**13.2 RESOLVED:** That Cabinet:-

1. Approve the refreshed Young Carer, Parent and Adult carers strategy 'Principles';
2. Approve the new 'Carers Commissioning Plan 2021-2025';
3. Approve the proposed services as set out in this report and to procure such services in line with this report; and
4. Delegate authority to the Director of Strategy and Commissioning in consultation with the Director of Legal and Governance Services, Director of Finance and Commercial Services and the lead Cabinet Member for Health and Social Care that following such procurement exercise to award the contract and take such other necessary steps not covered by existing delegations to achieve the outcomes and objectives of this report.

**13.3 Reasons for Decision**

13.3.1 The preferred option is that Cabinet approve the Carers Framework update. This will allow the council to continue supporting carers who are fundamental to the success of our health and social care systems and communities. This is the preferred option because it reduces several risk factors for the Council (including legal, economic, and reputational) and means the council can continue to support carers in a prevention focused way. It is especially important that we do what we can to identify and support young carers. Their education, health and wellbeing and life opportunities/aspirations should not be negatively impacted due to their caring tasks/duties.

The intended outcomes are:

Updated 'Carer Principles' that we can create actions against – April 2021

Updated Carers Commissioning Plan 2021-2024 available on our website – April 2021.

Updated carer provision in place for young carers, parent, and adult carers – January 2022.

**13.4 Alternatives Considered and Rejected**

13.4.1 Strategy and Commissioning recommends that Cabinet approves the carers strategy 'Principles' refresh. The Young Carer, Parent and Adult Carer Strategy

ran until the end of 2020. In consultation carers and organisations/stakeholders that engage with carers voted to refresh the strategy rather than start with something new. This was because there had been significant progress made due to the Carers Action Plan. To maintain momentum partners will sign up to a refreshed version of the Carer Principles and this will be used to drive multiagency support of those caring for someone living in Sheffield. The alternative is to not have an updated strategy, and this wouldn't promote the message that the Council values the work unpaid carers do in our communities.

13.4.2 The existing Commissioning Plan 2016-2020 has recently ended. Strategy and Commissioning recommend that Cabinet approve the new Carers Commissioning Plan 2021-2025. It is important that the Council is clear about what it will do to support carers to set a positive example in the city. If providers and stakeholders are aware of our priorities and what we're trying to achieve, this will make multiagency/joined up working easier. The more aligned the Council is with other organisations (and vice versa) the better it will be for carers. Commissioning and Strategy wants to promote a 'no wrong doors' approach. As we're replacing our existing carer services, the Council needs to state what our commissioning intentions are too. The alternative would be to not update the current Commissioning Plan. This would not help encourage best practice and joined up working. It is very important that health and social care work together with carers services to identify new carers.

13.4.3 Strategy and Commissioning recommends that Cabinet approves five more years of expenditure on provision for carers. This will amount to approximately £1,130,000 per year or £ 5,650,000 over five years. Morally/ethically, it is more important than ever to support our carers due to the significant impact of Coronavirus. Legally we need to fulfil our local authority duties in relation to carers too. Continuing to fund provision for carers will benefit carers but it will also benefit the broader health and social care systems too. It will allow us to continue to raise the aspirations of young carers and improve their life chances and that will ultimately benefit the local economy. The alternative would be to not fund carer provision which would create legal and reputational risks as well as risks to our local economy, health, and social care systems. The Council would need to plan what to do with thousands of carers who currently receive support from existing provision.

13.4.4 NB Sheffield Young Carers (from January 2022) will receive grant funding rather than being paid via a commercial contract. The alternative would be to go through a competitive procurement process. This was ruled out as an option as:  
The Council only received one tender application the last time we went through procurement. Providing carer support is a niche market. Sheffield Young Carers make the young carers contract work as they draw down lots of additional funding and blend it with the Council's money. Without this added value, it is thought that no other provider could deliver the specification requirements for the price. The council would need to spend more money.

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**

Executive Director of People Services

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

Healthier Communities and Adult Social Care Scrutiny and Policy Development Committee

**14. SHEFFIELD STREET TREE PARTNERSHIP STRATEGY**

14.1 The Executive Director – Place submitted a report seeking Cabinet approval of the Sheffield Street Tree Partnership Strategy as a ‘sub-strategy’ of the Sheffield Trees & Woodlands Strategy 2018-2033.

The production of a new Street Tree Partnership Strategy for Sheffield honours the commitment made by the Council, Amey, and the Sheffield Tree Action Groups (STAG) Steering Group in the Joint Position Statement published in December 2018 to develop an exemplary new street tree strategy for Sheffield. It also delivers action 29 in the Sheffield Trees and Woodlands Strategy 2018-2033:

- ◆ *‘We will seek to develop a street tree strategy with partners which will be a ‘sub-strategy’ of the Trees and Woodlands Strategy’.*

14.2 **RESOLVED:** That Cabinet:-

1. Approve the Sheffield Street Tree Partnership Strategy;
2. Accept the ‘You Said, We Did’ report setting out how the Sheffield Street Tree Partnership dealt with the consultation feedback in preparing the final strategy; and
3. Accept the proposed arrangements for the Sheffield Street Tree Partnership.

**14.3 Reasons for Decision**

14.3.1 This honours the commitment made by the Council, Amey, and the STAG steering group in the Joint Position Statement to develop an exemplary new street tree strategy for Sheffield.

14.3.2 This delivers action 29 in the Sheffield Trees and Woodlands Strategy 2018-33:

*'We will seek to develop a street tree strategy with partners which will be a 'sub-strategy' of the Trees and Woodlands Strategy'.*

14.3.3 Along with other city and Council strategies that are already in place, the Sheffield Street Tree Partnership Strategy will be instrumental in helping to develop and shape guidance and policies that determine the future of the city in a range of areas including climate emergency; development of the city centre, district centres and local neighbourhoods; and the health and wellbeing of residents.

#### 14.4 **Alternatives Considered and Rejected**

14.4.1 Two alternative options were:

- ◆ No new street tree strategy
- ◆ Maintain and manage the highway network without taking account of the value of the benefits provided by street trees in decisions about whether to retain or replace them.

#### 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**

Executive Director of Place

#### 14.8 **Relevant Scrutiny and Policy Development Committee If Decision Called In**

Economic & Environmental Wellbeing Scrutiny & Policy Committee

### 15. **FUTURE HIGH STREETS FUND - FARGATE AND HIGH STREET**

15.1 The Executive Director - Place updated Cabinet on the Future High Streets Fund (FHSF) following the announcement that Sheffield Fargate and High Street was successful in securing £15.817m funding from MHCLG, and to provide further information around the project and seek approval around next steps including allocation of match funding and acquisition of property.

15.2 **RESOLVED:** That Cabinet:-

1. Note that the Council have been successful in being awarded £15,817,001 from the Ministry of Housing, Communities and Local Government's (MHCLG) Future High Streets Fund (FHSF) and in principle agree to the

Council accepting the funding subject to the grant terms being received and agreed by the delegated officers.

2. Delegates authority to the Executive Director of Place in consultation with the Cabinet Member for Business and Investment, the Executive Director of Resources, the Director of Legal & Governance and the Director for City Centre Development to accept the MHCLG FHSF funding and enter into a grant agreement.
3. Note that some of the funding has already been received by the Council.
4. Approves the allocation of £5m from the Councils 'Corporate Investment Fund' as match funding and approves the application to the Sheffield City Region Mayoral Combined Authority for the funds to be sourced from the Gainshare Fund.
5. Approves the acquisition of property as outlined in Part 2 of this report.
6. Approves the addition of the expenditure associated with this acquisition of this property to the capital programme subject to receiving satisfactory funding terms and conditions from MHCLG.
7. Notes the previous delegation from Cabinet on 18 March 2020 which delegated authority to the Chief Property Officer and Director of Legal and Governance, in consultation with the Cabinet Member for Finance, Resources and Governance and Deputy Leader, Cabinet Member for Business and Investment, the Executive Director of Resources and the Director for City Centre Development to negotiate and enter into any necessary agreements to purchase property, to facilitate the key interventions proposed subject to securing funds from FHSF.
8. Notes that further capital interventions outlined in this report will be brought through the capital approvals process and presented to Cabinet for inclusion on the capital programme.

### **15.3 Reasons for Decision**

- 15.3.1 The Future High Streets Fund provides an opportunity to fund significant interventions to address current and future issues and challenges on Fargate and High Street.
- 15.3.2 Authority to acquire property on the terms outlined in part 2 of this report will ensure the delivery of the 'Events Central' intervention outlined in the report.

### **15.4 Alternatives Considered and Rejected**

- 15.4.1 Do Nothing

Not accepting MHCLG funding of £15.8m would mean foregoing the opportunity to deliver significant capital interventions along Fargate and the High Street and the

associated economic, environmental and social benefits. Not acquiring property could mean viable opportunities to deliver key interventions with FHSF are lost or become more complex to deliver.

**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**

Executive Director of Place

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

Environmental Wellbeing Scrutiny and Policy Development Committee

**16. WEST BAR SQUARE UPDATE**

- 16.1 The Executive Director - Place provided an update on this strategic regeneration project and seek approval for the City Council to accept the new sources of external funding to support delivery outlined within the report.

West Bar Square is a long standing strategic project promoted by the Council which aims to extend the City Centre to the riverside, Kelham and Castlegate and reduce severance of Burngreave from the City Centre. The site is currently mostly vacant land and temporary car parks. Its development will create a vibrant new place including new 'build to rent' apartments and large-scale office development in high quality buildings set around new public realm. It is one of the few sites in the City Centre that can accommodate large floorplate offices and is particularly well suited to Govt/Public Sector relocations/consolidation due to existing occupiers nearby and lower rental values than in the prime core of City Centre.

**16.2 RESOLVED:** That Cabinet:-

1. That Cabinet approve the proposals set out in the report and the terms of the proposed agreements. In so doing, Cabinet agree not to terminate the existing agreement with Urbo and Legal & General; and
2. That Cabinet delegate authority to the Executive Director Place in consultation with the Executive Director Resources and the Director of Legal and Governance to finalise, agree and execute the terms of the agreements and the terms of any other documentation required to give effect to the proposals set out in this report and generally to protect the Council's interests.



### **16.3 Reasons for Decision**

- 16.3.1 The West Bar Square development is a transformational project that ties together the northern fringe of the City Centre and Fargate with Kelham and Castlegate and removes a physical and psychological barrier from Burngreave to the City Centre.
- 16.3.2 The initial phases of the development secures £150m of private sector investment from Legal and General which would be a much needed boost to the local economy in the current economic climate.
- 16.3.3 Planning applications have been submitted for the first phase and could start on site by the end of this year.
- 16.3.4 The first phase of the project can generate Business Rate and Council Tax growth for the Council of approx. £143m with further significant amounts in future years from the next phases.
- 16.3.5 The requirement for the Council to take a 40 year lease of Office 1 is not without risk, however this is mitigated by the very low rent payable to L&G.
- 16.3.6 The proposed JESSICA loan reduces the risk further and also reduces the short term CIF requirement.
- 16.3.7 If the Council serves the termination notice in April and does not take the lease then it is highly likely that L&G will not proceed and the scheme will be stalled for several years.

### **16.4 Alternatives Considered and Rejected**

- 16.4.1 The 2020 agreement with Urbo and L&G includes an option for the Council to terminate the agreement in April this year and pay compensation towards costs incurred by the other parties. If that was to happen it is very likely that L&G would also not proceed as the involvement of the Council is extremely important to their partnership approach on regeneration schemes such as this.
- 16.4.2 It would then be necessary for Urbo to find a new source of development finance. In the current economic circumstances that will not be straightforward, but it is possible that the scheme would still eventually be delivered in more phases over time. However there is no doubt that this would take considerably longer to achieve than what is being proposed.
- 16.4.3 If this approach were to be taken then the significant economic, environmental and social benefits to the city set out in the report would take much longer to materialise. The same would apply to the financial benefits accruing to the Council from new business rates and Council Tax.
- 16.4.4 The Council could decide not to take up the JESSICA or SCR Brownfield Housing Fund monies which have been negotiated. However, the costs to the Council of securing that funding are low and in terms of what benefits the funding secures that would not seem a commercially sensible option.

**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**

Executive Director of Place

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

Economic and Environmental Wellbeing

**17. CONTRACT TO ACT AS AGENT OF YORKSHIRE WATER TO COLLECT WATER RATES ALONG WITH COUNCIL TENANT RENT IN TENANTED PROPERTIES**

- 17.1 To seek authority that allows Sheffield City Council to further contract with Yorkshire Water as their agent and continue collecting water rate charges from Council tenants on Yorkshire Water's behalf for the period 1<sup>st</sup> April 2021 to 30 March 2024.

Yorkshire Water has indicated they would agree to the Council continuing collecting these charges as their agent and they are prepared to confirm this in the commercial documents.

**17.2 RESOLVED:** That Cabinet:-

1. Notes the contents of the report.
2. Approves the council entering a contract on the basis that the council will act as agent for Yorkshire Water to collect water rates from Council tenants occupying properties where Yorkshire Water is the supplier.
3. To the extent not already delegated to them by the Leader's Scheme of Delegation, delegate authority to the Executive Director of Place, in consultation with the Director of Legal and Governance and Director of Finance and Commercial Services to prepare and execute all required documentation and take steps to implement these recommendations.

**17.3 Reasons for Decision**

- 17.3.1 The Council has been collecting water rates on behalf of council tenants for over 20 years. The arrangement is mutually beneficial for all parties, the Council receives an income to the Housing Revenue Account which is used to support

Council Tenants, Yorkshire Water receive a high collection rate and customers benefit from officers who are trained in financial inclusion and support, as well as income collection.

**17.4 Alternatives Considered and Rejected**

17.4.1 To not collect water rates for Yorkshire Water. However, this would result in a reduction in service for tenants who would have to make payments direct to Yorkshire Water and would also not have the support to apply for water support grants, Yorkshire Water would require time to develop alternative arrangements to collect outstanding water rates and a reduction in income to the Council.

**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**

Executive Director of Place

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

Safer and Stronger Communities Scrutiny Committee