

Cabinet

Meeting held 18 November 2020

PRESENT: Councillors Julie Dore (Chair), Jackie Drayton, Terry Fox, Bob Johnson, Mark Jones, Mary Lea, George Lindars-Hammond and Paul Wood

.....

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Abtisam Mohamed and Mazher Iqbal.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved 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 meeting of Cabinet held on 21st October, 2020 were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 Public Questions Concerning the former Interim Chief Executive

5.1.1 Russell Johnson commented, please tell me the total cost of employing the former Interim Chief Executive Charlie Adan.

5.1.2 Councillor Terry Fox commented that the cost to date in respect of the former Interim Chief Executive is £201,989.67, inclusive of all agency fees. There are no other accommodation, travel or other expenses. He confirmed that the Interim Chief Executive took office on the 6th of January 2020 and stepped down at the Full Council meeting on the 7th of October 2020. We are waiting for one further invoice for the work in October.

5.2 Public Questions Concerning the recent Local Government Ombudsman Report

5.2.1 Russell Johnson commented that, following the recent Local Government Ombudsman Report, which was highly critical of the Council's behaviours, and the Forestry Commission critique, what reparation package is the Council intending to offer citizens for the huge and unnecessary loss of public assets (CAVAT estimate of £30m for 3,500 healthy trees destroyed)?

5.2.2 The Leader commented that the council has now produced a new Street Tree Strategy, working in partnership with a number of stakeholders across the city including Sheffield Tree Action Group. The Strategy outlines a joint partnership for how we will manage the city street trees going forward and sets out new ways of working around six outcomes to ensure that the city's network of street trees is well maintained and sustained for the future. Those six outcomes are:

1. Sustainability and carefully managing our street trees in accordance with best practise.
2. Ensuring our street trees are more resilient through the type and age of the trees that we plant and also how we manage the current street tree stock.
3. Increasing the value and benefits that flow from our street trees.
4. Contributing to a more equal distribution of urban forests across the city to promote health and wellbeing.
5. Increasing street tree canopy cover.
6. Involving the wider community in caring for and valuing street trees.

She stated that it was clear that the Council has put in place a very positive way of moving forward and that collectively the Council is working with others to gain expertise and knowledge and welcomes their contributions and dedication towards this particular area, where the whole of Sheffield can benefit.

5.3 Public Questions Concerning Subject Access Requests

5.3.1 Russell Johnson commented, will the Leader categorically deny political or senior officer interference in causing excessive delays in processing some Subject Access Requests?

5.3.2 The Leader commented that she was not aware of the particular Subject Access Requests that were being referred to, or in fact, is not made aware of the many Freedom of Information (FOI) requests and Subject Access Requests (SAR) the Council receives, on various different matters. She requested that details of the specific requests being talked to be referred to her for a categorical response to those. On a general point she confirmed categorically, that she had not interfered in any Subject Access Requests or FOIs. If you wish to raise any specific issues in response to the wider question, which is around any other interference, then let me have details and I will investigate those.

5.4 Public Questions Concerning the time period for Street Tree Archive material

5.4.1 Russell Johnson commented why, according to a recent written answer to me, does the Council apparently intend a time period of 2015 to 2018 for Street Tree Debacle 'Archive' material, despite this limitation being obviously nonsensical and likely to lead people to dismiss the initiative as yet more obfuscatory window dressing to seek to fool the Ombudsman and the public?

5.4.2 Councillor Mark Jones commented that the time period for the archive, 2015 to 2018, was initially put forward in response to the ombudsman report itself, as that is the period that the report covered. These dates are an artefact of that report, as

opposed to any attempt to limit information or limit transparency. He indicated that he had received several representations from members of the public about these dates and discussions as to what should go in the archive. He indicated that it was his intention that the archive should be as comprehensive as it can be and he sees no reason why the dates couldn't go back to 2008 or 2007, to when the whole street renewal programme work was first floated. He stated that he would pick this up with officers and intended to try and get the archive set up speedily and as quickly as we can. Acting in such haste to establish and populate the archive may mean that we may not quite capture everything that we want to at first, however once the archive is established there will no doubt be opportunities for us to look at the archive and see what else needs to be done to make it better and more comprehensive.

He confirmed that the Council are genuinely trying to learn from this experience. We are trying to move forward and we need to go right back to the very beginning of this contract to try and understand exactly what we were hoping to achieve as an Authority, both under this administration and the previous administration.

The Leader commented that she had received written questions at the last Council meeting, similar to this question but around the cut-off date, beyond 2018, not just the start date. She indicated that she supported extending the date and that personally, she has nothing to hide on this issue. All decisions taken on this issue were based on the advice given by officers of the council. She confirmed she has no issues with the archives predating 2015 as well as looking at a different cut-off date, beyond 2018.

5.5 Public Questions Concerning involvement of Elected Members and other Parties in the City's aim to 'build back better' post-Covid?

5.5.1 Russell Johnson commented on what specific arrangements are in place, or planned, to use the undoubted skills and knowledge of Elected Members in other Parties in the City's aim to 'build back better' post-Covid?

5.5.2 The Leader commented that she was in absolute agreement that there are people beyond Cabinet, beyond the Labour Group and beyond the councillors in the Council, in our great city that have a lot of knowledge and expertise that we want to capture and use collectively and collaboratively in the interests of Sheffield.

With regards to Covid there are a number of examples of work that is being undertaken with a range of stakeholders across the city: The Local Resilience Forum includes all public sector providers, including expertise in the health service, police service and other local authorities; the Business Response Group has come together with many external stakeholders, to look at the business recovery plan; and elected members of all parties have been involved in the Covid agenda throughout, since March, through council mechanisms, with contributions at Council meetings and scrutiny, who have been looking at a range of issues, not just necessarily virus related issues, but other issues like rough sleepers, homelessness, business support etc. All councillors, cross party are involved in these discussions. At a local level, we did immediately in March set up the local community response teams, in order to bring together local representatives,

including the voluntary sector and in many cases the public sector, to address the issues arising from Covid, and the impact it was having on their particular wards. Those local community response teams have been critical for enabling the support out in the local communities and all councillors are involved in those.

She stated that if there are other areas where we would benefit from the expertise and knowledge of other stakeholders and individuals or groups of people, then their involvement is very welcome. We are in a very difficult period and any sort of contributions to helping individual households, groups, businesses, communities etc is appreciated and welcome. We have seen the way that the city has come together, and I hope that this continues going forward in the weeks and months ahead.

5.6 Public Questions Concerning Confidence in Local Democracy

- 5.6.1 Hannah Melia commented, what is your plan to restore confidence in local democracy in Sheffield after your tree fiasco? How can Sheffielders feel confident that the Council is working in our interests? We still don't understand why the Council was so intransigent and ignored peaceful and reasoned argument. Was it a power thing? Was it stupidity? Was it corruption?

We need to learn from this so a similar situation doesn't arise and so that confidence can be restored in a vital public body. Million's of pounds of public money was wasted, but no-one was fired. A forced apology is not enough. What is the plan? Will people be let go? Will there be an inquiry? How will public trust be restored?

- 5.6.2 The Leader commented that Members of the council stand for election each year with the aim of improving people's lives. Members may all have different views about how to do that and may all identify problems and solutions in different ways, but there is no doubt that all Members stand for election in order to improve people's lives. It is acknowledged that you can't get everything right, so on this particular matter of the highways contract, the way that it was implemented and in particular the way that the street trees were managed, the Council has given a formal apology, in particular to the most recent ombudsman report. She confirmed that she, the current and past Cabinet Member have given full apologies in respect of the findings of the report and that the Council have accepted all the findings of the report.

She also referred to the Forestry Commission report, which looked at the management of the highways contract in its entirety. Arising from this the council published "Review of Tree Investigations: Lessons Learned and Actions", which confirms the lessons learned by the Council and the extensive work that has been undertaken over the past couple of years, in particular to develop a new partnership approach, which has been used to develop the new Street Tree Strategy, referred to in the earlier discussion. Such Strategy sets out 10 specific lessons learned and 14 actions that are being taken to improve practice in the future. This document clearly states and demonstrates how the Council has learned, responded and how we can improve going forward.

There will also be a detailed response to the recommendations of the ombudsman report, where any further lessons learned from that report will be identified along with how we will respond to it and how things need to change.

With regards to democracy in general, Members stand for election every year based on a manifesto and are judged on their record. In addition, she confirmed that the council also has cross party scrutiny that allows for the scrutiny and call-in of decisions made by the Leader, individual Cabinet Members and Cabinet.

5.7 Public Questions Concerning Schools and Covid-19

- 5.7.1 Nigel Slack commented that, unfortunately the Covid 19 crisis continues to be the crisis of how the spread and danger of infection can be mitigated, awaiting a proven vaccine. Recent developments in 10 Downing Street may help but I doubt it. Their record so far has been literally deadly.

For myself, a number of people, friends, neighbours and health professionals have commented to me on a phenomenon in schools that they struggle to understand. It would appear that when a case is identified in a classroom, the protocol being implemented is that the students adjacent to the affected pupil, to their left & right are expected to isolate. Students in other parts of the classroom, in front of the pupil and behind the pupil, are not. Nor are students who mingle with the pupil in or out of the classroom affected. Is this the correct interpretation of the rules? Who decided the rules? Is their medical evidence that this is a sufficient response for the school body and the wider population? Is the Headteacher allowed any leeway on the rules?

With Ofsted not willing to enter schools during lockdown, how are rules being monitored? What is the proportion of pupils currently infected or self isolating due to potential exposure?

- 5.7.2 Councillor Jackie Drayton commented that she would reply verbally but because some of the answers are quite long, she would send more details in written form.

With regard to interpretation of the rules, she stated that all schools follow a national Public Health England standard operating procedure for managing positive cases of Covid-19 and that this framework provides guidance to schools on how to undertake contact tracing. She outlined details of this standard operating procedure which had been written by public health consultants in communicable diseases and are based on scientific evidence practise models, to ensure reduced virus transmission and robust risk assessment. The methodology used for contact tracing is scientifically renowned and a recognised model across the range of communicable diseases, which is adapted to ensure it fits the epidemiology of the virus and to reduce the risk of transmission.

She confirmed that the position can be different in different schools as each school has to consider their own situation, for example primary schools can be sometimes different to secondary schools. With regard to the sufficiency of the response she stated that the city's schools have been implementing effective contact tracing since the start of the new academic year and to date have

managed to remain open. Senior leadership teams are effectively implementing robust contact tracing, evident in the slowing of the transmission of the virus.

Regarding leeway on the rules, Headteachers and their senior management follow a precautionary approach, following the advice and guidance provided both by the local authority public health team and Public Health England and guidance from the Department for Health helpline. They undertake a thorough risk assessment, bespoke to the setting and take into account a range of issues, including the number of cases, the potential impact and further transmission of the virus.

In respect of Ofsted not entering schools during lockdown and the monitoring of rules, she confirmed that the local public health team and Public Health England were working directly with schools to review cases and monitor the support for contact tracing. Where concern is flagged about a school's approach this is followed up wherever possible. Decisions are taken on a risk assessed basis.

She stated that we do not routinely collect information on the proportion of pupils currently infected or self isolating, as it changes on a daily basis. We have got some information, which I'll share, which relates to the number of cases during a period of time and the total number of confirmed cases across school settings. She reiterated that there had been no schools closures.

She stated that she would like to take this opportunity to thank our local public health team officers in the council, education officers, Learn Sheffield, all the schools and the school staff in their efforts to keep schools operational during this difficult time.

5.8 Public Questions Concerning Letters Suspending Housing & Council Tax benefits

5.8.1 Nigel Slack commented that, is it normal practice for letters suspending Housing & Council Tax benefits to be sent out on the same day as the letter asking for information about changed circumstances? Do Cabinet realise how distressing this might be to residents already struggling to cope with both poverty, pandemic fears and the lockdown? Are Cabinet aware that the phone advisors have little or no suitable information on which to base their advice?

5.8.2 Councillor Paul Wood commented that yes, it is normal practice for letters suspending Housing & Council Tax benefits to be sent out on the same day as the letter asking for information about changed circumstances. This has been done for many years, as it is very important that the Council knows the change of circumstances, if there's been a suspension in council house support or rent support, so that we can get the situation reassessed and back inline, as quickly as possible. It is important we don't make overpayments which means that we then must go and try and reclaim it in the future. He stated that he had a very detailed explanation in full, which he would share with Mr Slack.

He confirmed that from day one of this pandemic he had a weekly meeting with various officers in various departments, looking at how we mitigate the effect of this on our residents. Over that period we have made information available through the LCRT teams; we do a 20,000 email drop every month to our tenants

where we have email addresses; we get information distributed through the TARAs; we issue press releases to all of the media channels; and we use social media - Facebook and Twitter. We request that anybody with any hardship problems contact us. Our policy is very simple - if you have not had any reduction in your income through Covid-19 we expect you to pay your rent and your council tax. If your family has been affected by furlough, loss of job, reduction in hours, or anything at all that is affected your family income, we will talk to you and make a suitable arrangement. Anyone who is suffering any hardship whatsoever can come to talk to the Council and we will have a very sympathetic approach and come to an arrangement that is affordable. In addition we have increased local assistance grant by a further £760,000; we have put extra money into the hardship fund of the housing revenue account; we have other schemes available through the Citizen's Advice Bureau (CAB); and we've increased the funding to the CAB to increase advisers.

He stated that Council staff are very well informed. The revenue and benefits contact centre have a full briefing on every change that we receive from Central Government, which sometimes are happening on a weekly basis. Out of the thousands of enquiries we've dealt with since the start of the pandemic this is the first time anyone has suggested that they haven't been able to get the advice or support needed. If there are specific examples, he requested details be passed on to him so that this can be followed up. He thanked Mr Slack for the question which had allowed him to once again reiterate the massive support that the council has been able to provide to its residents from March onwards and will continue to do so.

6. ITEMS CALLED-IN FOR SCRUTINY

- 6.1 It was reported that one decision had been called-in for scrutiny since the last meeting of the Cabinet. This was the decision taken by the Cabinet on 21st October regarding Sheffield COVID Business Recovery Plan which would be considered at a meeting of the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee to be held on Tuesday 24 November 2020.

7. COVID-19 UPDATE

- 7.1 Greg Fell, the Director of Public Health, provided a Coronavirus (Covid-19) position statement.

On the epidemiology, he stated that Sheffield still has a high infection rate, which was fluctuating and although this was beginning to fall, we still have 300 cases per 100,000 residents over a seven-day period. He stated that Sheffield has the second lowest seven-day rate in Yorkshire; 15 % of people test positive; and that this is still principally an issue of household transmission. Geographically, the east of Sheffield is becoming more of a concern due to factors such as lower car ownership; people being more likely to be in occupations where there are face to face interactions with other humans; and where there are denser more crowded communities with more houses in multiple occupation. Age specific seven-day

infection rates are decreasing across all age bands and it was expected that these trends would continue in that general pattern.

He stated that hospitals continue to be busy. They are coping and activity is flattening, but this is at a high rate, at a busy time for the NHS as winter approaches, making the room for manoeuvre very small, almost non-existent, so we do need to take care.

We are now 2 weeks into national lockdown, prior to that we were in a tiered system of restrictions and there's no doubt that the tiered system has helped significantly to flatten off the rate of growth. He showed that mobility is falling which is an indicator of social mixing, that social mixing is an indicator of cases and that cases is an indicator of people becoming ill. The purpose of the lockdown is to get our R rate below 1, to get the level of infection back to the level of cases in May, reduce the number of contacts per case and to reset expectations and behaviour. It was important to recognise that people are fed up and we need to guard against this, or rates will rise again. It is not clear what happens after the 4 week lockdown at this stage, although it is likely to be followed by more tiered restrictions. The scenarios for the next six months as presented by SAGE were noted.

The strategy and plan agreed by Cabinet - to keep people safe, protect the vulnerable and reopen Sheffield, remains in place. He outlined details of the operational plan, known as the outbreak control plan which was based on a number of components that make a difference. He referred to a number of talking points and myths about the virus and emphasised that it remains a really dangerous respiratory virus that's very easy to spread. The best way to protect the health service, protect vulnerable loved ones and the economy is to keep community transmission low.

He stated that testing will continue to be very important and that significant work to prepare for the roll out of the vaccine has begun, with some doses available this year. He outlined the priorities for the roll out of the vaccine, which will take 3 months minimum, possibly upto 6 months. It was confirmed that we have localised contact tracing in place and that this is doing exactly what we want it to do. He emphasised that the fundamentals remain the fundamentals - washing your hands, keeping your distance, wearing face covering and limiting the number of people you have contact with.

8. RETIREMENT OF STAFF

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

8.2 RESOLVED: That this Cabinet :-

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

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
<u>Place Portfolio</u>		
Robert Turner	Principal Planning Officer	41

(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 those staff with over 20 years' service.

9. MONTH 6 CAPITAL APPROVALS 2020/21

9.1 The Executive Director, Resources submitted a report providing details of proposed changes to the Capital Programme as brought forward in Month 56 2020/21.

9.2 **RESOLVED:** That Cabinet approves the proposed additions and variations to the Capital Programme listed in Appendix 1 of the report, including the procurement strategies and delegate authority to the Director of Finance and Commercial Services or nominated Officer, as appropriate, to award the necessary contracts.

9.3 Reasons for Decision

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

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

To obtain the relevant delegations to allow projects to proceed.

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. REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING 2020/21 - AS AT 30/09/2020

10.1 The Executive Director, Resources submitted a report providing the outturn monitoring statement on the City Council's Revenue and Capital Budget for 2020/21, as at 30th September 2020.

10.2 **RESOLVED:** That Cabinet:-

(a) notes the updated information and management actions provided by the report on the 2020/21 Revenue Budget Outturn;

(b) in relation to the Capital Programme, notes the forecast Outturn position described in Appendix 2; and

(c) notes the review of the Treasury Management Strategy and prudential indicators as detailed in Appendix 3.

10.3 **Reasons for Decision**

10.3.1 To record formally changes to the Revenue Budget and the Capital Programme.

10.4 **Alternatives Considered and Rejected**

10.4.1 A number of alternative courses of action are considered as part of the process undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what Officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Revenue Budget and the Capital Programme.

11. **BOUNDARY REVIEW AT OUGHTIBRIDGE MILL**

11.1 The Director of Policy, Performance & Communications, submitted a report setting out the issues caused by the local authority boundary alignment between Barnsley MBC and Sheffield City Council at Oughtibridge Mill, and seeking approval for a request to be made to the Local Government Boundary Commission for England to conduct a formal boundary review. The report also seeks approval for the development of interim arrangements for service delivery to the properties in the Oughtibridge Mill development for the period up to completion of that review.

11.2 **RESOLVED:** That Cabinet:-

(a) delegates authority to the Director of Policy, Performance and Communications, in consultation with the Deputy Leader and the Director of Legal and Governance to request the Local Government Boundary Commission for England to conduct a review of the Sheffield and Barnsley boundary where it cuts through the residential development site at the former Oughtibridge Paper Mill; and

(b) delegates authority to the Director of Policy, Performance and

Communications, in consultation with the Director of Legal and Governance and Deputy Leader to conduct negotiations towards an appropriate temporary agreement with Barnsley Metropolitan Borough Council and Bradfield Parish Council about the delivery of local government services to properties on the Barnsley side of the development ahead of this review being completed and enacted, the outcome of negotiations to be the subject of a further report.

11.3 Reasons for Decision

- 11.3.1 A review of the local authority boundary at Oughtibridge Mill is the only approach that will solve questions around effective service delivery and democratic representation for both the local authorities and the parish council. The intended outcome is that the whole development is brought within the Sheffield boundary.

11.4 Alternatives Considered and Rejected

- 11.4.1 There are two alternative options available:

1. Agree that Sheffield City Council (SCC) and Barnsley MBC (BMBC) will continue to deliver services to residents within their respective boundaries, accepting this will present logistical challenges to BMBC and that residents may choose to access services in Sheffield. This option would avoid the need for a boundary review process, and responsibility for service delivery would on the face of it be clear. However, it is clear from the discussion above that it is likely that a combination of citizens “voting with their feet” and individual services addressing specific issues through ad hoc arrangements would ensue, leading to a complex patchwork of arrangements that could be confusing for residents, especially in comparison to arrangements in the rest of the local community. This in turn would then raise questions of representation and accountability through elected members, and also around the connection between taxation and service delivery.

2. Reach a long-term contractual agreement for SCC to deliver some or all services to the development on BMBC’s behalf. As above, this would avoid the need for a boundary review, and would also enable a clearer relationship between residency and service delivery arrangements. However, it would also raise questions about representation, with residents on the BMBC side of the boundary unable to elect councillors to the authority that delivers services to them. It would also be an arrangement that required monitoring and review on a regular basis, imposing additional administration costs on services. Beyond this, council tax rates are set at different levels for SCC and BMBC, meaning that it is not necessarily clear that SCC could be appropriately compensated under this arrangement.

Beyond these points, it is critical to note that neither of these options addresses the issues faced by the Parish Council. These can only be addressed through a boundary review.

12. LICENSING ACT 2003 - DRAFT STATEMENT OF LICENSING POLICY

- 12.1 The Executive Director, Place, submitted a report setting out the details of the

revised Statement of Licensing Policy to be published under the 2003 Act and details the consultation process that has been undertaken.

The report also sought approval to the final draft of the Statement of Licensing Policy and for it to be referred to Full Council.

12.2 **RESOLVED:** That Cabinet approve the Statement of Licensing Policy for referral to Full Council on 2nd December 2020.

12.3 **Reasons for Decision**

12.3.1 To comply with statutory obligations and in doing so promote the core objectives under the Licensing Act, and positively support the wider Council's Vision to promote a successful, safe and flourishing economy in the City of Sheffield.

12.4 **Alternatives Considered and Rejected**

12.4.1 There were no alternative options presented in the report.