

Cabinet

Meeting held 15 January 2020

PRESENT: Councillors Terry Fox (Deputy Chair), Jackie Drayton, Mazher Iqbal, Bob Johnson, Mark Jones, George Lindars-Hammond, Abtissam Mohamed and Paul Wood

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from the Chair (Councillor Julie Dore) and from Councillor Mary Lea.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 The Deputy Chair (Councillor Terry Fox) reported that appendix 2 to the report at agenda item 13 (see minute numbered 12 below) – ‘Month 8 Capital Approvals’ - was not available to the public and press because it contained exempt information described in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), relating to action taken or to be taken in connection with the prevention, investigation or prosecution of crime. Accordingly, if the content of the appendix was to be discussed, the public and press would be excluded from the meeting.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. PUBLIC QUESTIONS AND PETITIONS

4.1 Public Questions Concerning Non-Receipt of Full Answers to Previously Asked Questions

4.1.1 Nigel Slack commented that he wished to conclude some long outstanding questions still awaiting responses, and he asked when he might receive full answers to the questions posed about:-

(a) Mount Pleasant and the questions posed over the Scrutiny meeting in March 2018?;

(b) Due diligence - When reporting on spending and other proposals, he had asked about greater detail being made available about what 'Due Diligence' meant, and the Chief Executive at that time had suggested this should be possible, but since then nothing had been done or heard of this issue?; and

(c) Equality Impact Assessments – his question asked about these being published as part of reports, rather than having to be requested, and again this was suggested to be a minor issue easily changed, but he had heard nothing

since.

- 4.1.2 Councillor Terry Fox, the Deputy Leader of the Council, stated that he would investigate the issues raised by Mr. Slack, and arrange for him to be supplied with a written response within one week.

4.2 Public Questions Concerning Hanover Tower

- 4.2.1 Nigel Slack stated that, at the last Council meeting, the Cabinet Member for Neighbourhoods and Community Safety responded to a question about the further delay on the Hanover Tower Cladding Report with a comment that 'legal' required the Council's contractor at the time to have a further period to respond to the report. Mr. Slack asked, why? Is it the Council's policy that contractors are more important than the residents of the city? Why should Lovell's be given more time to respond when the report has already taken 2 ½ years - did they not have an opportunity to put their side of the case?
- 4.2.2 Mr. Slack added that his own experience of the legal department within Council suggests that they are more concerned with protecting the Council's reputation than conducting effective & timely investigations or providing for complete transparency, an example being 10 months to investigate a standards complaint that involved 3 interviews and taking those interviews as gospel truth with no corroborating evidence. He asked is it the Council's legal team that determine decisions, or are they there to interpret the law for Councillors who then make the decisions? He commented that there is in this situation, as in others, a perception of the tail wagging the dog.
- 4.2.3 Mr. Slack further asked will the Council publish the report and let the contractor have their say in a public arena? If not, will the report be published in its original form with the additional comments from Lovell's or will it be amended before publication to save face for the contractor?
- 4.2.4 In response to Mr. Slack's comments regarding the conduct of the Council's legal team, Councillor Terry Fox, the Deputy Leader of the Council, stated that if a member of the public had a criticism to make about the conduct of a Council officer, then he/she should bring this to the attention of the (Interim) Chief Executive for investigation, in preference to expressing it in a public meeting.
- 4.2.5 Councillor Paul Wood, the Cabinet Member for Neighbourhoods and Community Safety, commented that he receives advice from the Council's legal team and would need to have a very good reason to overrule the advice or be confident that a decision contrary to that advice would not later have to be reversed. In relation to the Hanover Tower Cladding Report, he stated that he had been advised that anyone named in the report has to be given the opportunity to respond to its contents. He added that Lovell's had originally been given 7 days to respond to the report, and that had been extended to the end of January, following representations having been made to the Council by Lovell's. He stated that if this matter has not been dealt with by 31st January, it is his intention, as he stated at the last Council meeting, to publish the report thereafter, unless legally

prevented from doing so.

- 4.2.6 Councillor Wood commented that he didn't agree that contractors have priority over residents, and believed that contractors were never more important than the residents. He commented that there were many issues within his Cabinet Portfolio where he was taking contractors to task to ensure that work was undertaken correctly for the benefit of residents. In his opinion, no Council officer, contractor, or fellow Member, was put above the importance of the job that Members do for people within the city.
- 4.2.7 He stated that his experience of the Council's legal team was that he had yet to receive any proof that advice given to him was incorrect, and therefore he had confidence in the service provided by the team. He was not aware of the standards complaint referenced by Mr. Slack. He added that the legal team interpret the law and advise on what the Council is legally able to do or not able to do, and that the team do protect the Council from claims and financial penalties which could result from the Council not dealing with matters correctly.
- 4.2.8 Councillor Wood agreed that 2 ½ years for the production of the report was far too long. He confirmed that the Council will publish the Hanover Tower Cladding Report in full, and the report would, in the first instance, be provided to the residents of Hanover Tower and a meeting would be arranged with the residents. The report would then be released to the wider public and media, and he added that he had indicated to the media that he was prepared to hold a meeting at which the report would be circulated and to which the public could attend. However, he would not be able to ensure the attendance of any third party named in the report, although their attendance would be welcomed if they should choose to do so.
- 4.2.9 Councillor Wood referred to issues which had been raised by Mr. Slack, at the last Council meeting, regarding the repairs service, and he stated that he had already recognised that there were issues within the repairs service and had identified that this was an area which needed to be reviewed. He added that levels of satisfaction with the service were around the 90% mark, but that there was nevertheless scope for improvement. He commented that this was a large service and improvements can often take time to achieve, but he recognised the importance of the service, particularly for disabled people in the city. He stated that he had recently met with the Executive Director, Place, to discuss how to progress this review, and he added that there would soon be an announcement on how the Council was to plan the restructure of the service.

4.3 Public Questions Concerning Webcasting of Council Meetings

- 4.3.1 Nigel Slack commented that the Council's webcasting system appears to be having a very high proportion of teething issues, with the failure to be able to broadcast live, issues over the sound system and very poor signposting on the website to enable people to engage effectively. He added that even maintenance scheduling seems to be interfering in the smooth operation of delivering transparent meetings. He asked when might the public expect these technical

issues to pass and a regular webcasting schedule to be operational?

4.3.2 Councillor Terry Fox, the Deputy Leader of the Council, stated that the Director of Legal and Governance had appraised him of the issues recently encountered with the system, and of the work being undertaken to improve its operation and resilience. He agreed that webcasting was an important aspect of delivering open and transparent decision-making, and added that the webcasting system was working ok for this meeting.

4.4 Public Questions Concerning Sheffield City Council-Sheffield Tree Action Group Joint Inspection Report

4.4.1 Russell Johnson stated that the Deputy Leader will have noted the long-awaited report on the Joint Investigations, published before Christmas. He added that this unequivocally showed that the reasons given for condemning the assessed trees were spurious, and that this would have been known to the Council and the contractor. Mr. Johnson asked, in view of this, will the Deputy Leader now apologise for the lies to the public and the High Court about the so-called 'last resort' fellings, and for the destruction of over 5,000 mostly healthy street trees before the Council's, probably illegal, activities were stopped by public protest?

4.4.2 Councillor Terry Fox, the Deputy Leader of the Council, stated that he would arrange for a written response to be supplied to Mr. Johnson.

4.5 Public Questions Concerning the 'Big City Conversation'

4.5.1 Russell Johnson commented that he was fortunate to be present at the full Council meeting the previous week to hear the officer's report on the interim feedback on the 'Big City Conversation' exercise. He asked does the Deputy Leader and Cabinet share his disappointment that a paltry 2,200 people have engaged with this exercise so far (compared with over 26,000 for the 'It's Our City' petition conversations) and that, of these, 72-73% feel 'not well informed' about how decisions are made, how services are performing and about local services overall?

4.5.2 Mr. Johnson further asked does this not support the widespread view that governance under the current leadership is lacklustre, or possibly disastrous, and will the Deputy Leader agree with him that this fact has caused many to celebrate the announcement that the Council will have a new Leader very soon, possibly even before the elections and that this enables us to look forward to vibrant, open and honest governance under a modern committee system?

4.5.3 In response, Councillor Terry Fox, the Deputy Leader of the Council, stated that as regards the feedback on the 'Big City Conversation' exercise, the initiative was ongoing and in its infancy and that, although 4 months' into the exercise, with many events held and still planned to be held, the announcement of the General Election had impacted on the delivery of the exercise, as the requirements of the Pre-Election Rules on Publicity had prevented many Councillors from conducting

their events and obtaining feedback from their local communities. He added that he welcomed any feedback that is received by the Council, good or bad, as this enlightens the Council as to the way forward.

- 4.5.4 As regards Mr. Johnson's comments about the Leader and leadership of the Council, Councillor Fox stated that the Leader of the Council remained as the Leader and that, after a decade of leading this Council and this city during an unprecedented period of austerity and getting the Council to where it is now, he was proud that she had led the Labour Group, and he was proud to have served behind her, and that it was up to her, and her alone, to determine when she deems it is right for her to step down. He wished to applaud Councillor Dore and added that he had been appalled by the vile comments that had been placed on social media platforms since Councillor Dore had announced that she would not be seeking re-election in May.
- 4.5.5 Councillor Mazher Iqbal, Cabinet Member for Business and Investment, stated that a 'Big City Conversation' event had recently been held at the Fox Valley centre, and that he would be attending a 'Big City Conversation' event on Saturday at the Handsworth Asda supermarket, which would give residents of his Ward an opportunity to be heard, and he encouraged members of the public to attend the event, or to participate in the Conversation online or via local libraries.

4.6 Public Questions Concerning South Yorkshire Police Operation Quito

- 4.6.1 Russell Johnson stated that the leadership of the Council will no doubt have seen the press coverage of a Freedom of Information (FOI) obtained email showing that a senior Sheffield City Council officer asked a senior South Yorkshire Police officer for the names of members of the public attending a Police briefing on how the Force intended to apply the law whilst policing protests in the city. Mr. Johnson asked will the Deputy Leader, on behalf of the Cabinet, distance himself from this and assure him that this officer was not politically authorised to make that highly dubious approach to the Police, and that, if no authorisation was given, appropriate action will be taken to discipline the officer? Mr. Johnson further asked that, if the Leader of the Council did instruct the officer to do this, would the Deputy Leader please explain and justify this apparent conspiracy?
- 4.6.2 Councillor Terry Fox, the Deputy Leader of the Council, stated that he would arrange for a written response to be supplied to Mr. Johnson.
- 4.6.3 The Interim Chief Executive stated that officer conduct was her area of responsibility. She stated that Mr. Johnson had made a serious allegation, in public, relating to the conduct of a Council officer, and she requested Mr. Johnson to supply her with information and evidence to support his allegation, so that she could conduct a full investigation and then respond to him.

4.7 Public Questions Concerning an Independent Inquiry

- 4.7.1 Russell Johnson asked, following the FOI revelations late last year around the

Council's behaviours connected with the PFI debacle, and the Joint Inspection Report, alongside the obvious failure of Amey to meet contractual quality obligations, would the Deputy Leader consider instigating, as a parting act of generosity to the city from the Leader, an independent inquiry into all aspects of the contract? Mr. Johnson added that, at the very least, such a gesture might perhaps do something to repair the regime's, and, by association, the city's, reputation nationally and internationally.

4.7.2 Councillor Terry Fox, the Deputy Leader of the Council, stated that he would arrange for a written response to be supplied to Mr. Johnson.

5. MINUTES OF PREVIOUS MEETING

5.1 The minutes of the meeting of Cabinet held on 18th December 2019, were approved as a correct record.

6. ITEMS CALLED-IN FOR SCRUTINY

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

7. RETIREMENT OF STAFF

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

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

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

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
<u>Place</u>		
Lesley Buttery	Neighbourhood Officer	27
Michael Hanson	Principal Engineer	49
Patricia Western	Enhanced Housing Options Officer	32
<u>Resources</u>		
Joanne McLaren	Project Officer	30
Anne Proctor	Assistant Finance Officer	24

(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. SHEFFIELD CITY COUNCIL TO BE A BREASTFEEDING FRIENDLY LOCAL AUTHORITY AND TO WORK WITH PARTNERS ACROSS ALL SECTORS TO MAKE SHEFFIELD A BREASTFEEDING FRIENDLY CITY

8.1 The Executive Director, People Services, submitted a report seeking approval for Sheffield City Council to become a Breastfeeding Friendly Local Authority, and to work with partners to make Sheffield a Breastfeeding Friendly City. The aim was to improve breastfeeding facilities in the city and remove some of the barriers to sustained breastfeeding in work and throughout the city.

8.2 **RESOLVED:** That Cabinet agrees the City Council should promote and advertise its support of breastfeeding, and officially state that Sheffield City Council is a Breastfeeding Friendly Local Authority and will work with partners across all sectors to make Sheffield become a Breastfeeding Friendly City.

8.3 Reasons for Decision

8.3.1 There are 260 Breastfeeding Friendly venues in Sheffield, all of which are prepared to advertise their support of breastfeeding. Many of these venues are large organisations, including Sheffield Hallam University, Sheffield Children's Hospital, Starbucks, Costa Coffee, John Lewis, Kelham Island, The Millennium Gallery and, most recently, Supertram.

8.3.2 However, in the City Centre there are department stores with unsatisfactory facilities for breastfeeding and there is a long-standing issue with breastfeeding support in Meadowhall Shopping Centre and on public transport.

8.3.3 It is essential that Sheffield City Council and their partners set the standard in this area of Public Health and encourage other large and small organisations to follow their lead. It is recommended that the Council promote and advertise its support of breastfeeding and officially state that Sheffield City Council is a Breastfeeding Friendly Local Authority and will work with partners from all sectors to become a Breastfeeding Friendly City.

8.3.4 The main outcomes of these recommendations would be:

- To validate and strengthen the work already carried out by Breastfeeding in Sheffield;
- Increased opportunities to promote the benefits of breastfeeding;
- To normalise the image of breastfeeding and make a cultural change;
- To show breastfeeding mums that they are supported in the city;
- More women encouraged to initiate breastfeeding, leading to more babies

- and children receiving the relevant benefits;
- More women able to sustain breastfeeding for longer;
- More businesses and organisations to follow the lead of Sheffield City Council by welcoming and supporting breastfeeding mums.

8.4 **Alternatives Considered and Rejected**

The reputational risk to Sheffield City Council of doing nothing was considered to be high, as this move will impact positively on the health of children, young people and their families. Other large organisations, including Sheffield Hallam University and the Clinical Commissioning Group, are all breastfeeding friendly.

9. **HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN AND HRA BUDGET 2020/21**

9.1 The Executive Director, Place submitted a report providing the 2020/21 update of the Housing Revenue Account (HRA) Business Plan. It includes proposals to:

- Build more council homes and accelerate the current council housing stock increase programme.
- Continue to prioritise investment in fire safety measures.
- Broaden our tenant engagement and consultation channels/streams.
- Plan a programme of environment works to improve future sustainability of our neighbourhoods.
- Transform the way our customers are able to access the Housing and Neighbourhoods Service.
- Develop a pre-tenancy support package/offer to new council tenants to help ensure they are able to sustain their tenancy.
- Continue to review the costs and performance of services provided to the HRA to ensure value for money is achieved and the service continues to improve.
- Bring forward proposals for a charged gardening scheme for tenants who would like assistance with their garden and enhance our vacant gardens.
- Review housing offices and community buildings to ensure these are being fully utilised by tenants and residents.
- Continue to deliver improvements to our tenants' homes to make sure they continue to be well maintained.

9.2 **RESOLVED:** That Cabinet recommends to the meeting of the City Council on 5th February 2020 that:-

- (a) the HRA Business Plan report for 2020/21, as set out in the appendix to the report, is approved;
- (b) the HRA Revenue Budget 2020/21, as set out in the appendix to the report, is approved;
- (c) rents for Council dwellings, including temporary accommodation, are increased by 2.7% from April 2020 in line with the Regulator of Social Housing's Rent Standard;
- (d) garage rents for garage plots and garage sites are increased by 2.7% from April 2020 for those garages tenants that have seen improvements; garage rents for garage plots and sites will not be increased for garages that have not yet received improvements; this increase will be applied to individual units once garage improvement work has been completed;
- (e) the burglar alarm charge is £1.25 per week from April 2020; this is a reduction of £0.36 per week;
- (f) the community heating charge remains unchanged for 2020/21;
- (g) the sheltered housing service charge remains unchanged for 2020/21; and
- (h) the furnished accommodation charge remains unchanged for 2020/21.

9.3 **Reasons for Decision**

- 9.3.1 To optimise the number of good quality affordable council homes in the city.
- 9.3.2 To maximise the financial resources to deliver key outcomes for tenants and the city in the context of a self-financing funding regime.
- 9.3.3 To ensure that tenants' homes continue to be well maintained and to optimise investment in estates.
- 9.3.4 To assure the long term sustainability of council housing in Sheffield.

9.4 **Alternatives Considered and Rejected**

Sheffield City Council has a statutory duty to produce an annual balanced HRA budget, which is evidenced by the Business Plan update, therefore no alternative option was considered to producing this report.

10. PRIVATE SECTOR HOUSING ASSISTANCE POLICY 2020

- 10.1 The Executive Director, Place, submitted a report seeking approval for the Private Sector Housing Assistance Policy detailed in the report and set out in appendix A.

The Policy sets out the types of assistance available to private occupants to improve their living conditions and enable independent living, and replaces the previous Assistance Policy approved by Cabinet on 14th November 2007.

10.2 RESOLVED: That:-

- (a) the Private Sector Housing Services Policy, approved by Cabinet on 14th November 2007, subject to recommendations (b), (c) and (d), be revoked, with effect from 1st February 2020;
- (b) the Private Sector Housing Assistance Policy, detailed in the report and set out in appendix A to the report, be approved and come into operation from 1st February 2020;
- (c) the Assistance Policy, approved by Cabinet on 14th November 2007, which forms part of the Private Sector Housing Services Policy, as amended from time to time, be revoked, with effect from 1st February 2020;
- (d) the Intervention and Enforcement Policy, approved by Cabinet on 14th November 2007, which forms part of the Private Sector Housing Services Policy, as amended from time to time, is not revoked and remains in operation;
- (e) the Director of Housing Services, in consultation with the Cabinet Member for Neighbourhoods and Community Safety, be authorised to revise the Intervention and Enforcement Policy; and
- (f) the Director of Housing Services, in consultation with the Cabinet Member for Neighbourhoods and Community Safety, be authorised to revise the Private Sector Housing Assistance Policy.

10.3 Reasons for Decision

- 10.3.1 Revoking the Private Sector Housing Services Policy (PSHSP), to be replaced by the proposed Improving the Private Sector Housing Support and Conditions Strategy 2020-25, shall enable the improvement of standards within private sector homes in Sheffield. The revocation of the Assistance Policy, and the implementation of the proposed Policy outlined in this report, will ensure that the assistance reflects the current policy and funding landscape. It will support the most vulnerable private occupants to make the necessary improvements to their properties so that they can live independently in suitable, safe and energy efficient accommodation. It will also support people to move to more suitable housing and enable foster carers to accommodate more children within the city.

10.3.2 The Policy will be kept under review to ensure that it remains relevant, reflects local need and current legislation. To enable revision to the Policy arising from the review, it is recommended that the Director of Housing Services, in consultation with the Cabinet Member for Neighbourhoods and Community Safety, is authorised to revise the proposed Policy. A similar delegation of authority is recommended in respect of the Intervention and Enforcement Policy to ensure it remains relevant and properly reflects local need.

10.4 **Alternatives Considered and Rejected**

Do nothing - The main alternative is to not develop a new policy and rely on the 2007 Assistance Policy and other Council programmes to improve the condition, and suitability, of private sector housing. However, the current policy does not reflect the situation within Sheffield's private sector housing market or the flexibility allowed within the Disabled Facilities Grant (DFG) funding.

11. **PROCUREMENT OF THE TIPPING AND COLLECTION OF WASTE MATERIALS TO SUPPORT COUNCIL SERVICES**

11.1 The Executive Director, Place, submitted a report seeking approval for procurement and contract award of a Tipping and Collection of Waste Materials Service (including appropriate Treatment, Recycling and Disposal) to support Council Housing, Repairs and Maintenance, and Parks and Countryside Services.

11.2 **RESOLVED:** That Cabinet:-

- (a) approves the re-tendering of the Tipping and Collection of Waste Materials Service, as detailed in the report;
- (b) delegates authority to the Executive Director, Place, in consultation with the Director of Financial & Commercial Services and Director of Legal and Governance, where there is no existing authority, to:-
 - (i) agree the procurement strategy;
 - (ii) agree, and thereafter award, the new contracts to the successful providers; and
 - (iii) take all other necessary steps not covered by existing delegations to achieve the outcomes outlined in the report.

11.3 **Reasons for Decision**

- 11.3.1 The procurement will enable the Council to:-
- Have a compliant mechanism in place to meet the service requirements.
 - Continue to meet its obligations in regard to waste collection and disposal.

11.3.2 Benefits of consolidating requirements across the service areas include:-

- Reduced costs in purchasing and process i.e. procurement process and contract management/administration (ordering and billing efficiencies etc)
- Improved supplier service and support (strategic contract for supplier)
- Improved quality (potential for a seamless service as same/similar approach and systems)
- Improved economies of scale

11.3.3 The advantages of splitting the contracts into specific lots are:-

- Increased competition as more/new suppliers
- Increased innovation due to more suppliers
- Spreads risk, diverse supply chain
- Supports SME's

11.4 **Alternatives Considered and Rejected**

11.4.1 The Council can continue to operate the Tipping and Waste Collection on the same basis with 3 distinct contracts that sit across the services as we do now. This would not provide us with potential for savings to be achieved from a consolidated approach from a supply perspective or efficiencies relating to contract management. There would still be a requirement to re-procure the services to comply with PCR 2015 and the Council's Constitution including Standing Orders

11.4.2 We have explored the potential use of Veolia's Energy Recovery Facility, but this would result in the waste all being incinerated for energy recovery without any material being removed for recycling. Putting the waste through processing sites that divert large volumes to recycling would have a positive impact. Colleagues in Waste Management have confirmed that they will be looking to scope options for how the Council may be able to manage its own waste without the need for these external arrangements in the future.

12. **MONTH 8 CAPITAL APPROVALS***

12.1 The Executive Director, Resources, submitted a report providing details of proposed changes to the Capital Programme 2019/20, as brought forward in Month 8.

12.2 **RESOLVED:** That Cabinet:-

- (a) approves the proposed additions and variations to the Capital Programme listed in Appendices 1 and 2 of the report, including the procurement strategies and delegates authority to the Director of Finance and Commercial Services or nominated Officer, as appropriate, to award the necessary contract; and
- (b) approves the variations to the Housing Capital Programme as part of the

annual programme refresh, as detailed in Appendix 3 of the report.

12.3 Reasons for Decision

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

12.3.2 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.

12.3.3 Obtain the relevant delegations to allow projects to proceed.

12.4 Alternatives Considered and Rejected

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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