

Economic and Environmental Wellbeing Scrutiny and Policy Development Committee Special Meeting

Friday 4 October 2013 at 1.15 pm

**To be held at the Town Hall, Pinstone
Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

Councillors Cate McDonald (Chair), Ian Auckland (Deputy Chair), Trevor Bagshaw, Alison Brelsford, Jayne Dunn, Terry Fox, Ibrar Hussain, Steve Jones, George Lindars-Hammond, Alf Meade, Joe Otten, Tim Rippon and Steve Wilson

Substitute Members

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

PUBLIC ACCESS TO THE MEETING

The Economic and Environmental Wellbeing Committee exercises an overview and scrutiny function in respect of the planning, development and monitoring of service performance and other issues in respect of the area of Council activity relating to planning and economic development, wider environmental issues, culture, leisure, skills and training, and the quality of life in the City.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Members of the public have the right to ask questions or submit petitions to Scrutiny Committee meetings and recording is allowed under the direction of the Chair. Please see the website or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Scrutiny Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last. If you would like to attend the meeting please report to the First Point Reception desk where you will be directed to the meeting room.

If you require any further information about this Scrutiny Committee, please contact Matthew Borland, Policy and Improvement Officer on 0114 27 35065 or [email matthew.borland@sheffield.gov.uk](mailto:email.matthew.borland@sheffield.gov.uk)

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**ECONOMIC AND ENVIRONMENTAL WELLBEING SCRUTINY AND POLICY
DEVELOPMENT COMMITTEE AGENDA
4 OCTOBER 2013**

Order of Business

1. Welcome and Housekeeping Arrangements

2. Apologies for Absence

3. Exclusion of Public and Press

To identify items where resolutions may be moved to exclude the public and press

Appendix 2 to the report of the Executive Director, Place, on the Graves Park Charitable Trust – Cobnar Road Cottage (item 6) is not available to the public and press because it contains exempt information described in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, relating to the financial or business affairs of any particular person.

4. Declarations of Interest

(Pages 1 - 4)

Members to declare any interests they have in the business to be considered at the meeting

5. Public Questions and Petitions

To receive any questions or petitions from members of the public

6. The Graves Park Charitable Trust - Cobnar Road Cottage

(Pages 5 - 22)

To consider the decision made by the Cabinet, acting as Charity Trustees, at its meeting held on 17th July, 2013, in relation to the disposal of Cobnar Cottage on Cobnar Road

(NOTE: This decision had been called-in for scrutiny under the call-in process for Executive decisions. The decision was made by the Cabinet sitting as Trustees of the Graves Park Charitable Trust and does not, therefore, fall within the call-in process for Executive decisions. However, in the spirit of transparency, the Scrutiny and Policy Development Committee is invited to examine the Executive Director's report and the decision made by the Cabinet on the matter, and any comments or recommendations made by the Committee will be reported to the Cabinet.)

7. Date of Next Meeting

The next meeting of the Committee will be held on

Wednesday, 9th October, 2013, at 2.00 pm, in the Town Hall

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in

land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or

- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at -<http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests>

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email lynne.bird@sheffield.gov.uk

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Agenda Item 6

EXTRACT FROM CABINET MINUTES OF 17TH JULY 2013

15 THE GRAVES PARK CHARITABLE TRUST: COBNAR ROAD COTTAGE

- 15.1 The Executive Director, Place submitted a report seeking approval from Cabinet in their capacity as the Graves Park Charity's Trustees to declare Cobnar Cottage on Cobnar Road surplus to the Charity's requirements. It is proposed to dispose of the freehold interest in Cobnar Cottage on the open market to obtain best market price for the Charity. This will result in a capital receipt to be reinvested by the Council, as Trustee of the Charity, in Graves Park in accordance with the objects of the charity. This will allow for the continued use of the premises.
- 15.2 **RESOLVED:** That Cabinet acting as Charity Trustees in accordance with the powers given to the Council as Trustee under the provisions contained in the Trusts of Land and Appointment of Trustees Act 1996 resolve to:-
- (a) declare Cobnar Cottage on Cobnar Road surplus to the Graves Park Charity's requirements;
 - (b) approve the freehold disposal of Cobnar Cottage;
 - (c) authorises the Director of Capital and Major Projects to determine the best marketing strategy for the property in order to achieve the best price reasonably obtainable, having regard to the advice contained in the Surveyor's Report and to take all necessary steps to market the property in accordance with that strategy;
 - (d) authorises the Director of Capital and Major Projects to negotiate the terms of any sale and instruct the Director of Legal and Governance to prepare and complete all the necessary legal documentation in accordance with the agreed terms and Charity Commission requirements to conclude this disposal;
 - (e) authorises the Director of Legal and Governance to contact the Charity Commission and take such steps and enter into such documents as required by the Charity Commission in order to give its consent to the disposal; and
 - (f) authorises the Director of Capital and Major Projects or the Director of Legal and Governance to give public notice in accordance with Section 121 Charities Act 2011, in the local press, to notify people within the beneficial area of the proposal to dispose of the freehold interest in Cobnar Cottage, Cobnar Road.

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SHEFFIELD CITY COUNCIL

Cabinet Report

Report of: Simon Green: Executive Director PLACE

Date: 17th July 2013

Subject: **The Graves Park Charitable Trust:
Cobnar Cottage**

Author of Report: David Cooper (2734350)

Summary:

This report seeks Cabinet approval to declare the Cobnar Cottage on Cobnar Road, Graves Park surplus to requirements and to approve its disposal on the open market subject to restrictions on disposal and the consent of the Charity Commission, as detailed in Legal Implications section. Graves Park is held on charitable trust and therefore approval by Cabinet acting on behalf of the Council in its capacity as trustee of the charity is required. The proceeds of sale will be re-invested by the Council, as Trustee of the Charity, back into the upkeep of Graves Park in accordance with the objects of the charity.

Reasons for Recommendations:

The disposal of this surplus property on the open market will convert a current liability into an asset for the benefit of the Charity and the local community. It will:

- provide an opportunity for an investor to bring the dwelling back into use
- remove a long term maintenance liability in need of refurbishment
- generate a capital receipt for reinvestment back into the Park;
- achieve the best price reasonably obtainable.

Recommendations:

That Cabinet acting as Charity Trustees in accordance with the powers given to the Council as Trustee under the provisions contained in the Trusts of Land and Appointment of Trustees Act 1996:

R1: Declare Cobnar Cottage on Cobnar Road surplus to the Graves Park Charity's requirements.

R2: Approve the freehold disposal of Cobnar Cottage.

- R3: Authorise the Director of Capital & Major Projects to determine the best marketing strategy for the property in order to achieve the best price reasonably obtainable, having regard to the advice contained in the Surveyor's Report at Appendix 2 and to take all necessary steps to market the property in accordance with that strategy.
- R4: Authorise the Director of Capital & Major Projects to negotiate the terms of any sale and instruct the Director of Legal & Governance to prepare and complete all the necessary legal documentation in accordance with the agreed terms and Charity Commission requirements to conclude this disposal.
- R5: Authorise the Director of Legal & Governance to contact the Charity Commission and take such steps and enter into such documents as are required by the Charity Commission in order to give its consent to the disposal.
- R6: Authorise the Director of Capital & Major Projects or the Director of Legal & Governance to give public notice in accordance with Section 121 Charities Act 2011, in the local press, to notify people within the beneficial area of the proposal to dispose of the freehold interest in Cobnar Cottage, Cobnar Road.

Background Papers:

Category of Report: Open / Part Closed – 'Appendix Two is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended)

Statutory and Council Policy Checklist

Financial Implications
YES: Paul Schofield
Legal Implications
YES: David Blackburn
Equality of Opportunity Implications
NO
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
YES: Dave Wood
Area(s) affected
Relevant Cabinet Portfolio Leader
Cllr Isobel Bowler
Relevant Scrutiny Committee if decision called in
Economic and Environmental Wellbeing Scrutiny & Policy Development Committee
Is the item a matter which is reserved for approval by the City Council?
NO (Cabinet acting as Charitable Trustees)
Press release
YES

The Graves Park Charitable Trust: Cobnar Cottage

1.0 SUMMARY

- 1.1 This report seeks approval from Cabinet in their capacity as the Graves Park Charity's Trustees to declare Cobnar Cottage on Cobnar Road, Sheffield, S8 8QE surplus to the Charity's requirements. The dwelling is believed to date back to the 1800's and was first acquired by the Charity in 1925 for live in staff duties associated with the upkeep of Graves Park. More recently it has been let as a sundry Council house. The property has now stood vacant for several years and is in need of investment for a full refurbishment and repair to make the property re-habitable.
- 1.2 It is proposed to dispose of the freehold interest in Cobnar Cottage on the open market to obtain best market price for the Charity. This will result in a capital receipt to be reinvested by the Council, as Trustee of the Charity, in Graves Park in accordance with the objects of the charity. This will allow for the continued use of the premises, which are outlined in the attached plan (Appendix One)

2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE

- 2.1 The proposed disposal will remove a liability and will allow a property which is currently in need of fresh investment to be refurbished and brought back into use.
- 2.2 The freehold disposal will generate a capital receipt. The proceeds will be re-invested by the Council, as Trustee of the Charity, back into the upkeep of Graves Park in accordance with the objects of the charity.
- 2.3 The JG Graves Charitable Trust and the Friends of Graves Park Group have been advised of this proposal.

3.0 OUTCOME AND SUSTAINABILITY

- 3.1 The freehold disposal of the property will bring a redundant property back in to active use and convert what is now an on-going liability for the Charity into an asset. This disposal will generate a capital receipt which will then be reinvested back into Graves Park by the Council as Trustee of the Charity, in accordance with the objects of the charity.

4.0 LEGAL, PROPERTY & CHARITY IMPLICATIONS

- 4.1 Graves Park is a major city park. The freehold interest was conveyed to the Council by a Conveyance dated 2nd December 1925 made between Bernard Alexander Firth & John George Graves and The Mayor Aldermen of the Borough of Sheffield to be held on charitable trust. The current objects of the charity being 'the provision and maintenance of a park and recreation ground for use by the public with the object of improving their conditions of life.'

- 4.2 Cobnar Cottage forms part of the land comprised in this Conveyance and the Council, as trustee of the charity, must therefore comply with the restrictions on disposition contained in the Charities Act 2011. This contains a general obligation to achieve the best price that can reasonably be obtained on any disposal, but also contains a number of specific obligations, as detailed below.
- 4.3 Section 119 of the 2011 Act contains an obligation to obtain and consider a written report on the proposed disposition from a qualified surveyor instructed by the trustees and acting exclusively for the charity. A report dated 22 May 2013, which complies with these requirements, has been obtained and is contained within Appendix Two to this report. This report advises that a sale on the open market will enable the Council, as trustee of the charity, to comply with the obligation to achieve the best price that can reasonably be obtained.
- 4.4 As Cobnar Cottage (along with the remaining land comprised within the 1925 Conveyance) is held by the charity for a specified purpose (known as designated land), there are additional requirements that must be complied with in relation to the disposal:
- (a) pursuant to Section 121 of the 2011 Act to give public notice of the proposed disposal and to take into consideration any representations made; and
 - (b) unless there is a specific power in the governing document of the charity, which is not the case here, the Council, as trustee, has no power to dispose of the property, without obtaining an order or scheme from the Charity Commission to provide it with the necessary power.

5.0 FINANCIAL IMPLICATIONS

- 5.1 The disposal will attract a capital receipt. All money raised from the disposal of charitable land will be retained by the Council as Trustees of the Charity. This capital must be re-invested into Graves Park in accordance with the charitable objects.
- 5.2 Further details of the financial estimates are contained in the Qualified Surveyors Report Appendix Two (closed).

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 The empty property is now surplus to the Council's and Charity's requirements and is incurring on-going maintenance and rating liabilities to the Charity. It is no longer possible to let / habit the property without significant investment and a full refurbishment.

7.0 REASONS FOR RECOMMENDATIONS

- 7.1 The disposal of this surplus property on the open market will convert a

current liability into an asset for the benefit of the Charity and the local community. It will:

- provide an opportunity for an investor to bring the dwelling back into use;
- remove a long term maintenance liability in need of refurbishment;
- generate a capital receipt for reinvestment back into the Park;
- achieve the best price reasonably obtainable.

8.0 REASONS FOR EXEMPTIONS

8.1 This report is presented as a partially closed item because extracts within the Surveyors Report in Appendix Two contain exempt information under paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).

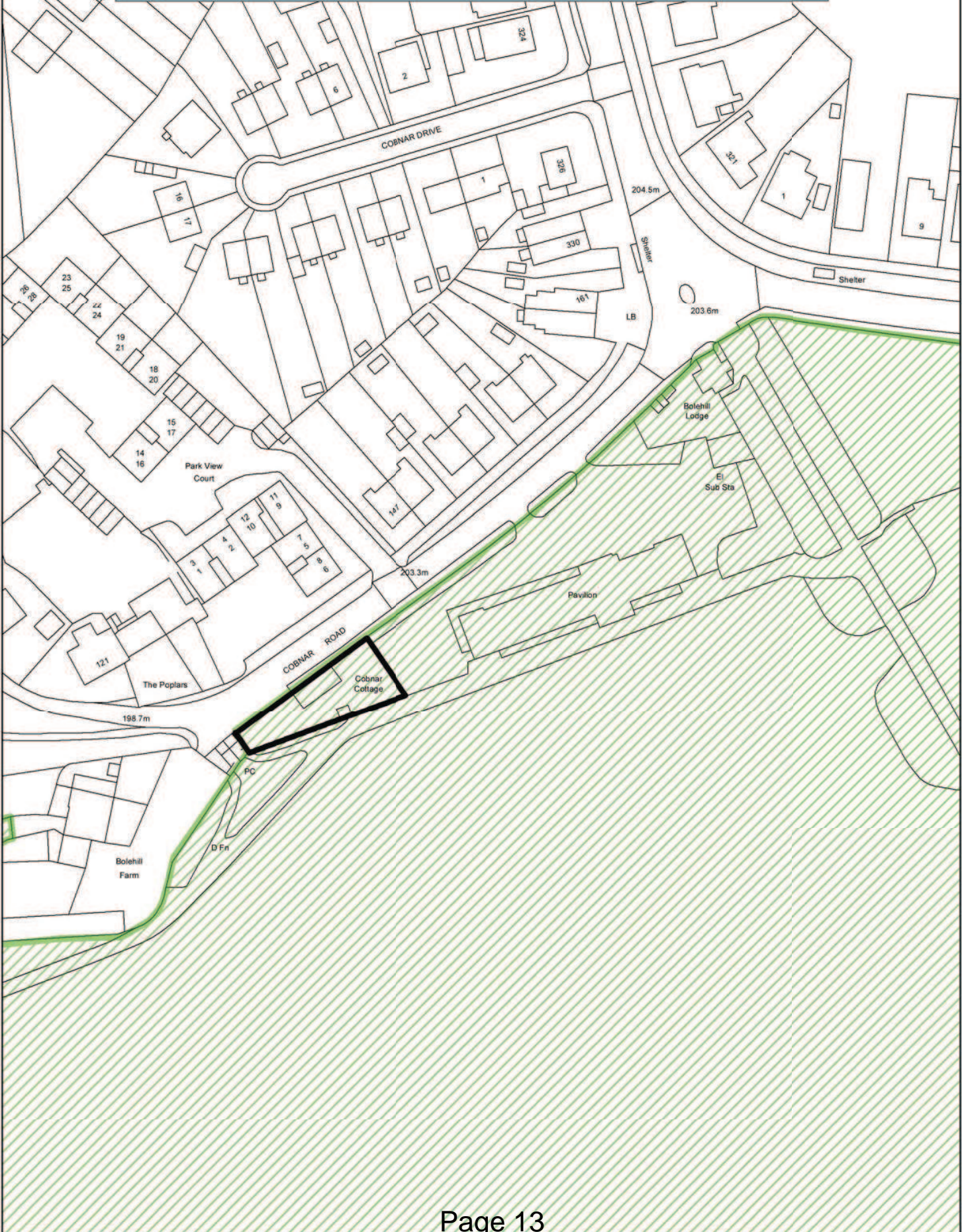
9.0 RECOMMENDATIONS

That Cabinet acting as Charity Trustees in accordance with the powers given to the Council as Trustee under the provisions contained in the Trusts of Land and Appointment of Trustees Act 1996 resolve to:

- R1: Declare Cobnar Cottage on Cobnar Road surplus to the Graves Park Charity's requirements.
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Appendix 1 : Location Plan

Cobnar Cottage, Cobnar Road, Sheffield S8 8QE



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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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