

SHEFFIELD CITY COUNCIL

Cabinet

Meeting held 8 May 2013

PRESENT: Councillors Julie Dore (Chair), Isobel Bowler, Leigh Bramall, Jackie Drayton, Harry Harpham (Deputy Chair), Mazher Iqbal, Mary Lea, Bryan Lodge and Jack Scott

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

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 meeting held on 10 April 2013 were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 Petition Requesting the Removal of Land at Jaunty View

An e-petition, containing 14 signatures, was submitted on behalf of the lead signatory stating the following:-

‘We the undersigned petition the Council to: Remove the piece of land at the top of Jaunty View as its causing obstruction to people getting in their homes including the elderly and disabled.

The land has no use and causes residents problems getting on and off their drives. The land is muddy through people having to mount it. There is difficulty for the elderly and the disabled getting to their homes due to the obstruction the land causes.’

5.2 **RESOLVED:** That the petition be referred to the Cabinet Member for Business, Skills and Development for consideration.

5.3 Public Questions in respect of Jessops Hospital, Redaction of the Highways Contract ‘Final Business Case’, Use of the Freedom of Information Act in Future Outsourcing Contracts and Parking Permits

Mr Nigel Slack submitted four questions. His first question referred to a recent planning decision in respect of the Jessop Hospital for Women (Edwardian Wing). He commented that he was still awaiting a response to his questions to Full Council on 3rd April which were as follows:-

- How can the Council now avoid the destruction of other listed buildings after setting this precedent?
- Which Officers attended the meetings with Sheffield University?
- What was the subject of these meetings?
- Were the meetings minuted?
- If so have these minutes been published and if not why not?
- Why should we believe the forecasts summoned up by the University and what can the Council do to monitor these forecasts?
- What will they do if the forecasts are wrong?

Mr Slack's second question referred to the review of the redacted sections of the Highways contract 'Final Business Case'. He stated that the first section of the review had now been completed. However, he was concerned about the speed of the review, given that there were eleven further sections to consider. He therefore asked if the review could be concluded at a faster rate?

The third question focused on a previous question Mr Slack had asked in relation to inserting into outsourcing contracts the requirement to comply with the Freedom of Information (FOI) Act. He had pursued this with his local Member of Parliament, Paul Blomfield. The response he had received from a House of Commons Library Expert was that it would be possible to include a duty to abide by the FOI within specific contract documents, although there was some uncertainty as to how enforceable this would be. The reply also suggested there were a number of ways in which the FOI can be used for current contracts either because the Council holds information about the service or the contractor holds information on behalf of the Council. Mr Slack therefore asked if the Council would digest what this meant for the public in Sheffield when they were making FOI requests and would they publish clear guidelines to assist them when doing so.

Mr Slack's final question related to problems he had been experiencing in being issued with a parking permit and asked if this could be investigated.

In response, Councillor Leigh Bramall, Cabinet Member for Business, Skills and Development stated that he would provide a response to Mr Slack's questions regarding Jessops Hospital within 24 hours.

In relation to the second question, Councillor Bryan Lodge, Cabinet Member for Finance and Resources commented that the redaction had been organised by the City Council. This was now with AMEY as the contractor and needed their final approval. This would be available before the end of June.

Regarding the third question, Councillor Lodge reported that there was a clause in contracts requiring compliance with the Freedom of Information Act. However, there were exemptions for commercially confidential and sensitive information. The Council had looked into this matter and contracts now included an approval to

publish information unless the contractor marked an item as confidential.

The Leader of the Council, Councillor Julie Dore, added that it was her understanding that an Act of Parliament, such as the Freedom of Information Act, took precedence over Contract Law. She also cautioned that if the Council required the contractor to comply with Freedom of Information requests the contractor would likely include this within their costs causing a greater cost to the Council.

Councillor Bryan Lodge thanked Mr Slack for bringing to his attention problems in respect of issuing parking permits which was a Customer Services issue. He would investigate this and provide a response to Mr Slack.

5.4 Public Question in respect of Responses to Questions at Previous Cabinet Meeting

Mr Barry Bellamy commented that he had did not receive a response to questions that he had asked at the previous Cabinet meeting held on 10 April 2013. Following this meeting, he had emailed Councillor Dore expressing his concern that the questions had not been answered and requesting a private meeting. He had not received an acknowledgement or reply to this email.

Mr Bellamy further stated that the High Green Action Team had been waiting seven months for responses to questions asked at the Cabinet meeting held on 5 November 2012.

He thanked Councillor Mary Lea, Cabinet Member for Health, Care and Independent Living, for her response to a request for a meeting in respect of issues related to Sheltered Housing and for investigating the issues raised at the meeting. Sheltered Housing residents' concerns expressed at this meeting had been passed on to Sheffield Homes and Mr Bellamy queried whether these had been passed on to the relevant people.

In response, Councillor Julie Dore apologised for not responding to Mr Bellamy's email. There had been some confusion as to who would respond to the email. She stated that if Mr Bellamy submitted the questions he believed he had not had responses to in writing she would respond.

Regarding the issues in respect of Sheltered Housing, these had been referred to Councillor Harry Harpham, Cabinet Member for Homes and Neighbourhoods. She requested that Mr Bellamy provide details of the officers with which he had been corresponding on this matter. Councillor Lea and Councillor Harpham were investigating the issues raised by residents and a response would be provided shortly.

6. ITEMS CALLED-IN FOR SCRUTINY

- 6.1 The Cabinet noted that (i) no items had been called-in for Scrutiny since the last meeting of the Cabinet and (ii) the Economic and Environmental Wellbeing Scrutiny Committee, at its meeting held

on 24th April 2013 had considered reports of the Executive Director, Place in relation to Rural Broadband and Modernisation of Planning and Highways Committee's.

6.2 Emily Standbrook-Shaw, Policy Officer (Scrutiny) attended the meeting and reported that, in relation to the Modernisation of Planning and Highways Committee's report, the Committee had resolved to take no further action in relation to the Cabinet decisions in respect of Rural Broadband and the Modernisation of Planning and Highways Committees.

6.3 However, in relation to Rural Broadband the Scrutiny Committee had requested the following:-

(a) a report be submitted to the September meeting of the Committee outlining progress made in facilitating communities to work together to develop local solutions;

(b) the Children, Young People and Families portfolio actively engage with work being carried out around digital inclusion, and seek solutions to assist those pupils who are disadvantaged by lack of access to broadband; and

(c) the relevant Cabinet Member raise the issue at City level.

6.4 **RESOLVED:** That Cabinet:-

(a) notes the decision of the Economic and Environmental Wellbeing Scrutiny Committee to take no further action on the called-in decisions on Rural Broadband and Modernisation of the Planning and Highways Committees; and

(b) notes the requests of the Economic and Environmental Wellbeing Scrutiny Committee in relation to rural broadband that:-

- a report be submitted to the September meeting of the Committee outlining progress made in facilitating communities to work together to develop local solutions;
- the Children, Young People and Families Portfolio actively engage with work being carried out around digital inclusion, and seek solutions to assist those pupils who are disadvantaged by lack of access to broadband; and
- the relevant Cabinet Member raise the issue at City Region level.

7. RETIREMENT OF STAFF

The Chief Executive submitted a report on Council staff retirements.

RESOLVED: That this Cabinet :-

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

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
<u>Children, Young People and Families</u>		
Carolyn Spray	Service Manager	30
<u>Communities</u>		
Marie Foroughan	Provider Service Worker	28
Margaret Haddon	Workforce Development Co-Ordinator	42
Denise Milbourne	Provider Service Worker	22
Julie Morton	Business Support Manager	33
Carole O'Brien	Kitchen Assistant	34
<u>Place</u>		
Robert Wheeler	Technical Officer, Parks and Public Realm	34
<u>Resources</u>		
Lyn Vickers	Business Development Officer	33
Julie Smith	Driver/Attendant	25

(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. MEMBERS ALLOWANCES 2013/14

- 8.1 The Executive Director, Resources submitted a report outlining the recommendations from the Independent Remuneration Panel so as to provide Cabinet with the opportunity to make recommendations to the Annual Meeting of the City Council on the Members' Allowances Scheme

to be agreed for the Municipal Year 2013/14 and onward.

8.2 RESOLVED: That Cabinet

- (a) refers the report to the Annual Meeting of the Council, to be held on 15 May 2013;
- (b) notes that it is the intention of the Administration not to apply to Councillors' allowances the 1% pay rise awarded to Council employees and all public sector workers for 2013/14; and
- (c) notes that the administration would consult with all political groups on the Council in respect of the report and its recommendations, prior to the annual meeting of the Council.

9. ARBOURTHORNE FIELDS REDEVELOPMENT SCHEME

9.1 The Executive Director, Place and Executive Director, Communities submitted a joint report seeking authority from Cabinet to use allocations from the Housing Revenue Account (HRA), the Capital Programme and the Local Growth Fund (LGF), to complete rehousing and demolition on the Arbourthorne Fields Redevelopment Scheme as set out in the report and supported by Cabinet in 2008.

9.2 RESOLVED: That Cabinet:-

- (a) authorises the delivery of the Arbourthorne Fields Development Scheme as set out in the report;
- (b) notes the impact continuing the scheme will have to the HRA 30-year business plan;
- (c) approval be given for the acquisition, vacation and demolition of all the properties listed in Appendix 1 of the report and shown on the plan at Appendix 2;
- (d) approval be given for the acquisition, vacation and demolition of 13 no. garages, listed at Appendix 1 of the report and shown on the plan at Appendix 2;
- (e) authorises the Director of Housing Services (or such other Director as is nominated by the Executive Director, Communities) from time to time to stop letting such of the properties listed in Appendix 1 of the report, in consultation with the Director of Regeneration and Development Services as to what he considers desirable to meet the needs of the Redevelopment Scheme;
- (f) resolves that each demolition sub-phase shall be a demolition phase for the purposes of awarding priority under the Lettings Policy;

- (g) authorises the Director of Regeneration and Development Services to declare demolition sub phases and in consultation with the Director of Care and Support (or such other Director as is nominated by the Executive Director, Communities) set the date in a declared demolition sub-phase from which priority will be awarded;
- (h) authorises the Director of Care and Support (or such other Director as is nominated by the Executive Director, Communities) to waive the Lettings Policy in respect of nominations to the Sanctuary Older Persons Housing Scheme of residents of undeclared phases as outlined in the report;
- (i) authorises the repurchase of homes not within a declared demolition phase, where the resident is to be rehoused within the Sanctuary Older Persons' Housing Scheme, Arbourthorne, as shown on the plan in Appendix 2 to the report;
- (j) authorises the Director of Regeneration and Development Services, in exceptional circumstances, outwith resolutions (f), (g), (h), to agree the repurchase of homes not within a declared demolition phase;
- (k) authorises the Director of Regeneration and Development Services to vary or alter the boundaries of demolition sub phases in accordance with the needs of the Redevelopment Scheme;
- (l) resolves that discretionary home loss payments, under Section 29 of the Land Compensation Act 1973 be made to tenants of Council owned properties, listed in Appendix 1 of the report who have been in occupation for 12 months at the time of the displacement, and discretionary payments made to cover any removal expenses under Section 26 of the Housing Act 1985;
- (m) resolves that Notice Seeking Possession may be served under Ground 10 of Schedule 2 of the Housing Act 1985 on any tenant of the properties listed at Appendix 1 of the report which falls within a declared demolition phase;
- (n) authorises the Director of Capital and Major Projects to (i) negotiate and agree terms for the acquisition of dwellings listed in Appendix 1 of the report, and any other property, not owned by the City Council, and (ii) instruct the Director of Legal and Governance to complete the necessary legal documentation in respect of the acquisition of such properties;
- (o) authorises the Director of Capital and Major Projects to make home loss payments to owner occupiers or tenants in privately owned properties who have been in occupation for 12 months at the time of displacement and basic loss payments to owners as required under

the Land Compensation Act 1973 together with the appropriate disturbance payments;

- (p) authorises the Director of Capital and Major Projects to (i) negotiate the surrender of any commercial leases including electrical substations, telecommunications and other service equipment if required; and (ii) instruct the Director of Legal and Governance to complete the necessary legal documentation;
- (q) authorises the Director of Care and Support (or other such Director as is nominated by the Executive Director, Communities) to designate all premises on the Arbourthorne and Norfolk Park Estates as within a Demolition Band within the meaning of the Lettings Policy for residents at Arbourthorne Fields awarded rehousing priority, vary or terminate the Demolition Band as he considers necessary in the interests of the redevelopment programme;
- (r) notes that a capital approval submission will be made via the monthly budget monitoring report for the capital expenditure associated with this proposal;
- (s) resolves that the Private Sector Housing Policy be amended, as set out in Appendix 4 to the report;
- (t) resolves that the decisions delegated to the Regional Loans Manager within the policy are exercised in respect of Arbourthorne Fields in consultation with the Director of Development and Regeneration Services; and
- (u) resolves that the rents of the 193 Council owned properties, set out in Appendix 1 be frozen upon the declaration of the appropriate demolition phase or sub phase as set out in Appendix 1 to the report and the plan at Appendix 2.

9.3 Reasons for Decision

- 9.3.1 To deliver the Arbourthorne Fields Redevelopment Scheme, as set out in the report.
- 9.3.2 To deliver a 'whole estate solution' for the Arbourthorne '5M' properties, which the alternative options do not offer.
- 9.3.3 To provide certainty to the residents of the remaining 246 properties (193 Council and 53 Privately Owned) affected by the Arbourthorne Fields Redevelopment Scheme.
- 9.3.4 To demolish unsustainable housing and create the opportunity to redevelop the area with high quality, sustainable new homes.

9.4 **Alternatives Considered and Rejected**

9.4.1 Do Nothing

This is not an option available to the Council, primarily due to the requirement for the Council to bring its housing stock up to the Decent Homes Standard. This option has therefore not been explored in any detail.

9.4.2 Retain Stock

This option involves carrying out Decent Homes and external additional investment works to the 193 Council owned 5M properties.

The cost of bringing the properties up to the Decent Homes Standard and making them structurally sound would be approximately £8.98 million.

The Council would receive net rental income from these properties of approximately £0.3 million per year.

The benefits of this option are as follows:-

- Council properties remain viable for 30 years
- Council tenants receive investment to their properties
- 193 Council properties retained in the HRA, with associated asset values

The risks and issues associated with this option are:-

- Despite this significant level of investment, this option still does not provide a comprehensive solution for the whole estate.
- Fundamental issues with layout and the run down environment of the estate are not addressed
- Retaining existing stock will mean no diversified housing offer for the area
- This option does not deliver the corporate strategic outcome of a 'A Great Place to Live'.
- Investment only benefits the Council owned properties, and does not provide a solution for the remaining 53 privately owned properties
- Failure of private owners to maintain their own properties may result in Council investment being compromised by nature of terrace type construction of 5M properties
- Similarly, the 'pepper potted' nature of privately owned properties will have a negative effect on the appearance of the neighbourhood, if these properties are not maintained
- Existing development sites on Phase 1 are less likely to be attractive to developers, due to the retention of existing stock and the reduced land package on offer

This option has therefore been discounted because it does not offer a whole estate solution, despite significant investment in Council stock. It will not deliver transformational change for the neighbourhood and will result in

the retention of unsustainable properties that will require further substantial investment in the future. Privately owned properties will receive no investment, which will have a detrimental effect on the overall appearance of the neighbourhood.

10. SHEFFIELD'S PUBLIC HEALTH BUDGET ALLOCATION FOR 2013-14

10.1 The Director of Public Health submitted a report setting out proposals for the effective use of Sheffield's Public Health Budget for 2013/14 in support of Sheffield's vision and ambitions for Public Health.

10.2 **RESOLVED:** That Cabinet:-

- (a) approves the use of Sheffield City Council's £29.7m Public Health Budget for 2013/14 in support of Public Health outcomes and in line with Sheffield's distributed model of Public Health. This will cover staffing, commissioned Public Health services and related overheads;
- (b) delegate to the Executive Director, Resources, in consultation with the Cabinet Member for Health, Care and Independent Living, decisions on the use of any unallocated Public Health Grant (subject to negotiations on contracts);
- (c) authorises the Director of Public Health and relevant Executive Directors, in consultation with relevant Cabinet Members, for the purposes of finalising detailed in-year savings, to negotiate detailed arrangements with providers in support of the overall savings envelope included in the report; and
- (d) gives support for Elected Members to undertake a fundamental review of all Public Health investment during 2013/14, which will determine the use of this budget post April 2014. The review will be supported by the Director of Public Health and relevant Executive Directors with subsequent proposals and decisions on the ring-fenced Public Health grant to form part of the Council's 2014/15 Budget planning process.

10.3 Reasons for Decision

10.3.1 A guiding principle for Sheffield's Public Health Transition was to ensure a smooth transfer for staff, providers of Public Health services and service users. For this reason (and in line with the HR staff transfer scheme) existing contractual commitments to the staff that transferred must be honoured.

10.3.2 With some exceptions determined the PCT in consultation with relevant Executive Directors, the majority of Public Health services have continued into the 2013/14 financial year, but with the Council as the lead

commissioner. These include both commissioned treatment services (substance misuse treatments and sexual health) and Public Health programmes.

- 10.3. In order that Public Health funding can be used to support a broader range of Public Health activity and services, and tackle the wider determinants of health a reduction in the value of some contracts is proposed later on in the financial year. The changes proposed have been subject to impact assessments and informed by provider feedback through equalities impact assessments and consultation. Delegations will allow for outstanding negotiations with providers on how required savings are achieved in-year. The proposed Member-led review will build on Member work to date and allow for Elected Members to consider Public Health investment in the round and will inform priorities and funding proposals for 2014/15 onwards.

10.4 **Alternatives Considered and Rejected**

- 10.4. Sheffield City Council has the option of maintaining current spending levels on existing (previous PCT) Public Health commissioned services throughout the financial year. However, this would not allow for the Public Health resources to be employed to support a broader range of activity in support of Public Health outcomes. This would mean ending other valuable Public Health activity altogether and would undermine the Council's 2013/14 budget commitments.

- 10.4. The Council also had the option of seeking to secure savings from 1st April 2013. However, in line with the Sheffield Compact and our Best Value Duty it was agreed that providers would be consulted on proposals and given notice of the Council's intentions.

- 10.4. The legal basis of this staff transfer means that Sheffield City Council must honour the contracts/terms and conditions of the staff that have transferred to us through the transition.

- 10.4. It should be noted that there is no overall reduction on Public Health spend in 2013/14. This is a ring-fenced grant and will all be used in support of Sheffield's Public Health outcomes. Where proposed, the savings on contract value will free up capacity for a broader range of activity in support of Public Health outcomes.

- 10.4. Regarding delegations, the alternative was to take individual contract decisions through the Cabinet process. Given the timescales involved and the pressure to identify savings this was not recommended.

11. **REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING 2012/13 (MONTH 11)**

- 11.1 The Executive Director, Resources submitted a report providing the month 11 monitoring statement on the City Council's Revenue and Capital Budget

for 2012/13.

11.2 RESOLVED: That Cabinet:-

- (a) notes the updated information and management actions provided by this report on the 2012/13 budget position;
- (b) approves the proposed additions to the capital programme listed in Appendix 2, including the procurement strategies and delegations of authority to the Director of Commercial Services or Delegated Officer, as appropriate, to award the necessary contracts following stage approval by Capital Programme Group;
- (c) approve the proposed variations and slippage in Appendix 2 of the report within its delegated authority; and
- (d) notes the variations to project authorities exercised by EMT and service directors under their delegated authority, the emergency approvals and the latest position on the Capital Programme.

11.3 Reasons for Decision

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

11.4 Alternatives Considered and Rejected

11.4.1 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.

12. FUTURE USE OF WISEWOOD SECONDARY SCHOOL AND SPIDER PARK

12.1 The Executive Director, Place and Executive Director, Children, Young People and Families submitted a joint report outlining work undertaken so far and recommending a swap of land uses between part of the former school site, on which a new children's play area would be developed, and part of Spider Park, which would be sold and developed for housing to fund the new play area. The report also recommended the adoption of a sustainable solution for continued community use of the former Wisewood Secondary School Playing Fields.

12.2 RESOLVED: That Cabinet:-

- (a) resolves that the former Wisewood Secondary School playing fields, shown at Appendix A in the report, and those areas of the former school site shown edged red at Appendix B in the report, be declared surplus to the requirements of the Children, Young People and Families portfolio;
- (b) resolves that, subject to the outcome of public consultation and the provision of replacement open space, the public open space at Spider Park shown edged red at Appendix C in the report be declared surplus to the requirements of the City Council;
- (c) resolves that the former playing fields, shown at Appendix A in the report, be licensed or leased to an appropriate junior football club endorsed by Sheffield or Hallamshire FA;
- (d) approves the former school library building being leased to RIVA Project for use as a project base;
- (e) resolves that the land, shown in green at Appendix B in the report, be leased to RIVA Project for use as a garden area to be developed and maintained for the use of the community;
- (f) resolves that the former Wisewood Secondary School caretaker's house be leased to the local District Nurses for use as a drop-in office base;
- (g) authorises the Director of Capital and Major Projects to agree final terms for the disposals above, including the variation of any boundaries as required, and to instruct the Director of Legal Services to complete the necessary legal documentation;
- (h) resolves that the land, shown in blue at Appendix B to the report, be developed as a new play area of the scale and quality indicated by the design now shown in Appendix E of the report; and
- (i) notes that the Director of Culture and Environment will bring forward, as part of the monthly budget report, a capital approval submission to deliver the new play area using the resources identified in Section 8.3 of this report and taking into account and changes arising from public consultation.

12.3 Reasons for Decision

- 12.3.1 Implementing the proposals in this report would contribute towards the outcome of making Sheffield a Great Place to Live, as identified in Standing Up for Sheffield, the Council's Corporate Plan.
- 12.3.2 A swap of land uses between the former Wisewood Secondary School site and Spider Park would allow the creation of a better quality play area in a safer, more accessible location.

- 12.3.3 It would also allow the Council to realise a greater capital receipt than if it were to sell part of the former school site, which is not suitable for housing due to the proximity of the new floodlit sports pitch.
- 12.3.4 The development of a new children's play area on part of the former school site would help meet an identified shortage of children's play in the local area and complete the creation of a recreational hub including sports centre, artificial sports pitch and community garden.
- 12.3.5 The development of a small amount of housing at the top of Spider Park would provide natural surveillance over the remaining parkland and make the thoroughfare between Dial House Road and Sevenfields Lane safer to use.
- 12.3.6 Licensing or leasing the former Wisewood Secondary School playing fields to a Football Association endorsed football club would meet central government requirements regarding the protection of former school playing fields as a community resource and ensure that sufficient investment can be secured for the sustainable maintenance of the amenity for the people of Sheffield.

12.4 Alternatives Considered and Rejected

- 12.4.1 The alternative option is the original option: to dispose of part of the Wisewood school site and to invest limited funds in Spider Park. A masterplan for Spider Park was created in 2010 showing how the existing open space could potentially be developed following the removal of the compound that was then in place. However, to implement that masterplan would cost more than the proposed play area at the Wisewood School site, and without the option to generate funding through residential development at Spider Park this would not be a viable proposition.
- 12.4.2 The potential to generate a significant receipt from the surplus land on the school site is limited given that housing would not be acceptable and retail use could threaten the existing local centre. In any event the proposed play area at Wisewood would be superior to an enhanced Spider Park because of the safer, more accessible location.

13. ENDCLIFFE PARK CAFE - PROPOSED LEASE RENEWAL

- 13.1 The Executive Director, Place submitted a report seeking Cabinet approval for the Council to enter into a new 5-year lease agreement at Endcliffe Park café. Endcliffe Park is held charitably and therefore consent from Cabinet Members acting as Charity Trustees was required for this renewal. In line with the charitable conditions applicable, all income received by the City Council from the café operation was directly reinvested back into the park to assist with its upkeep and maintenance.

13.2 **RESOLVED:** That Cabinet acting as Charity Trustees for Endcliffe Park:-

- (a) approves the grant of a new lease for the café on the terms outlined in the report subject to the approval of the Charity Commission and delegates authority to the Director of Capital and Major Projects in consultation with the Director of Culture and Environment to complete negotiations to agree terms and conclude this matter; and
- (b) authorises the Director of Capital and Major Projects to instruct the Director of Legal and Governance to prepare and complete the necessary legal documentation in accordance with the agreed terms and Charity Commission requirements.

13.3 **Reasons for Decision**

13.3. The existing café operator is popular with the general public and encourages visitors to the park. Mr Charlesworth works well with the Council and has also been involved in supporting local fund raising activities to benefit the park and its users.
1

13.3. The lessee has performed his obligations under his previous Lease to provide an effective service. This service offer has now been expanded further, following investment to provide a new outdoor seating area for customers last year.
2

13.3. The revised extended terms now being offered, along with the market rental value agreed, better satisfies the Park's charitable conditions to achieve "best consideration" overall.
3

13.4 **Alternatives Considered and Rejected**

13.4. The Council could market the property with a view to completing an open tender exercise, allowing other businesses the opportunity to run the café. However, any change of operator may present TUPE implications (Transfer of Undertakings: Protection of Employment regulations) for the staff currently employed. Any tender exercise together with marketing is likely to be a lengthy process, be publicly unpopular, will present additional costs, and expose the charity to significant risks. The current operator continues to enjoy significant public support, and based upon the previous tender process, it is anticipated that any proposed change of operator for the Endcliffe Park Café would be met with significant public interest and concern.
1