

Cabinet

Meeting held 17 September 2014

**PRESENT:** Councillors Julie Dore (Chair), Leigh Bramall, Jackie Drayton, Isobel Bowler, Ben Curran, Mazher Iqbal, Mary Lea and Jack Scott

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Harry Harpham.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where it was proposed to exclude the public and press.

**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 held on 23 July 2014 were approved as a correct record.

**5. PUBLIC QUESTIONS AND PETITIONS**

5.1 Public Question in respect of the Number 66 Bus Service

Mr Barry Bellamy thanked Councillor Leigh Bramall, Cabinet Member for Business, Skills and Development, for his work in helping to restore the number 66 bus service from High Green to Rotherham. However, given all the hard work how was the service allowed to be withdrawn in the first place?

Councillor Leigh Bramall commented that he had not been happy about the withdrawal of the service. A large part of the route was in Rotherham and as such, and because of human error, Sheffield had not been made aware of the change to the service. Under the Bus Partnership Agreement minor amendments could be made to routes without informing Councillors but Councillor Bramall did not consider this change to be a minor amendment and should have been referred to Members in Sheffield for comment. He found it unacceptable that, considering the reaction to the Sheffield Bus Partnership Agreement, the South Yorkshire Passenger Transport Executive did not feel it necessary to inform Sheffield about the change.

5.2 Public Question in respect of AMEY works in High Green

Barry Bellamy asked about a number of works undertaken by AMEY within the High Green area. In response, Councillor Jack Scott, Cabinet Member for

Environment, Recycling and Streetscene, agreed to arrange a meeting with Mr Bellamy to discuss the works being undertaken in the High Green area.

5.3 Public Question in respect of Sheltered Housing and Social Care

Barry Bellamy commented that, through his local Ward Councillor, Councillor Adam Hurst, he had been attempting to arrange a meeting with Councillor Mary Lea, Cabinet Member for Health, Care and Independent Living, and officers regarding policies which he considered were putting vulnerable adults at risk. Given recent events he believed this meeting was more important than ever.

Councillor Mary Lea commented that she had not been aware that a meeting had been attempted to be arranged to discuss the issue. A meeting could be arranged and she would discuss this with Mr Bellamy and Councillor Adam Hurst.

5.4 Public Question in respect of the Demolition of the Cart and Horse Public House, High Green

Barry Bellamy stated that when Councillor Mazher Iqbal, Cabinet Member for Communities and Public Health, rejected a proposal to designate the Cart and Horse Public House, High Green as a building of community interest some of the information used to make this decision had been incorrect. If Councillor Iqbal knew this information was incorrect why did he reject the proposal and if he didn't know the information was incorrect why was this the case? Mr Bellamy requested a meeting with Councillor Iqbal to discuss the matter.

Councillor Iqbal confirmed that he had agreed the decision to reject the proposal and this had been published on the Council's website. He agreed to hold a meeting with Mr Bellamy and requested that Mr Bellamy email him the inaccuracies he believed were contained in the report used to make the decision prior to the meeting being held.

5.5 Public Question in respect of Libraries

Mr William Hiorns referred to a letter sent from the Secretary of State, Ed Vaizey, dated 9<sup>th</sup> September, asking a number of questions in respect of the Libraries Review Needs Analysis. Mr Vaizey had also requested that the Council did not implement the proposed changes to the Library Services until October 31<sup>st</sup> when he would determine whether to order a local inquiry. Therefore, Mr Hiorns asked whether the Council had yet responded to the Secretary of State in respect of his request to delay implementation? Mr Hiorns also asked when the Council would share that response with the impacted stakeholders in Sheffield, such as Library Services staff and the volunteer groups who were working to meet the 29 September deadline for handover?

Councillor Julie Dore, Leader of the Council, confirmed that conversations had taken place with Mr Vaizey's office to discuss the issues raised.

Councillor Mazher Iqbal acknowledged that he had received the letter from Mr Vaizey's office, dated 9 September, asking for further information and the Council

had provided a response to this which he believed answered the questions raised. This would shortly be published on the Council's website. Councillor Iqbal confirmed that the implementation of the proposals would not be delayed. The Minister had not taken into account all the issues and the progress that had been made towards implementation. Any delay would not be in the interest of stakeholders. Cabinet had agreed a timetable for implementation. Staff had taken voluntary retirement or redundancy or been served a redundancy notice. The Council were therefore working to a deadline of 29 September and a response would be drafted and circulated to all relevant community groups.

#### 5.6 Public Question in respect of Libraries

Marcus O'Hagan also referred to the letter sent by Ed Vaizey M.P. He had been amazed by the response of Councillor Iqbal to the previous question that it was not in the interests of community groups to delay implementation. Some groups had not yet seen lease agreements that they would be required to sign in two weeks. How could this be seen as reasonable?

Mr O'Hagan further commented that he believed Councillor Iqbal had been asked a number of questions in recent months which he had not provided answers for. The community groups had agreed to take on responsibility for the running of libraries as a last resort to prevent closure. Mr O'Hagan believed the Council were setting up libraries to fail. He had asked Councillor Iqbal if libraries would be shut if they were failing and had not received an answer.

Mr O'Hagan then commented that he had questions outstanding from January, February and March this year which had not been answered despite requests from the Information Commissioner to do so. He then asked how the Council would support libraries who struggled financially as Mr O'Hagan did not believe that the three year financial package offered would sustain these libraries in the long term?

Councillor Julie Dore commented that she had been in many meetings where questions had been asked in respect of the libraries review and she believed that all questions had been answered as well as the questions raised by Ed Vaizey M.P. Mr Vaizey's letter had been responded to and discussions had been held with the Minister's office. This would not be the end of the dialogue with the Minister's office. Mr O'Hagan would be sent a copy of the response to Mr Vaizey. It was the Council's aim to be as transparent as possible and not let the public have to rely on Freedom of Information requests and the response to Mr Vaizey would be published on the Council's website.

Councillor Mazher Iqbal commented that he wished to defend Council officers who had worked hard to deliver the right proposals to meet the legal requirement to provide a comprehensive and efficient service. The correspondence from the Information Commissioner concerned timing. The questions Mr O'Hagan had raised at both Council and Cabinet had been responded to in writing. Councillor Iqbal could provide further clarity if required.

Mr Vaizey had been aware of the Council's proposals which were presented to

Cabinet six months ago in February 2014 and Councillor Iqbal was puzzled as to why he was now asking for the proposals to be delayed when a lot of hard work had been put into implementation. Everyone was aware of the cuts facing the Council. Councillor Iqbal was grateful that community groups had come forward to offer to run libraries in the City. The Council had provided support in terms of lease agreements. It was not about what happened at the end of the three year funding it was about ensuring support to the groups was continual. A volunteer co-ordinator had been employed to offer support where required.

Councillor Dore suggested that a meeting take place with Mr O'Hagan to attempt to resolve the issue about unanswered questions. She requested that Mr O'Hagan provide any relevant correspondence with Councillor Iqbal or other relevant Members or officers prior to that meeting.

#### 5.7 Public Question in respect of Member Code of Conduct

Mr Nigel Slack referred to an incident at the last Council Meeting, held on 3 September 2014, involving a Councillor and a member of the public which he found completely unacceptable. He therefore asked if the Council would be bringing this to the attention of the Monitoring Officer or were they waiting for a member of the public to do so?

Councillor Julie Dore stated that normally if a member of the public wished to make a complaint against a Councillor this should be done in writing and addressed to the Monitoring Officer. In the light of ongoing dialogue to improve transparency Councillor Dore believed that it was not always appropriate to ask a member of the public to put a complaint in writing before addressing a situation. Councillor Dore would refer this particular complaint to the Monitoring Officer if Mr Slack was prepared to make a statement. Mr Slack confirmed that he would be prepared to make a statement. Councillor Dore confirmed that she would therefore refer Mr Slack's complaint to the Monitoring Officer on his behalf.

#### 5.8 Public Question in respect of Transport for Young People

Nigel Slack referred to discussions he had recently had with friends in respect of the recent news about child abuse in Rotherham where he had been told that relatives of his friends had a vulnerable child and Rotherham Council had offered them un-chaperoned taxi travel for their child. His friends had refused and were now thinking they had a lucky escape. He therefore asked whether Sheffield offered such taxi travel? If so was it chaperoned? And were the drivers CRB checked?

Councillor Jackie Drayton, Cabinet Member for Children, Young People and Families reported that CRB checks were now called DBS checks. The majority of children and young people who required transportation travelled in in-house vehicles which were predominantly minibuses suitable for disabled users. All drivers had a DBS check. This covered 1100 children. 172 children travelled in taxis which were provided by companies on a list of approved providers. These companies had to go through a rigorous checking process which involved insurance and DBS checks.

Escorts were provided for children based on an individual assessment of their needs. This may be an in-house provider or taxi company who had the relevant checks and balances in place. An assessment was currently being undertaken of all services provided particularly concerning the Jay report in Rotherham. A meeting would be held with officers to scope out any potential risks of the taxi companies used by the Council. Further details were now being worked out to ensure the correct checks were in place and were being applied correctly and that colleagues and external providers were sharing information appropriately. The Council could not sit on their laurels and would always look at policies and procedures that were in place. Other young people may use transportation through the Short Breaks scheme and the Council would ensure the appropriate checks were in place in this instance.

Councillor Isobel Bowler, Cabinet Member for Culture, Sport and Leisure, added that she was responsible for Licensing Policy and had previously been a member of the Licensing Committee. The safety of the travelling public in taxis was the Council's responsibility. Anybody who applied for a licence had to declare driving and criminal offences and DVLA and criminal records were checked. If there were concerns the Licensing Committee reviewed the application. If a serious complaint was received from a member of the public regarding a licensed driver the licence would be reviewed by the Licensing Committee. The Council could not be complacent about safety and if a member of the public ever had a bad experience with a licensed driver this should be reported to the Licensing section of the Council.

One of the issues of concern was that if a driver has a licence refused or removed they can appeal to magistrates and have it reinstated. In addition a driver licensed by another authority can operate as a private hire in the City. Therefore not all private hire drivers in Sheffield have been through the Council's procedures, and were not licensed by Sheffield City Council.

5.9 Public Question in respect of the Transatlantic Trade and Investment Partnership (TTIP)

Nigel Slack referred to a note on the City Region Local Enterprise Partnership (LEP) website which stated that they were to host a roadshow about the TTIP. Therefore, Mr Slack asked in the light of the continuing inclusion of NHS services in this treaty and the comments at Full Council by Councillor Mary Lea would the Council have anyone in attendance at the roadshow to talk about the potential problems of this treaty?

Councillor Julie Dore reported that she had sent an email to the Chair of the LEP on the issue. She was in agreement with the comment that an exemption was requested for the NHS and other public services and wanted the LEP to raise this when doing the roadshow. She would be meeting with the Chair of the LEP following the Cabinet meeting and would raise the issue again.

5.10 Public Question in respect of Transparency in Planning Decisions

Nigel Slack commented that he had received a reply from Councillor Leigh Bramall to his original question. This answer had highlighted the issue of transparency in planning decisions. It suggested that decisions could be made in private chats between developers and Councillors and he believed this was bad for transparency. He requested a meeting with Councillor Bramall and officers to discuss his concerns.

Councillor Bramall confirmed that he was happy to have a meeting with Mr Slack. He commented that there was a balance to be struck. There needed to be a way of negotiating with developers and coming to an agreement on minor elements. Final amendments were consulted on with a number of bodies. Councillor Bramall supported transparency, however and he welcomed a meeting with Mr Slack to discuss how this could be improved.

5.11 Public Question in respect of the Police and Crime Commissioner

Nigel Slack asked a question from Sheffield for Democracy in relation to the recent resignation of the South Yorkshire Police and Crime Commissioner. Mr Slack asked whether the Council's Police and Crime Panel Member could confirm whether the Panel would be meeting to appoint an interim Police and Crime Commissioner tomorrow? How and on what basis will this appointment be made? From what selection of candidates? And what powers were they using to make this appointment? What was the anticipated timescale for the by-election? Will the Police and Crime Panel continue to press for changes to the Police and Crime Commissioner legislation?

In the absence of the Cabinet representative on the Police and Crime Panel, Councillor Harry Harpham, Councillor Julie Dore commented that she knew an election would take place imminently. She understood that the appointment of an interim could only be made from the current office of the Police and Crime Commissioner. The Police and Crime Panel would follow the normal recruitment process. They would request expressions of interest in the post and if there was more than one would follow a selection process. A by-election was required to take place within 35 days of the resignation. The Council would continue to press for changes to the current legislation.

5.12 Public Question in respect of Domestic Abuse

Mr Martin Brighton commended the Council for its recent policy documents on Domestic Abuse. He asked if the Council would consider taking some of the relevant core principles and applying them ubiquitously?

Councillor Mary Lea thanked Mr Brighton for his comments and reported that a lot of hard work had gone into producing the report. Officers and Members would consider whether any important principles could be adapted elsewhere.

5.13 Public Question in respect of Abuse

Martin Brighton asked whether the Council, or any of its Elected Members, ever supported the use of abuse, or protect abusers, for political, pragmatic or for any

other reason?

Councillor Julie Dore stated that she categorically did not support any form of abuse and all Cabinet Members agreed on this. She hoped that all Elected Members agreed with this.

5.14 Public Question in respect of Political Supporters

Martin Brighton asked whether the current administration ever condoned the 'packing' of public meetings with its own supporters so as to further its own political agenda whilst creating the illusion of public consent, and what would such practice say about respect for democracy?

Councillor Julie Dore commented that she didn't condone such practices and was not aware that it had occurred with Labour supporters under the current administration.

5.15 Public Question in respect of Democracy

Martin Brighton asked whether the current administration ever condoned the calling in of the 'loyalty card' to persuade otherwise dissenting citizens to vote in favour of a political policy and what would such a practice say about respect for democracy?

Councillor Dore commented that she would consider this a bribe and would not condone it.

5.16 Public Question in respect of Group Responsibility

Martin Brighton asked whether the current administration accepted the principles of 'group responsibility', 'we are all in this together' or any other similar tactic? And if so could they please give examples?

Councillor Dore commented that she accepted the principles of collective responsibility but could not be held personally responsible for every member of her group. Where a member was accused of inappropriate activity she would take responsibility to ensure that it didn't happen again.

5.17 Public Question in respect of Response to Public Question

Martin Brighton asked what should the procedure be should it be demonstrated that an Elected Member deliberately gave a false answer to a question from a member of the public at a public meeting?

Councillor Dore responded that she was not aware of any instance as described in the question. If Mr Brighton had any evidence to suggest that was the case he should refer to the Members Code of Conduct procedure.

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

- 6.1 Matthew Borland, Scrutiny Policy Officer, submitted a report of the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee outlining the outcome of the Scrutiny Committee meeting held on 28 August 2014 where a Call-In on the Statement of Community Involvement was considered.
- 6.2 **RESOLVED:** That Cabinet notes the decision of the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee at its meeting held on 28 August 2014 in respect of the Statement of Community Involvement that:-
- (a) the contents of the report now submitted be noted, together with the comments now made and the responses to the questions raised; and
  - (b) no action be taken in relation to the called-in decision, but consideration be taken whether issues arising from the call-in need to be added to the Committee's Work Programme for 2014/15.

## 7. RETIREMENT OF STAFF

The Chief Executive submitted a report on Council staff retirements.

**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>Children, Young People and Families</u></b>		
Surriya Chauhdry	Whole School Assistant, Lowfield Primary School	30
Jennifer Evans	Senior Early Years Practitioner	34
Alan Gerard	Application Development Manager	31
Doreen Goldthorpe	Teacher of the Deaf	35
Anne Greatorex	Cleaner, Lydgate Infant School	33
Judith Haughton	Assistant Headteacher, Beighton Nursery Infant School	27
Elizabeth Hearnshaw	Teacher of the Deaf	23
Joseph Henderson- Tang	Teacher of the Deaf	22
Susan Layhe	Early Years Trainer	36



Elizabeth Palmer	Social Worker	32
Victoria Shortland	Teacher of the Deaf	29
Diana Swain	Early Years Childcare Manager	39
Christine Whitehead	Residential Support Worker	20
Vivienne Williams	Pathways to Registration Manager	32

**Communities**

Trevor Back	Senior Practitioner Social Worker	35
Denise Boardman	Library and Information Assistant	31
Jillian Broomhead	Library and Information Assistant	27
Janet Eyre	Service Development Worker	41
Susan Freestone	Local Studies Librarian	29
Janette Gisher	Library and Information Assistant	24
Sandra Jenkinson	Housing Officer	30
Lesley Morris	Library and Information Assistant	42
Christine Shepherd	PRS Liaison Officer	29
John Smith	Community Development Librarian	34
Tim Sutton	Area Library Manager	34
Rachel Tew	Information Support Assistant	34
Angel Van Rensburg	Library and Information Assistant	36

**Resources**

Susanne Knight	Information Support Assistant	46
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Russell Markham	Assistant Finance Manager	29
Gordon Taylor	Property Office Workplace Management	39
Steve Warburton	BCIS Transition Project Manager	42

(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. DISPOSAL OF SITES FOR AFFORDABLE HOUSING**

8.1 The Executive Director, Place submitted a report in relation to the disposal of affordable housing.

8.2 **RESOLVED:** That Cabinet:-

- (a) notes the ongoing issues regarding securing development finance for affordable housing and supports the principle of assisting Registered Providers where appropriate by offering flexibility around mortgagee exclusion clauses;
- (b) supports the requests from Registered Providers for mortgagee exclusion clauses on the schemes named in Section 6.12 of the report subject in the case of new disposals, to the Registered Provider entering into an agreement for lease with the lease to be granted upon completion of the construction and that the Director of Capital and Major Projects be authorised to negotiate or renegotiate terms for the leases as appropriate and to instruct the Director of Legal and Governance to complete the necessary legal documentation; and
- (c) delegates authority to the Director of Capital and Major Projects, in consultation with the Director of Regeneration and Development Services and the Cabinet Member for Homes and Regeneration, in relation to social housing sites that have previously been disposed of by way of a long lease, to consider and where appropriate agree future requests from Registered Providers to vary the terms of those leases to include mortgagee exclusion clauses and to instruct the Director of Legal and Governance to complete the necessary legal documentation.

### **8.3 Reasons for Decision**

8.3.1 The 2013 Strategic Housing Market Assessment identified an annual requirement for 725 affordable homes in addition to the projected supply. Whilst the Council is embarking on a Stock Increase Programme for Council Housing, the Housing

Revenue Account does not have sufficient resources to meet the projected need for affordable housing. Further investment is required from Registered Providers and the Homes and Communities Agency.

- 8.3.2 As grant funding to Registered Providers reduces, they must look to maximise the potential of their existing asset base to realise additional resources for new affordable housing supply. By accepting a small measure of risk in granting Registered Provider's requests for mortgage exclusion clauses, the Council would increase Registered Provider development capacity by 20% at no financial cost to itself.
- 8.3.3 The Council's emerging Housing Delivery Investment Plan is designed to accelerate total housing delivery across all sectors. Removing restrictions on mortgages as a barrier to delivery would significantly improve delivery within the social sector.

#### 8.4 **Alternatives Considered and Rejected**

- 8.4.1 The refusal of Registered Provider's requests for mortgage exclusion clauses would absolutely protect the ongoing social housing status of any social housing built by Registered Providers on Council land. However, it would not increase the available funding for social housing and may lead to some Registered Providers ceasing to develop in Sheffield.

### 9. **REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING 2014/15 MONTH 3 (AS AT 30/6/14)**

- 9.1 The Executive Director, Resources submitted a report providing the Month 3 monitoring statement on the City Council's Revenue Budget and Capital Programme for June.

#### 9.2 **RESOLVED:** That Cabinet:-

- (a) notes the updated information and management actions provided by this report on the 2014/15 Revenue Budget position;
- (b) in relation to the Capital Programme, approves:-
  - (i) the proposed additions to the Capital Programme listed in Appendix 1 of the report, including the procurement strategies and delegations of authority to the Director of Commercial Services or nominated Officer, as appropriate, to award the necessary contracts following stage approval by Capital Programme Group;
  - (ii) the proposed variations and slippage in Appendix 1; and notes
  - (iii) the latest position on the Capital Programme including the current level of delivery and forecasting performance; and

- (iv) the exercise of delegated authority to vary approved amounts by Directors of Service.

### 9.3 **Reasons for Decision**

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

### 9.4 **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.

## 10. **SHEFFIELD FLOOD AND WATER MANAGEMENT CAPITAL PROGRAMME 2014 TO 2021**

- 10.1 The Executive Director, Place submitted a report in relation to the Flood and Water Management Capital Investment Programme 2015-2021.

### 10.2 **RESOLVED:** That Cabinet:-

- (a) approves the inclusion of Sheffield's Capital Investment proposals in the Government's Flood Risk Management Grant in Aid programme (2015-2021) as outlined in section 4 of the report;
- (b) authorises Council Officers to open discussions with potential partner investors in the proposed Capital Programme of schemes and to clarify lead officer/capacity in the area of funds management;
- (c) authorises Officers to compile the necessary business cases to support the grant applications and seek approval from the appropriate Outcome Programme Boards; and
- (d) delegates authority to the Executive Director, Place in conjunction with the Interim Director of Legal Services, the Interim Director of Finance and the Interim Director of Commercial Services (or their nominated representatives), subject to revenue funding being made available, as outlined in section 6.7 of the report, to accept tenders and award contracts for the preparation of detailed business cases necessary to support submissions to the Environment Agency to secure Government flood grant in aid costs.

### 10.3 **Reasons for Decision**

10.3.1 To secure much needed capital investment in the City's critical flood and damage infrastructure.

10.4 **Alternatives Considered and Rejected**

10.4.1 Do nothing

Discounted. Government has indicated that this is a unique opportunity for LLFAs and the Environment Agency to register schemes within a much more stable medium term programme of FDGIA investment to 2021. The City Council is determined to maximise this opportunity to invest in Sheffield's critical flood and drainage infrastructure, therefore, the 'do nothing' option is discounted.

10.4.2 Split programme responsibility between: (a) the Environment Agency as main river authority to lead and deliver all principal river projects; and (b) Sheffield City Council as LLFA to lead and deliver ordinary watercourse projects

Discounted. The capital schemes forming the programme require partnership investment in order for them to achieve the desired priority score using the Environment Agency's prioritisation methodology. Sheffield City Council is best placed to use its position within the City to mobilise funding partners and to secure alternative sources of funding. This approach has been shown to work by the Lower Don Valley Flood Protection Scheme. In addition, the programme is essential to delivering corporate outcomes, some of which are not direct functions of the Environment Agency and therefore the City Council is able to direct where funding is applied. Clearly, delivery within Government's medium term investment period is in the overall functional interests of the City Council and therefore this option is discounted.

10.4.3 Split the programme and only register some schemes with Government

Discounted. This option would require the Council to decide to put one area above another and thereby increase the risk of flooding in the deselected area. As mentioned earlier this would be a lost opportunity to improve the resilience of significant parts of the City at a time when flood protection is increasing in priority for the Government and funds are being made available. That opportunity may not come again for some time.

10.4.4 Sheffield City Council as LLFA to lead and deliver the full programme supported by the Environment Agency as key programme partner and adviser

Preferred. This is the preferred option to ensure that the City benefits fully from this unique investment opportunity to become more resilient to flooding and the effects of climate change. Sheffield City Council has begun the process of building expertise and resources in this area with the formation of a Flood and Water Management Group that will lead delivery of the programme. Plans are for the Capital Delivery Service to provide full time project and funds management support to the programme with the Environment Agency's regional partnership team providing technical, legal and programme management expertise and advice.

**11. STATUTORY CHANGES AT OUGHTIBRIDGE PRIMARY, THE ROWAN PRIMARY AND BECTON SCHOOL - FEEDBACK FROM CONSULTATION**

11.1 The Executive Director, Children, Young People and Families submitted a report providing feedback on consultation which had taken place on changes to three Sheffield schools – an increase in capacity at Oughtibridge Primary, an increase in capacity at The Rowan Primary (Special) and a change of age range at Becton School (Hospital School) and sought a final decision on the proposals.

11.2 **RESOLVED:** That Cabinet approves:-

- (a) an expansion at Oughtibridge Primary from 45 places per year to 60 places per year, starting in the Reception intake in September 2015 and that a capital approval submission will be brought forward in due course;
- (b) an expansion at The Rowan Primary (Special School) from 68 to 90 places overall, starting in September 2015 on condition that the capital scheme receives planning permission by 1<sup>st</sup> May 2015;
- (c) a change in age range at Becton School (Hospital School) from 11-18 to 5-18 with a change to the proposed start date of 1<sup>st</sup> September 2014 to 1<sup>st</sup> October 2014; and notes
- (d) that the Rowan School expansion capital scheme is the subject of an approval request in the Month 3 Budget Monitoring report.

**11.3 Reasons for Decision**

11.3.1 Consultation has been conducted to listen to concerns and to test the levels of support for the proposals from parents, school staff, governors and the community. Overall the positive response to consultation reflects the wide ranging support for the proposals.

11.3.2 The proposal at the Rowan is the only one to gain a significant negative response, yet the key issues raised are not concerned with the principle of increasing the number of places at the school. The issues around parking traffic that have been raised are important considerations and therefore the recommendation is to proceed with the condition that the scheme receives planning permission. This is where the impact of the development on highways would be properly considered.

11.3.3 In line with the Regulations, once statutory notices have been published and consultation concluded, a decision must be reached by the decision maker (in this case, the Local Authority), otherwise the proposals must be formally withdrawn. It has not been possible to complete the process for Becton in line with the initial proposal to implement from 1<sup>st</sup> September 2014. Under its powers under the Regulations, Cabinet is asked to amend the proposal to change the implementation date to 1<sup>st</sup> October 2014. This has no practical implications as existing arrangements will continue and changes to financial arrangements would

not come in until the new financial year in April 2015.

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

- 11.4.1 The alternative options would be to provide the capacity at alternative schools or not to provide the capacity at all. Analysis shows that this additional capacity is required to meet growing demand. The consultation process allowed for all alternative proposals to be put forward, including providing the capacity at a different school. No alternatives came forward during consultation and the proposals were largely supported.

### 12. **SHEFFIELD CITY CENTRE BUSINESS IMPROVEMENT DISTRICT**

- 12.1 The Executive Director, Place submitted a report seeking approval for development of a Sheffield City Centre Business Improvement District (BID). The BID has been proposed by the private sector in an attempt to add to the economic growth and social well-being of Sheffield City Centre.

12.2 **RESOLVED:** That Cabinet:-

- (a) notes and approves the proposal of the existence of the City Centre BID scheme;
- (b) authorises the Council's Returning Officer to run the ballot subject to the receipt of the materials required by the Business Improvement Districts (England) Regulations 2004 to the delegated officer;
- (c) notes that following a successful ballot the BID Champions Group will seek to set up a BID Company
- (d) should the ballot be successful delegates authority either to the Executive Director, Place (or an officer nominated by him) or the Cabinet Member for Business, Skills and Development to sit as the Sheffield City Council Board Member on the BID Board;
- (e) notes that the Executive Director, Place, in consultation with the Director of Finance and the Interim Director, Legal and Governance and Cabinet Member for Business, Skills and Development be authorised to:-
  - (i) take such steps as (s)he feels appropriate to assist in the delivery of the development and implementation of the City Centre BID project;
  - (ii) formally approve the BID Business Plan and associated documents, negotiate, agree and complete the Financial Operating Agreement and Memorandum of Understanding and the BID Levy Rules between Sheffield City Council and Sheffield City Centre BID Champions Group; and
  - (iii) confirm the Baseline City Centre Management and Major Events

services relevant to the BID for the 5 years of the BID term.

### **12.3 Reasons for Decision**

- 12.3.1 The BID will bring new, private and public sector investment to the City Centre which will complement the existing offer. The BID is an opportunity for businesses based in Sheffield to invest in the future of the City Centre and be responsible for the allocation of these funds.
- 12.3.2 Given the City's long desired aim to improve the City Centre officers feel the BID is a key 'strategic component' which will help this aim come to fruition. A BID would provide a very real opportunity which many other towns and cities across the UK are already grasping. The time is right for Sheffield to adopt this model and give the business community a voice and the power to help change the City Centre for the better.
- 12.3.3 The ambitions for the City Centre fall across a number of the City's stated strategic objectives, those being a 'strong and competitive economy' and a 'vibrant City' together with other opportunities to support other outcomes 'a great place to live' and 'safe and secure communities'. A BID would complement and support these ambitions.
- 12.3.4 A BID can provide a tangible and workable strategic relationship in an open and transparent way with the business community and will help to identify key themes and projects we can work on together, both for them as a business community and for the wider Sheffield population, to come and enjoy the ever improving offer available in the City Centre at this time.
- 12.3.5 A BID will be organised by the business community, creating not only a strong voice but the economic capacity to enact practical change.

### **12.4 Alternatives Considered and Rejected**

- 12.4.1 Do nothing. The billing authority may only veto a BID on the grounds stipulated in the legislation, therefore if a BID proposer approaches the billing authority with a proposal the authority is obliged to engage to some extent with the concept. Sheffield City Council could decide not to engage beyond the narrow level of involvement dictated in the legislation and regulations. Refusing or failing to engage would be a missed opportunity to work together with the business community to build a successful future for the City Centre.
- 12.4.2 Create a voluntary contribution scheme. The City Centre Retailers group have discussed a voluntary contribution scheme; however the variation in management and organisation between companies made such a concept very difficult for some businesses to engage in as permission by central management may be refused. In contrast the majority of major companies and chains are accustomed to participating in BIDs. A BID would have a financially secure five year operational life, would be accountable to all eligible businesses and would be led by the business community which a voluntary scheme may not be.



- 12.4.3 Sheffield City Council to provide additional funds on top of the current service level. Given the current budget position the City Council could not invest a further £800,000 in the City Centre without causing serious budget reductions in other key Council services.

### **13. DOMESTIC ABUSE SERVICES PROCUREMENT**

- 13.1 The Executive Director, Communities submitted a report outlining the procurement plan for community based domestic abuse services in Sheffield, which was necessary as current contracts were coming to an end in March 2015.

#### **13.2 RESOLVED:** That Cabinet:-

- (a) approves the commissioning and procurement plan for domestic abuse services outlined in the report;
- (b) delegates authority to the Director of Commissioning (or their nominated representative) to take the necessary steps to implement the commissioning and procurement plan for domestic abuse services in consultation with the Director of Commercial Services and the Director of Legal and Governance or their nominated representatives; and
- (c) delegates authority to the Director of Commissioning to award the contracts to the successful tenderers.

#### **13.3 Reasons for Decision**

- 13.3.1 This re-procurement exercise is necessary for compliance with Council standing orders. It is also informed by the Domestic Abuse needs assessment and the performance management of existing contracts over the past year. A Domestic and Sexual Violence and Abuse strategy has recently been developed which recognises the impact of domestic abuse on thousands of people in Sheffield every year, and commits the Council to continuing to provide support services to those affected.

- 13.3.2 The inclusion of training services in the scope of the two other contracts will enable economies of scale to be exploited. This will help us to limit the increased investment in domestic abuse services next year to just under £70,000 – far less than the actual pressure on services which amounts to around £200,000.

- 13.3.3 Officers did consider moving to a single contract for community based domestic abuse services but feel that the proposed arrangements will enable officers to ensure adequate focus is on both early intervention and prevention, and meeting the immediate safety needs of people who are in a very high risk, potentially life-threatening situation.

#### **13.4 Alternatives Considered and Rejected**

- 13.4.1 The possibility of merging all three contracts was considered. This was rejected in

order to ensure that both High Risk and Medium/Standard Risk client groups are seen as important and given adequate focus by the successful providers. This way officers feel certain that providers should be clear about the outcomes wanted for both groups of service users.

- 13.4.2 The option of not procuring domestic abuse services at all was also considered. This was rejected as domestic abuse is recognised as a priority by the Safer and Sustainable Communities Partnership in its Partnership Plan for 2014-17. Domestic Abuse was identified as a priority as 'There had been an increase in the number of domestic abuse incidents reported to the Police over the last few years, and an increase in the number of high risk cases referred to the Multi-Agency Risk Assessment Conference (MARAC) over the last year. This reflects greater clarity from professionals and the public on how to access support for domestic abuse. Referral processes between the Police and domestic abuse services are more robust and the availability of the domestic abuse helpline has increased, meaning that victims feel more able to report. Just under a quarter are repeat victims and a quarter have mental health problems. Information about the support services available must be widely distributed and those suffering must continue to be supported to be able to safely report it. There are things that all organisations can do to further this, including increasing the wider knowledge of domestic abuse including an understanding of risk issues, how to report it and how to access support.
- 13.4.3 A Domestic and Sexual Violence and Abuse Strategy has also recently been developed for the City which outlines the impact of domestic abuse on people and services in the City. Not procuring domestic abuse services in the City would be counter to the commitment contained in the strategy to 'continue to ensure the **provision of good quality services** that are responsive to local need, and get it right first time. We will do this by:-

***Commissioning efficient and responsive services whose staff can demonstrate understanding of the needs of users, and effectively performance managed.***

#### **14. TERMINATION OF THE SCOWERDONS, WEAKLAND, AND NEWSTEAD (SWAN) DEVELOPMENT AGREEMENT**

- 14.1 The Executive Director, Place submitted a report in relation to the termination of the Scowerdons, Weakland and Newstead (SWaN) Development Agreement.
- 14.2 **RESOLVED:** That Cabinet approves the termination of the Scowerdons, Weakland and Newstead (SWaN) Development Agreement:.
- 14.3 **Reasons for Decision**
- 14.3.1 The Development Agreement between SCC and Home Group to deliver new, mixed tenure housing on the estates is no longer fit for purpose, and any future development under the Agreement would not be financially beneficial for either party. A mutual decision to terminate the Development Agreement at No Fault

would allow the Council to find alternative options for the redevelopment of the remaining land.

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

- 14.4.1 **Continue with the Development Agreement and continue to hand land over in phases to Home Group for development:** Future phases will not meet the Development Agreement's key financial indicators and so will not be financially viable. Phases will not be handed over for development if they are not financially viable, so this option was rejected.
- 14.4.2 **Terminate the Development Agreement at Home Group's Fault:** A failure to meet the key financial indicators (KFIs) for an individual phase is not specifically mentioned as a material breach of the warranties and obligations of Home Group under the terms of the Development Agreement. The Development Agreement sets out a procedure for addressing failure to meet the KFIs, which includes deferring phases and re-running the financial appraisal. If the KFIs are still not met, and the parties cannot agree steps to preserve the KFIs, then the Development Agreement terminates as a No Fault Termination. This option was therefore rejected.
- 14.4.3 **Allow the Development Agreement to 'time out':** the Development Agreement will automatically terminate at No Fault in March 2018 (the Longstop Date). This option would mean that the Council could do nothing with the land until the Longstop Date is reached, so this option was rejected.

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