

SHEFFIELD CITY COUNCIL

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Wednesday 16 September 2015 by the Cabinet.

Date notified to all members: Friday 18 September 2015

The end of the call-in period is 4:00 pm on Thursday 24 September 2015

The decision can be implemented from Friday 25 September 2015

Item No

8. **BURBAGE, HOUNDKIRK AND HATHERSAGE MOORS PROPOSED LEASE TO THE NATIONAL TRUST FOR PLACES OF HISTORIC INTEREST OR NATURAL BEAUTY AND THE ROYAL SOCIETY FOR THE PROTECTION OF BIRDS (RSPB)**

8.1 The Executive Director, Place submitted a report in relation to the proposed lease to the National Trust for Places of Historic Interest or Natural Beauty and the Royal Society for the Protection of Birds (RSPB) of Burbage, Houndkirk and Hathersage Moors.

8.2 **RESOLVED:** That Cabinet:-

- (a) welcomes the support expressed in response to the advertised disposal of Burbage, Houndkirk and Hathersage Moors;
- (b) notes the concerns expressed by two respondents with the measures proposed to mitigate such concerns;
- (c) approves the granting of a lease of Burbage, Houndkirk and Hathersage Moors to the National Trust for Places of Historic Interest of National Beauty and the Royal Society for the Protection of Birds in accordance with the terms of the report; and
- (d) delegates authority to the Director of Legal and Governance to complete the lease in accordance with the terms of the report and such further detailed provisions as may be approved by the Director of Capital and Major Projects.

8.3 **Reasons for Decision**

8.3.1 Through the terms of the proposed lease, the RSPB and National Trust will bring substantial additional expertise and resources to support the long term sustainable management of this valuable and cherished landscape, within a robust framework of consultation, stakeholder engagement and accountability to the City Council.

8.4 **Alternatives Considered and Rejected**

8.4.1 Retain direct management of the site with complete control and flexibility over future use and management. Not considered a viable alternative as existing resources are inadequate to ensure sustainable management, a situation which is unlikely to improve in the foreseeable future. This alternative is unlikely to:

- optimise the benefit of environmental grant aid available
- generate comparable levels of investment from third party organisations
- result in the same degree of public engagement in the management of the site

8.4.2 Undertake a procurement exercise to find an alternative partner organisation to assist the Council in the long term future management of the moors. This option has been considered but discounted due to:

- the track record of the National Trust/RSPB in delivering demonstrable public benefits through exemplary stakeholder engagement and land management on the adjoining Eastern Moors leased from the Peak District National Park Authority
- the beneficial effect of the close proximity of the National Trust's operations at Longshaw and the RSPB/National Trust's base at Barbrook in delivering effective day to day management of the Council's moors
- lessons learned from management of the Eastern Moors, within the context of the established network of stakeholder engagement, can be applied to the benefit of the Council's moors
- the National Trust and RSPB are existing partners in the Sheffield Moors Partnership and are fully committed to delivery of the wider vision for the Sheffield Moors, through delivery of the masterplan

8.5 Any Interest Declared or Dispensation Granted

None

8.6 Reason for Exemption if Public/Press Excluded During Consideration

None

8.7 Respective Director Responsible for Implementation

Simon Green, Executive Director, Place

8.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing

9. LONDON ROAD SHOP FRONT IMPROVEMENT SCHEME

9.1 The Executive Directors, Place and Communities, submitted a joint report seeking Cabinet approval for a proposed London Road Shop Front Improvement Scheme

to be delivered under the Successful Centres Programme.

9.2 **RESOLVED:** That the proposed London Road Shop Front Improvement Scheme detailed in the report and set out in Appendix 1 of the report be approved.

9.3 **Reasons for Decision**

9.3.1 The Thriving District Local Centre strategy approved by the Central Community Assembly in 2012 identified the importance of improving the appearance and public realm within the Sharrow/London Road district centre.

9.3.2 The proposed scheme will support independent traders, boost the confidence and image of the centre and help increase footfall to improve the local economy.

9.4 **Alternatives Considered and Rejected**

9.4.1 Do nothing – This would mean leaving any improvement to the Market. However, the current economic climate is not conducive to this, as there is already widespread market failure and there is a strong risk of London Road District Centre falling into further decline and unable to make the most from the other proposed investment opportunities.

9.4.2 To deliver the Scheme by providing loans to owners to carry out the shop front improvements. In order for the scheme to be successful, the majority of independent traders need to participate so that a sufficient impact can be made on the street scene. In the current economic climate, owners will find it difficult to make substantial payments to fund the whole costs of shop front improvements and the scheme is likely to fail.

9.4.3 As proposed. The Scheme aims to deliver a project that will deliver the agreed objectives for London Road/Sharrow District Centre outlined in the Successful Centres Strategy to improve the viability, use and appearance of the centre, and complement and consolidate the other proposed public and private sector investments.

9.5 **Any Interest Declared or Dispensation Granted**

None

9.6 **Reason for Exemption if Public/Press Excluded During Consideration**

None

9.7 **Respective Director Responsible for Implementation**

Simon Green, Executive Director, Place and Laraine Manley, Executive Director, Communities

9.8 **Relevant Scrutiny and Policy Development Committee If Decision Called In**

Safer and Stronger Communities

10. REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING MONTH 3 (AS AT 30/6/15)

10.1 The Interim Executive Director, Resources submitted a report providing the month 3 monitoring statement on the City Council's Revenue and Capital Budget for 2015/16.

10.2 **RESOLVED:** That Cabinet:-

(a) notes the updated information and management actions provided by the report on the 2015/16 Revenue Budget position; and

(b) notes the latest position on the Capital Programme.

10.3 Reasons for Decision

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

10.4 Alternatives Considered and Rejected

10.4.1 A number of alternate 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.

10.5 Any Interest Declared or Dispensation Granted

None

10.6 Reason for Exemption if Public/Press Excluded During Consideration

None

10.7 Respective Director Responsible for Implementation

Eugene Walker, Interim Executive Director, Resources

10.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee

11. KEY BUS ROUTE - CHESTERFIELD ROAD LAND ACQUISITION AND COMPULSORY PURCHASE ORDER

11.1 The Executive Director, Place submitted a report in relation to the Chesterfield Road Key Bus Route Improvement Scheme Land Acquisition and Compulsory Purchase Order.

11.2 **RESOLVED:** That:-

- (a) authority be given for the Council to make a Compulsory Purchase Order (CPO) under the powers conferred by the Highways Act 1980 to acquire the land coloured pink and occupy temporarily during the period of the works the land coloured blue on the map displayed at the meeting of the Cabinet on 16 September 2015 and marked 'Map referred to in the City of Sheffield (Chesterfield Road) (Chesterfield Road Key Bus Route (Classified Road, A61) Compulsory Purchase Order 2015';
- (b) delegated authority be given to the Director of Legal and Governance to authorise the CPO, to take all necessary procedural steps prior to and after the making of the CPO, to enable the CPO to be submitted to the Secretary of State for confirmation including:
 - (a) finalising the attached draft Statement of Reasons;
 - (b) finalising the Schedule of Interests;
 - (c) serving notices of the making of the CPO on all persons entitled to such notice and placing necessary press notices; and
 - (d) taking all necessary steps to confirm the Order if authorised by the Secretary of State
- (c) delegated authority be given to the Director of Finance and the Director of Capital and Major Projects, in conjunction with the Director of Legal and Governance, to acquire and/or secure affected land and rights by agreement in parallel with the CPO, so that the scheme can be implemented;
- (d) the Director of Legal and Governance be authorised to sign and serve any Notices and documents and together with the Executive Director, Place be authorised to take all the necessary action to give effect to these recommendations;
- (e) as soon as the Order is confirmed by the Secretary of State to advertise the confirmation of the CPO and serve all necessary notices of confirmation and once the CPO becomes operative, the Director of Legal and Governance be authorised to serve Notices to Treat under Section 5 of the Compulsory Purchase Act 1965, and where necessary, to serve Notices of Entry under Section 11 of the same Act in respect of the land included in the Order, or to execute general vesting declarations under the Compulsory Purchase (Vesting Declarations) Act 1981; and
- (f) it be noted that a Capital Approval submission will be brought forward for the acquisition of the land.

11.3 **Reasons for Decision**

11.3.1 The use of the CPO to acquire the Order Land required for the Scheme is possible under the Highways Act 1980, and would be justified in the light of a compelling case in the public interest for the acquisition of the Order Land to enable the delivery of the Chesterfield Road Key Bus Route Improvement Scheme.

11.3.2 Where the Council propose to make a CPO under these statutory provisions, the Council must be satisfied that the development is likely to contribute to the achievement of one or more of the following objectives, namely the promotion or improvement of the economic, social or environmental wellbeing of their area.

11.3.3 It is considered that there is a compelling case in the public interest to justify the Council using its CPO powers to acquire the Order Land because the implementation of this Scheme will reduce congestion and delays around this busy section of the network, improving service reliability for buses, conditions for economic inward investment and contributing to reduced vehicle emissions.

11.4 Alternatives Considered and Rejected

11.4.1 Where it is known that the City Council requires land for the delivery of a scheme, an owner or occupier may be prepared to sell their interest, and consequently the Council can, in some cases, pursue an acquisition by agreement, without the requirement for a CPO.

11.4.2 An attempt to acquire, by agreement, the land and rights affected by the proposed scheme, prior to making a CPO has been considered as an alternative option. Negotiations continue and are encouraging but given that the Government's current spending review period dictates that all funds for the scheme need to be spent by December 2017, it is imperative for the Council to ensure that if negotiations to acquire the affected land by agreement fail, then it and any rights necessary to deliver the scheme can be acquired before the funding ends. Running these negotiations in parallel with the CPO process is therefore considered the most appropriate option.

11.5 Any Interest Declared or Dispensation Granted

None

11.6 Reason for Exemption if Public/Press Excluded During Consideration

None

11.7 Respective Director Responsible for Implementation

Simon Green, Executive Director, Place

11.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing

12. FUTURE OPTIONS FOR SCC PROPERTY AND FACILITIES MANAGEMENT SERVICES

12.1 The Executive Directors, Place and Resources submitted a joint report outlining future options for SCC Property and Facilities Management Services.

12.2 **RESOLVED:** That Cabinet:-

- (a) notes the contents of the report including the principles and assumptions described and have regards to the risks and mitigations as set out in the report and Appendix A to the report;
- (b) approves the budget required to cover the one-off implementation and set-up costs, as described in Appendix A of the report;
- (c) approves the identified insourcing of Property Management, FM Service Delivery and Security and Events;
- (d) notes the potential contracting-out of a small proportion of specialist property and catering services;
- (e) approves the identified service retendering of Cleaning and Catering services;
- (f) delegates authority to the Executive Director, Resources, in consultation with the Cabinet Member for Finance and Resources:-
 - to carry out the appropriate contractual mechanisms to give notice to Kier Ltd to notify that the contract will not be extended and to carry out all necessary steps to identify and carry out the exit obligations
 - to undertake formal consultation with Trade Unions regarding the transfer of staff engaged on the Kier Ltd contract into the Council and other transfer and transition arrangements (in consultation with the Director of Human Resources as necessary)
 - in consultation with the Director of Human Resources to develop the future structures of in sourced services within his portfolio
 - in consultation with the Director of Commercial Services, Director of Finance and the Director of Legal and Governance to improve a business case for the creation of joint venture arrangements for the Cleaning and Catering services
 - in consultation with the Director of Commercial Services, Director of Finance and the Director of Legal and Governance to approve the procurement strategy and subsequent, contract awards for the outsourced Cleaning and Catering services including where a business case has been approved a joint-venture arrangement

- to make arrangements to monitor the performance and delivery of the new service arrangements
 - any other actions he sees appropriate for the effective preparation for and implementation of the insourcing and future delivery of the identified service elements within his portfolio; and
- (g) delegates authority to the Executive Director, Place, in consultation with the Cabinet Member for Finance and Resources:-
- in consultation with the Director of Human Resources to develop the future structures of insourced services within his portfolio
 - approving the final procurement strategy, contract awards, joint-venture arrangements and agreeing contract terms and entering into the contracts for all necessary associated goods and services (in consultation with the Director of Commercial Services and the Director of Legal and Governance as necessary)
 - any other actions he sees appropriate for the effective preparation for and implementation of the insourcing and future delivery of the identified service elements within his portfolio.
 - ensuring compliance with all relevant legislation to minimise the risk of disruption to the organisation or the public
 - to make arrangements to monitor the performance and delivery of the new service arrangements.

12.3 **Reasons for Decision**

12.3.1 Each element of the proposed package has been considered on its merits. The proposals are being recommended as providing an appropriate balance between:-

- Providing quality services, which meet the expectations of customers (both internal customers and the public)
- Making a considerable, and ongoing contribution to the Council's savings target, over and above what was envisaged as part of the 2008 contract
- Maintaining risk (financial, legal, reputational and delivery) within acceptable limits
- Being affordable and representing best value to the organisation within the short and long term
- Supporting the organisation to transform its services and deliver differently

12.4 Alternatives Considered and Rejected

- 12.4.1 To extend the full contract with Kier Ltd based on the service improvements and savings offered within the contract renewal dialogue.
- 12.4.2 To offer to extend elements of the contract with Kier Ltd based on the service improvements and savings offered within the contract renewal dialogue.
- 12.4.3 To extend elements of the contract of sufficient duration to enable a specification for retender to be produced and evaluated.

12.5 Any Interest Declared or Dispensation Granted

None

12.6 Reason for Exemption if Public/Press Excluded During Consideration

None

12.7 Respective Director Responsible for Implementation

Eugene Walker, Interim Executive Director, Resources and Simon Green, Executive Director, Place

12.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee

13. THE J.G.GRAVES CHARITABLE TRUST: PROPOSED LETTING OF AGRICULTURAL LAND AT CLOUGH LANE AND MARK LANE

13.1 The Executive Director, Place submitted a report in relation to the proposed letting of agricultural land at Clough Lane and Mark Lane.

13.2 **RESOLVED:** That Cabinet acting as Charity Trustees in accordance with the powers given to the Council as Trustee in the Conveyance of the land to the Council resolve to:-

- (a) approve the granting of a ten year Farm Business Tenancy of land at Clough Lane and Mark Lane in accordance with the terms detailed in the report and the attached appendix; and
- (b) delegates authority to the Director of Capital and Major Projects to instruct the Director of Legal and Governance to complete the tenancy agreement in accordance with the approved terms and such other detailed provisions as he may consider appropriate to the letting.

13.3 Reasons for Decision

13.3.1 The proposed new letting will benefit the Charity by securing an enhanced rent,

increasing the net income available for distribution to the beneficiaries of the Trust.

13.4 Alternatives Considered and Rejected

13.4.1 Freehold disposal of the land has been considered. Whilst it is understood that the specific consent of the Charity Commission would not be required for the sale of the land and for the proceeds to be invested and the income applied to achieve the objects of the Charity, it is considered that sale would be contrary to the express intentions of the gift by Alderman Graves.

13.5 Any Interest Declared or Dispensation Granted

None

13.6 Reason for Exemption if Public/Press Excluded During Consideration

None

13.7 Respective Director Responsible for Implementation

Simon Green, Executive Director, Place

13.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing