

Cabinet

Meeting held 15 April 2015

PRESENT: Councillors Julie Dore (Chair), Leigh Bramall (Deputy Chair), Jackie Drayton, Jayne Dunn, Isobel Bowler, Harry Harpham, Mazher Iqbal and Mary Lea

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Ben Curran.

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 of the Cabinet held on 18 March 2015 were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 Public Questions in respect of Public Involvement in Local Housing Meetings

Martin Brighton asked the following questions in respect of public involvement in local housing meetings:-

1) Why did the Council decide not to allow members of the public to attend as observers at the HANAP meetings?

2) When was the removal of the right to attend what were previous Housing Management Board meetings, given prior consultation with and received consent from tenants?

3) Where can the minutes of HANAP meetings be found on the Council's web site?

4) Why did the Council decide not to allow members of the public to ask questions at Housing Area Board meetings?

5) When was the withdrawal of this facility, that existed previously, given prior consultation with and received consent from tenants?

In response, Councillor Harry Harpham, Cabinet Member for Homes and Neighbourhoods, commented that he had answered Mr Brighton's' questions at the Full Council meeting in January 2015 and the questions and answers at that meeting were a matter of public record.

5.2 Public Question in respect of Public Questions

Martin Brighton asked what the Council's policy was with respect to extending the restrictions upon citizens' availability to ask questions to hold the Council to account?

Councillor Julie Dore, Leader of the Council, commented that the Council endeavoured to create many opportunities for the public to ask questions and to hold Councillors to account, such as the Local Area Partnerships, Cabinet in the Community and Full Council.

5.3 Public Question in respect of Cabinet Member Responsibilities

Martin Brighton asked was it not an admission of not being on top of one's brief when in answer to questions, over an extended period, to repeatedly say 'I have no personal knowledge of this issue'?

Councillor Julie Dore responded that if a Cabinet Member had no knowledge of an issue referred to, she would find the response acceptable.

5.4 Public Question in respect of Code of Conduct

Martin Brighton asked the following questions in respect of Code of Conduct matters:-

1) The Council Leader has publically said that she would remove from office any Cabinet Member found to deliberately mislead. In one case, it has been repeatedly shown that one Cabinet Member had deliberately misled. Why was that Cabinet Member not removed from office?

2) Council records also show that the political advisor to the above Cabinet Member also deliberately misled, and Council officers attempted a futile cover up. Why were the officers and political advisor not removed?

3) It has also been shown that when the Council inadvertently issued information demonstrating that the performance of the department of the above Elected Member had not just failed, but was in truth an absolute disaster, there was a concerted effort to bully and gag this citizen. Why does the Council support this behaviour?

Councillor Julie Dore commented that the issues referred to by Mr Brighton were currently being investigated by the Information Commissioner and, as such, she was not able to answer and she would let the legal process follow its due course.

5.5 Public Question in respect of Relationship with Contractors

Martin Brighton asked whether this Council, or individual officers claiming to speak on behalf of the Council, have the right to instruct third parties such as contractors who they are allowed to speak to, and if so, why?

Councillor Julie Dore responded that the Council did not tell contractors who to speak to. They may advise contractors where there were issues of confidentiality or health and safety when dealing with the public and this was the same in any walk of public life.

5.6 Public Question in respect of Council Policy

Martin Brighton asked why did this Council consider that coercive control imposed so as to falsely claim 'consent' is acceptable, and also refusing to record massive rejection of a Council Policy, and at the same time engineer a claim of consent from an ineligible 'vote' on another issue?

Mr Brighton added that he had been told of this pattern of Council behaviour by a number of individuals across the City who had informed him that the Council had told them if they didn't follow Council Policy, sanctions would be imposed upon them.

Councillor Julie Dore commented that she had no knowledge of the issues referred to by Mr Brighton.

5.7 Public Question in respect of the Community Infrastructure Levy

Nigel Slack referred to item 10 on the agenda for the meeting which was a report on the new Community Infrastructure Levy (CIL). Mr Slack believed that, in principle, this was a good idea and worth supporting. He was concerned that it was supported and promoted by the current Government and it might be considered suspicious on that basis alone.

Mr Slack commented that he would appreciate some further clarity on the way spending decisions on the 'Neighbourhood Portion' will be made. For those areas with Parish Councils and those with developing neighbourhood plans, the proposals are apparent, but in other areas it is less so. The Council will hold the funds but what will be the mechanism for setting priorities? How will 'neighbourhoods' be designated? And who will make the decision on individual infrastructure projects?

In response, Councillor Leigh Bramall, Cabinet Member for Business, Skills and Development, commented that original proposals for the CIL had been developed by the last Labour Government. The Cabinet report set out the statutory requirement in respect of neighbourhood plans. The Council had jurisdiction on whether the Council could increase the 15% non-statutory element without neighbourhood plans and a policy would be developed in this respect.

5.8 Public Question in respect of Public Questions

Nigel Slack stated that some months ago he had commented on his concerns over the potential abuse of the public questions item on the Full Council meeting agenda through the use of planted or stooge questions. On this first occasion, it was asserted by Council that it was a spontaneous question and not prearranged.

Mr Slack added that, at the last Full Council meeting, a question was asked by the same individual 'member of the public' that was involved in the first occasion, a Labour Party member and previous candidate for election as Councillor. A second occurrence of a question clearly designed to provide the opportunity for a detailed 'Party Political' response, from the same protagonist, made Mr Slack question that assertion. Did Cabinet Members have any comment?

Councillor Dore responded that generally anyone in the Public Gallery in the Council Chamber, whether party member, ex-Councillor or member of the public were classed in the same way – they had a right to ask a question. Councillor Dore accepted that what Mr Slack referred to did take place in every Chamber across the country, even Prime Minister's Questions. Although Councillor Dore did not remember the specific question referred to by Mr Slack, she believed that this happened across all parties. She accepted that and actually welcomed it if it presented Members the opportunity to explain Council policy and that it worked both ways, if the opposition wanted to challenge the Administration and hold Members to account, this was also acceptable.

6. ITEMS CALLED-IN FOR SCRUTINY

6.1 Matthew Borland, Scrutiny Policy Officer, submitted a report of the Safer and Stronger Communities Scrutiny and Policy Development Committee outlining the outcome of the Scrutiny Committee meeting held on 26 March 2015 where a Call-In on Future Options for the Housing Repairs and Maintenance Service was considered.

6.2 **RESOLVED:** That Cabinet notes the following decision of the Safer and Stronger Communities Scrutiny and Policy Development Committee at its meeting held on 26 March 2015 in respect of Future Options for the Housing Repairs and Maintenance Service:-

- (a) notes the contents of the report together with the comments made and responses provided;
- (b) notes the decision of the Cabinet, made on 18 March 2015, in relation to the insourcing of the Housing Repairs and Maintenance Service from 1 April 2017;
- (c) recommends that no action be taken in relation to the call-in decision; and
- (d) requests:-

(i) that a report be submitted to a future meeting of the Committee to include:

- Full costings of holding a ballot of tenants and leaseholders on

- insourcing the Housing Repairs and Maintenance Service, together with,
- Other, fully-costed, consultation options

(ii) tenants representatives be invited to the meeting at which the above report is to be considered.

7. RETIREMENT OF STAFF

7.1 The Interim Executive Director, Resources 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> |
|---|---|-----------------------|
| <u>Children, Young People and Families</u> | | |
| Joan Burkinshaw | Admin Officer, Marcliffe Primary School | 25 |
| Rehana Ramzan | Senior Teaching Assistant Level 3 | 26 |
| Kathryn Robinson | Curriculum Specialist, Woodthorpe Community Primary School | 29 |
| Denise Rogers | Teacher, Marcliffe Primary School | 39 |

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

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

8. BEST START SHEFFIELD

(NOTE. Prior to the commencement of this item the Chair, Councillor Julie Dore left the meeting and the Deputy Chair, Councillor Leigh Bramall, took the Chair for the remainder of the meeting).

8.1 The Executive Director, Children, Young People and Families submitted a report in relation to the Early Years Best Start Strategy.

8.2 **RESOLVED:** That Cabinet:-

- (a) approves the draft strategy; and
- (b) delegates authority to the Director of Children and Families, in consultation with the Cabinet Member for Children, Young People and Families to make minor amendments to the draft strategy.

8.3 Reasons for Decision

- 8.3.1 The experience and outcomes for very young children can be very different. Inequalities in early learning, early achievement, health and wellbeing has led to a gap in the overall attainment of children from disadvantaged homes compared to those more advantaged. The key protective factor to enable infants to reach their potential is the quality of the interactions they receive from their caregivers. We know that parents and carers want the best for their children; this is much harder when families are concentrating on making ends meet financially. In Sheffield we want to make it a priority to support parents/caregivers and make life easier for people from the earliest opportunity.
- 8.3.2 There is a need to respond to the increasing birth rates and the changing demographics across the City to ensure high quality flexible childcare at the time of need. This is one of the critical elements of the refreshed Tackling Poverty Strategy. High quality flexible childcare enables adults to learn and work and provides the best foundations for children to a future free from poverty. This strategy will be integral to the wider public health priority of encouraging good health, early learning and wellbeing from an early start as well as supporting the Tackling Poverty Strategy.
- 8.3.3 It is necessary to build up local community capacity and resilience, develop active and vibrant partnerships to engage families in developing and delivering services to give all children in Sheffield a great start in life.

8.4 Alternatives Considered and Rejected

- 8.4.1 To continue with existing service delivery without a joint coherent strategy. This alternative would be unacceptable as there are inequalities in early learning, achievement and health and a need to narrow the attainment gap for children at the foundation stage.

9. IMPLEMENTING THE COMMUNITY INFRASTRUCTURE LEVY (CIL) IN SHEFFIELD

- 9.1 The Executive Director, Place submitted a report in relation to the Community Infrastructure Levy (CIL)
- 9.2 **RESOLVED:** That Cabinet:-
 - (a) notes the recommendations of the CIL Examiner's Report, received on 25 February 2015, that the CIL charges proposed are appropriate (with three

amendments) and that the Charging Schedule be approved and resolves to recommend to Full Council that the CIL Charging Schedule is approved with an implementation date of 15 July 2015;

- (b) agrees to offer an Instalment Policy and Exceptional Circumstances Relief for CIL, as set out in the documents attached to the report;
- (c) agrees to the production of a Supplementary Planning Document on CIL and Planning Obligations, to be referred to Cabinet for subsequent approval following public consultation;
- (d) agrees that the Interim Regulation 123 List will be adopted as the Council's list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by the CIL (the Regulation 123 List);
- (e) agrees that Cabinet shall take recommendations from the Council's various internal programme and outcome boards to create, and update as required:-
 - (i) the priorities for the Infrastructure Delivery Plan; and
 - (ii) the Regulation 123 List; and
- (f) agrees that projects funded by the CIL shall be approved by Cabinet as part of the Council's capital and revenue financial approval procedures.

9.3 **Reasons for Decision**

9.3.1 The CIL will help deliver the City's strategic priorities for infrastructure provision, will be generated by economic growth and reinvested into economic growth and infrastructure. Specifically it will:-

- Be fairer, faster and more transparent than Section 106;
- Give the Council and local communities freedom to set infrastructure priorities that are justified;
- Be a predictable funding stream making infrastructure delivery more efficient;
- Give developers certainty and quicker planning decisions;
- Be more transparent and flexible than Section 106;
- Reward communities for new development through the neighbourhood portion;
- Be supported and promoted by Government;
- Focus on strategic infrastructure priorities for the City as well as local priorities through the neighbourhood portion;
- Focus on delivering new homes and businesses in the priority locations set out in the local plan;
- Generate significantly more funding than Section 106; and
- Be set at a level that ensures it is affordable.

9.3.2 The Council is committed to charging a CIL and the Government Planning Inspector has confirmed the levels of the charge proposed are appropriate. The Council must now approve the CIL Charging Schedule at a meeting of Full Council.

9.3.3 Implementation of the CIL will also require details of the Instalments Policy and Relief for Exceptional Circumstances to be approved by Cabinet. It will also require clarification on how the CIL will work alongside Section 106 and how the CIL funds will be spent.

9.4 **Alternatives Considered and Rejected**

9.4.1 One option is not to implement a CIL, as it is not compulsory. Some local authorities have decided not to implement a CIL at the present time, where there are no major infrastructure requirements or viability is marginal, but most Councils are working on a CIL because funding for infrastructure is otherwise limited. As of mid-January 2015, 186 out of 326 local authorities have published a Charging Schedule (including 5 out of 8 Core Cities) and around 60 were already charging CIL. The CIL Examiner's report confirms that it is appropriate to implement a CIL in Sheffield.

10. **REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING 2014/15 MONTH 10 (AS AT 31/1/15)**

10.1 The Interim Executive Director, Resources submitted a report providing the month 10 monitoring statement, as of 31st January 2015, on the City Council's Revenue Budget and Capital Programme for 2014/15.

10.2 Councillor Mazher Iqbal reported that £120k from the public health underspend would be allocated to Community Wellbeing providers to tackle physical inactivity along with £170k to the Community Wellbeing Providers to support Mental Health and Wellbeing.

10.3 **RESOLVED:** That Cabinet:-

- (a) notes the updated information and management actions provided by the report on the 2014/15 Revenue Budget position;
- (b) approves the proposed use of £783k for Public Health forecast reduction in spend, as detailed in Appendix 2 of the report;
- (c) approves the proposed £1.4m of general fund activity to be funded via Public Health grant, as detailed in Appendix 2.1 of the report;
- (d) in relation to the Capital Programme:-
 - (i) approves the proposed additions to the Capital Programme, listed in Appendix 4.1 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 the Capital Programme Group;

- (ii) approves the proposed variations and slippage in Appendix 4.1 of the report;
- (iii) delegates authority to the Director of Finance and the Director of Legal and Governance to finalise, and, if satisfactory, accept the conditions of the grant listed in Appendix 4.2 of the report;
- (iv) notes the latest position on the Capital Programme; and
- (v) notes the slippage requests authorised by the Cabinet Member for Finance and Resources under his delegated authority.

10.4 **Reasons for Decision**

- 10.4.1 To formally record changes to the Revenue Budget and 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.

10.5 **Alternatives Considered and Rejected**

- 10.5.1 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.

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