

SHEFFIELD CITY COUNCIL

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Wednesday 17 February 2021 by the Cabinet.

Date notified to all members: Thursday 18 February 2021

The end of the call-in period is 4:00 pm on Wednesday 24 February 2021

The decision can be implemented from Thursday 25 February 2021

Item No

9. REVENUE BUDGET AND CAPITAL PROGRAMME FOR 2021/22

- 9.1 The Executive Director, Resources submitted a report containing proposals with regard to the Council's Revenue Budget for 2021-22 and the Capital Strategy 2021-2026.

The purpose of this Revenue Budget report is to:

- approve the City Council's revenue budget for 2021/22, including the position on reserves and balances;
- approve a 2021/22 Council Tax for the City Council; and
- note the levies and precepts made on the City Council by other authorities.

The purpose of the Capital Strategy is to:

- set out the Council's key priority areas for capital investment;
- provide an overview of specific projects included in the years 2021 to 2026;
- set out the overall shape of the current Capital Programme for the 5 years to 2026 (at Appendix 2);
- set out our principles for how we invest in non-cash assets; and
- provide background to our Corporate Investment Fund Policy (at Appendix 1).

- 9.2 **RESOLVED:** That Cabinet recommends to the meeting of the City Council on 3rd March 2021:-

(a) to approve a net Revenue Budget for 2021/22 amounting to £365.812m;

(b) to approve a Band D equivalent Council Tax of £1,702.31 for City Council services, i.e. an increase of 4.99% (1.99% City Council increase and 3% national arrangement for the social care precept);

(c) to approve the proposed amendments to the Long Term Empty premium which applies to Council Tax charges in respect of Long Term Empty Dwellings, as set out in paragraph 47, with effect from 1 April 2021;

(d) to note that the section 151 officer has reviewed the robustness of the estimates and the adequacy of the proposed financial reserves, in accordance

with Section 25 of the Local Government Act 2003. Further details can be found in Appendix 4 and within the Section 25 Statutory Statement on Sustainability of Budget and Level of Reserves from paragraph 17;

(e) to approve the savings as set out in Appendix 2;

(f) to approve the revenue budget allocations for each of the services, as set out in Appendices 3a to 3d;

(g) to note that, based on the estimated expenditure level set out in Appendix 3 to this report, the amounts shown in part B of Appendix 6 would be calculated by the City Council for the year 2021/22, in accordance with sections 30 to 36 of the Local Government Finance Act 1992;

(h) to note the information on the precepts issued by the South Yorkshire Police & Crime Commissioner and of South Yorkshire Fire & Rescue Authority, together with the impact of these on the overall amount of Council Tax to be charged in the City Council's area;

(i) notes the precepts issued by local parish councils which add £637,944 to the calculation of the budget requirement in accordance with Sections 31 to 36 of the Local Government Finance Act 1992;

(j) to approve the Treasury Management and Annual Investment Strategies set out in Appendix 7 and the recommendations contained therein;

(k) to approve the Minimum Revenue Provision (MRP) Policy set out in Appendix 7; which takes into account the revisions proposed for 2021/22 onwards;

(l) to agree that authority be delegated to the Executive Director of Resources to undertake Treasury Management activity, to create and amend appropriate Treasury Management Practice Statements and to report on the operation of Treasury Management activity on the terms set out in these documents;

(m) to approve a Pay Policy for 2021/22 as set out in Appendix 8;

(n) to agree that the Members' Allowances Scheme for 2017/18 and onwards, approved on 3 March 2017, and implemented for 2018/19, 2019/20, and 2020/21 be also implemented for 2021/22.

(o) to approve the contents of the Capital Strategy and the specific projects included in the years 2021/22 to 2025/26; that block allocations are included within the programme for noting at this stage and detailed proposals will be brought back for separate Member approval as part of the monthly monitoring procedures; and

(p) to approve the proposed Capital Programme for the 5 years to 2025/26 as per Appendix 2 of the capital report.

9.3 **Reasons for Decision**

9.3.1 The City Council on 3 March 2021 meets to consider the Revenue Budget for 2021/22 and to determine the Council Tax for that year. The report provides information to enable the Council to set a budget and determine the Council Tax. The proposals set out in this report provide for a balanced budget to be recommended to Council.

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.

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**

Eugene Walker, Executive Director, Resources

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

Overview and Scrutiny Management Committee

(Note: This is a matter reserved for approval at Full Council at its meeting to be held on 3rd March 2021, and is not, therefore, subject to call-in)

10. REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING 2020/21 - AS AT 31/12/2020

10.1 The Executive Director, Resources, submitted a report providing the outturn monitoring statement on the City Council's Revenue and Capital Budget as at the end of Month 9, 2020/21

10.2 **RESOLVED:** That Cabinet:-

(a) notes the updated information and management actions provided by this 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) approves the additional expenditure on the Tech 2020 project 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.

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, Executive Director, Resources

10.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee

11. MONTH 9 CAPITAL APPROVALS 2020/21

11.1 The Executive Director, Resources, submitted a report providing details of proposed changes to the Capital Programme as brought forward in Month 9 2020/21.

11.2 **RESOLVED:** That Cabinet:-

(a) approves the proposed additions and variations to the Capital Programme listed in Appendix 1, 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; and

(b) approves the acceptance of the DfE grant as detailed at Appendix 2

11.3 Reasons for Decision

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

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

11.3.3 Obtain the relevant delegations to allow projects to proceed.

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.

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**

Eugene Walker, Executive Director, Resources

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

Overview and Scrutiny Management Committee

12. **PROPOSED CHANGES TOWARDS A SUSTAINABLE STREETS AHEAD CONTRACT**

12.1 The Interim Executive Director, Place, submitted a report seeking approval for proposals to assist the Streets Ahead Highways Maintenance Contract's long-term performance through changes to the payment mechanism and improving the quality and consistency of the service. The proposals include a significant annual saving to the Council for the remaining term of the Contract.

12.2 **RESOLVED:** That Cabinet:-

(a) approves the proposed changes to the Performance Requirements (Schedule 2) as set out in appendix one; and

(b) approves the proposed changes to the Payment Mechanism (Schedule 4) as set out in this report

12.3 Reasons for Decision

- 12.3.1 The recommendations to approve the proposals within the report, realise the benefits of a sustainable Streets Ahead contract without any material change to the service delivered but a significant annual financial saving to the Council.

12.4 Alternatives Considered and Rejected

- 12.4.1 The alternative to accepting this proposal is to do nothing. This would mean the existing Streets Ahead performance requirements would continue and the performance mechanism would not be amended to make the contract delivery more sustainable.

Moreover, the Council would not get the benefit of £1.7m reduction in the unitary charge. This saving to the Streets Ahead contract will enable the Council to invest in other front-line services as balancing the budget remains challenging.

12.5 Any Interest Declared or Dispensation Granted

None

12.6 Reason for Exemption if Public/Press Excluded During Consideration

Appendices B and C of the report are not for publication by virtue of Regulation 20(2) Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 because, in the opinion of the proper officer, it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

12.7 Respective Director Responsible for Implementation

Mick Crofts, Interim Executive Director, Place

12.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

13. NEW MUSEUMS TRUST FOR SHEFFIELD

- 13.1 The Interim Executive Director, Place submitted a report seeking approval for Sheffield Industrial Museums Trust and Museums Sheffield to merge into one unified Sheffield Museums Trust from April 2021, as detailed in this report. While both Trusts are independent organisations (with Sheffield City Council representation on their Boards), Sheffield City Council has significant interests in the new Trust. Sheffield City Council also hold a number of agreements with the two trusts. Therefore, formal endorsement by Cabinet is sought for the creation of the new Sheffield Museums Trust.

13.2 **RESOLVED:** That Cabinet:-

- (a) endorses and welcomes the creation of Sheffield Museums Trust;
- (b) fulfils its duties as Trustees of the Weston Park Charitable Trust which includes agreeing to grant a licence to assign;
- (c) approves the licence to assign for all other properties as detailed in this report;
- (d) notes and agrees in principle the proposed novations of other contracts between the parties, the Tenancy at Will for Graves Gallery and the licence to occupy for Shepherd Wheel;
- (e) delegates authority to the Director of Culture and Environment, in consultation with the Director of Legal and Governance to enter into the novations, Tenancy at Will for Graves Gallery and the licence to occupy for Shepherd Wheel;
- (f) notes and agrees in principle the proposed arrangements for the transfer of the funding and services agreement;
- (g) delegates authority to the Director of Culture and Environment, in consultation with the Director of Legal and Governance approval to enter into the new contract for services;
- (h) agrees for the loan to be discharged which is secured against the Simplex Car and for an agreement to be entered in to in relation to the car as further detailed in this report;
- (i) notes the work being undertaken on Lifecycle Costs as further detailed in this report;
- (j) agrees to the assignment, transfer and grant of lease and other occupancy rights as further detailed in this report; and
- (k) to the extent not already delegated to them by the Leader's Scheme of Delegation, delegates authority to the Director of Culture and Environment, in consultation with the Director of Legal and Governance and the Director of Finance and Commercial Services, to take any other decisions necessary in order to meet the aims and objectives of the report.

13.3 **Reasons for Decision**

- 13.3.1 Sheffield Museums Trust will become one of the largest groups of museum sites in the country, with a unique opportunity to showcase and celebrate the history, development and diversity of the city, while allowing us to take our place on a national stage. It will become an even greater asset to Sheffield people and to our visitors. A merged museums trust opens up opportunities for additional external funding, and creates a more resilient, flexible and skilled organisation for the future. More of the Sheffield Collection will become accessible for Sheffield people to enjoy. Both Trust Boards see this as a strongly positive step for the

future.

13.4 Alternatives Considered and Rejected

13.4.1 The alternative to the new Sheffield Museums Trust would be for the two existing museums trusts to continue separately. There are many advantages and opportunities presented by a single united Museums Trust, and warm enthusiasm from both organisations for this development. There seems little merit in continuing as two separate trusts.

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

Mick Crofts, Interim Executive Director, Place

13.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

14. LEASE OF LAND AT HILLSBOROUGH PARK TO DISABILITY SHEFFIELD

14.1 The Interim Executive Director, Place submitted a report seeking the approval of Cabinet, acting as the Charity Trustee of Hillsborough Park (Registered Charity Number 510841) (“the Charity”), to grant a lease of land to Disability Sheffield in connection with its Sheffield Cycling 4 All project.

14.2 **RESOLVED:** That Cabinet acting as the Charity Trustee of Hillsborough Park:-

(a) approves the lease of the subject properties to Disability Sheffield based on the terms set out in Appendix 1 of this report;

(b) agrees that the Trustees are satisfied that the proposed terms are the best that can be reasonably obtained in the circumstances based upon consideration of the commercial details in Appendix 1;

(c) approves the grant of a charge over the legal title of the Trust in relation to grant funding as set out in the report; and

(d) authorises the Chief Property Officer in consultation with the Director of Legal and Governance to negotiate the terms of the lease with the proposed lessee and the Director of Legal and Governance to prepare and complete all the necessary legal documentation in accordance with the agreed terms and in respect of a

charge over title.

14.3 **Reasons for Decision**

14.3.1 The proposal to grant a lease to Disability Sheffield will achieve:

- Continued provision of all-ability cycling sessions in the safe surroundings of the city's Hillsborough Park.
- Inclusive for the benefit of new and existing users of the park.
- Increased community use of the park.
- Increased presence in the park which may reduce anti-social behaviour.
- Increased income stream for the Trust which can be reinvested in the Park.
- Enhancement of the quality and attractiveness of the park as a valuable asset for visitors.
- Occupation for the purposes of the charitable objects of the Trust.
- Compliance with the provisos contained within the power granted to the Trustee by the Scheme and with the statutory provisions contained within the Act and further with the requirements of the Charity Commission.

14.4 **Alternatives Considered and Rejected**

14.4.1 The inclusive cycling project in Sheffield was set in 2009 and when the funding for the project ran out it relaunched as Sheffield Cycling 4 All in 2014 thanks to funding from the Big Lottery and support from the CTC.

Disability Sheffield came on board to help with the running of the project and secured a grant from money raised through The Health Lottery. The funding has enabled Sheffield Cycling 4 All to run year-round sessions and reduce the cost for everyone who comes along. The project now employs a part-time development worker depends upon a team of volunteers.

There is no better option to deliver these services.

14.5 **Any Interest Declared or Dispensation Granted**

None

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

Appendix 1 of the report is not for publication by virtue of Regulation 20(2) Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 because, in the opinion of the proper officer, it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

14.7 **Respective Director Responsible for Implementation**

Mick Crofts, Executive Director, Place

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

Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

15. **LEASE RENEWAL ON FORGE DAM CAFÉ FULWOOD**

15.1 The Interim Executive Director, Place submitted a report seeking approval of Cabinet, acting as the Charity Trustee in connection with land and property at Forge Dam Park that is held as a charitable trust (“the Charity”), to the following:

1. to declare Forge Dam Cafe (“the Property”) surplus to the requirements of the Charity; and

2. to grant a new lease of the Property to the current tenant Nicholas Dunn for a period of 25 years on the terms set out in this report after consideration of the contents of the Qualified Surveyor’s Report and satisfying itself that the proposed terms are the best that can be reasonably obtained in the circumstances.

15.2 **RESOLVED:** That Cabinet acting as the Charity Trustee in connection with land and property at Forge Dam Park that is held as a charitable trust:-

(a) approves the lease of the subject property to Nicholas Dunn based on the terms set out in Appendix 1 of this report;

(b) agrees that the Trustees are satisfied that the proposed terms are the best that can be reasonably obtained in the circumstances based upon consideration of the commercial details in Appendix 1 and the Qualified Surveyor’s Report in Appendix 2;

(c) approves the grant of a charge over the legal title of the Trust in relation to grant funding, as set out in the report; and

(d) authorises the Chief Property Officer in consultation with the Director of Legal and Governance to negotiate the terms of the lease with the proposed lessee and the Director of Legal and Governance to prepare and complete all the necessary legal documentation in accordance with the agreed terms and in respect of a charge over title.

15.3 **Reasons for Decision**

15.3.1 The proposal to grant a new lease to Nicholas Dunn will achieve:

- Continued provision of a café and associated facilities within the park
- Removal of liability for the cost of internal maintenance and property insurance from the Charity.
- Increased rental income which will be retained by the Charity and used for the purposes of the objects of the Charity, as set out at paragraph 2.1 above.
- Contribution to costs of operating public WCs on site

- Contribute to enhancement of the quality and attractiveness of the park as a valuable asset for visitors
- occupation for the purposes of the charitable objects of the Trust
- compliance with the provisos contained within the power granted to the Trustee by the Scheme and with the statutory provisions contained within the Act and further with the requirements of the Charity Commission.

15.4 Alternatives Considered and Rejected

15.4.1 It is considered that renewing the café lease is the best option available to the Charity.

15.5 Any Interest Declared or Dispensation Granted

None

15.6 Reason for Exemption if Public/Press Excluded During Consideration

Aappendices 1 and 2 of the report are not for publication by virtue of Regulation 20(2) Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 because, in the opinion of the proper officer, it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

15.7 Respective Director Responsible for Implementation

Mick Crofts, Interim Executive Director, Place

15.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

16. LEASE OF HIGH HAZELS PARK FORMER BOWLING GREEN TO YORKSHIRE DOG TRAINING

16.1 The Interim Executive Director, Place submitted a report seeking the approval of Cabinet acting as the Charity Trustee of High Hazels Park (Registered Charity Number 1183830) ("the Charity") to grant a lease of property to Yorkshire Dog Training.

16.2 **RESOLVED:** That Cabinet acting as the Charity Trustee of High Hazels Park:-

(a) approves the lease of the subject properties to Yorkshire Dog Training based on the terms set out in Appendix 1 of this report;

(b) agrees that the Trustees are satisfied that the proposed terms are the best that can be reasonably obtained in the circumstances based upon consideration of the commercial details in Appendix 1 and the Qualified Surveyor's Report in Appendix

2;

(c) approves the grant of a charge over the legal title of the Trust in relation to grant funding as set out in the report; and

(d) authorises the Chief Property Officer in consultation with the Director of Legal and Governance to negotiate the terms of the lease with the proposed lessee and the Director of Legal and Governance to prepare and complete all the necessary legal documentation in accordance with the agreed terms and in respect of a charge over title.

16.3 Reasons for Decision

16.3.1 The proposal to grant a lease to Yorkshire Dog Training will achieve:

- continued provision of dog training sessions in the safe surroundings of the city's High Hazels Park
- bring a currently disused area of the park back into use
- inclusive for the benefit of new and existing users of the park
- increased community use of the park
- increased presence in the park which may reduce anti social behaviour
- increased income stream for the Trust which can be reinvested in the Park
- enhancement of the quality and attractiveness of the park as a valuable asset for visitors
- occupation for the purposes of the charitable objects of the Trust
- compliance with the provisos contained within the power granted to the Trustee by the Scheme and with the statutory provisions contained within the Act and further with the requirements of the Charity Commission.

16.4 Alternatives Considered and Rejected

16.4.1 There is no better option to deliver these services.

16.5 Any Interest Declared or Dispensation Granted

None

16.6 Reason for Exemption if Public/Press Excluded During Consideration

Appendices 1 and 2 of the report are not for publication by virtue of Regulation 20(2) Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 because, in the opinion of the proper officer, it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

16.7 Respective Director Responsible for Implementation

Mick Crofts, Interim Executive Director, Place

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

Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

17. **THE CITY OF SHEFFIELD (104 MILL ROAD) COMPULSORY PURCHASE ORDER 2021**

17.1 The Interim Executive Director, Place submitted a report seeking authority to make a Compulsory Purchase Order in respect of 104 Mill Road, Sheffield, S35 9XQ (the Property) to allow it to be renovated and occupied. There is demand for this type of property within the area. The Property is empty and has a particularly detrimental effect on the neighbourhood in this area. Compulsory Purchase is the most appropriate course of action.

17.2 **RESOLVED:** That:-

(a) authority be given to the Council to make a Compulsory Purchase Order ("CPO") under the powers conferred by Section 17 Housing Act 1985 to acquire all land interests in respect of the land coloured pink as shown on the Order Map, attached at Appendix 3, with title 'The City of Sheffield (104 Mill Road) Compulsory Purchase Order 2021' (the "Order Land");

(b) the Director of Legal and Governance be authorised to make the CPO for the Order Land, 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:

- i) Finalising the attached draft Statement of Reasons, at Appendix 1;
- ii) Serving notices of the making of the CPO on all persons entitled to such notice and placing all necessary notices in the press and on/around the Order Land;
- iii) To submit the CPO to the Secretary of State for confirmation as soon as possible following making of the CPO; and
- iv) To self-confirm the CPO if authorised to do by the Secretary of State.

(c) the Director of Legal and Governance be authorised to sign and serve any notices or documents necessary to give effect to these recommendations and to take all the other actions necessary to give effect to these recommendations.

(d) as soon as the CPO is confirmed by the Secretary of State or self -confirmed where authorised by the Secretary of State, the Director of Legal and Governance be authorised to advertise the confirmation of the CPO and serve all necessary notices of the confirmation and once the CPO becomes operative, the Director of Legal and Governance in consultation with the Executive Director of Resources be authorised to execute General Vesting Declarations under the Compulsory Purchase (Vesting Declarations) Act 1981, at the earliest opportunity and to thereafter serve all necessary documents and notices of the vesting of the Order Land in the Council;

(e) the Interim Executive Director Place, in consultation with the Director of Legal and Governance and the Executive Director of Resources be authorised to manage the compulsory purchase process in accordance with all statutory requirements and to otherwise promote or supporting the promotion of confirmation of the CPO including the preparation of and giving of evidence at any public inquiry;

(f) the Chief Property Officer be authorised to agree terms for the acquisition of Order Land and to instruct the Director of Legal and Governance to complete the necessary documents.; and

(g) upon the completion of the acquisition of Order Land, the Chief Property Officer be authorised to negotiate the disposal of the land and to instruct the Director of Legal and Governance to complete all the necessary legal documents for the completion of the disposal.

17.3 Reasons for Decision

17.3.1 The Property has been vacant since at least July 2015 and is in a poor state of repair and is having a negative impact on the local community. There is a demand for this type of property within Sheffield and the Council has, without success, attempted to engage with the property owner in an effort to get the property back into occupation, including an offer to purchase the property by agreement. In addition, particularly in respect of recent enforcement action taken by the Council, the owner has failed to take reasonable steps to make the property safe. In those circumstances, as an option of last resort, the Council consider, to ensure to property is put back into occupation, that it is appropriate to seek a CPO in respect of the Property.

17.4 Alternatives Considered and Rejected

Demolition

The Property is in a state of disrepair empowering the Council to take various steps to remedy the problem, including renovation and demolition. As the Property is a mid-terrace house, the demolition option would not be practical. Demolition will not result in the provision of housing as it is believed that the owner would not rebuild should this option be taken.

Renovation

The Council's Private Housing Standards team first visited the Property in July 2015 and found it be vacant. From this date, the Council has not observed, or received any information, that the property has been occupied. The owner has taken no steps to prevent its deterioration despite the Council writing on several occasions to the owner to express their concern over the condition of the Property and asking for the owner to explain their intentions for renovation and bringing the property back into occupation. Additionally, in October 2017, an Improvement Notice was served on the owner in order to remove Category 1 hazards observed at the Property. No action has been taken in response to this notice as was noted during inspections of the Property in November 2018, September 2019, August 2020 and January 2021. It is therefore unlikely, should the Council do works in

default, that this would result in the improvements to the Property being sustained. In those circumstances this option would be a poor use of limited resources and unlikely to achieve its purpose.

Empty Dwelling Management Orders

These orders enable the Council to effectively step into the shoes of the owner and manage the property. However, prior to occupation, the Council would have to refurbish the property. Given the poor condition of the property, the cost of bringing it up to a habitable condition is likely to be significant. Furthermore, it is doubtful that the rental income would cover the costs within the timescale of the EDMO, which is seven years. Therefore, it is highly likely that the Council would be unable to recover the significant costs of refurbishment, making this option inappropriate.

Purchase by Agreement

The Council have actively pursued this option which would have enabled it to sell the Property at auction so that it could be renovated and reoccupied. On 21 February 2018, the Council wrote the owner to offer to purchase the property by agreement. No response was received by the Council to this letter. On 5 August 2019 and again on 17 August 2020 and 26 January 2021, the Council repeated this offer. No response was received to these letters.

Compulsory Purchase

All attempts at working with the owner have failed, as detailed in the Statement of Reasons. Due to the owner's failure to take proper action, the property, for which there is a demand, has remained in a poor state of repair for a significant period and there is little prospect of it being brought back into occupation. For these reasons, Compulsory Purchase is the preferred option.

17.5 Any Interest Declared or Dispensation Granted

None

17.6 Reason for Exemption if Public/Press Excluded During Consideration

Appendix 4 of the report is not for publication by virtue of Regulation 20(2) Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 because, in the opinion of the proper officer, it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

17.7 Respective Director Responsible for Implementation

Mick Crofts, Interim Executive Director, Place

17.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Safer and Stronger Communities Scrutiny and Policy Development Committee

18. THE CITY OF SHEFFIELD (1 HAVELOCK STREET) COMPULSORY PURCHASE ORDER 2021

18.1 The Interim Executive Director, Place submitted a report seeking authority to make a Compulsory Purchase Order in respect of 1 Havelock Street, Sheffield, S10 2FP (the Property) to allow it to be renovated and occupied. There is demand for this type of property within the area. The Property is empty and has a particularly detrimental effect on the neighbourhood in this area. Compulsory Purchase is the most appropriate course of action.

18.2 **RESOLVED:** That:-

(a) authority be given to the Council to make a Compulsory Purchase Order ("CPO") under the powers conferred by Section 17 Housing Act 1985 to acquire all land interests in respect of the land coloured pink as shown on the Order Map, attached at Appendix 3, with title 'The City of Sheffield (1 Havelock Street) Compulsory Purchase Order 2021' (the "Order Land");

(b) the Director of Legal and Governance be authorised to make the CPO for the Order Land, 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:

- i) Finalising the attached draft Statement of Reasons, at Appendix 1;
- ii) Serving notices of the making of the CPO on all persons entitled to such notice and placing all necessary notices in the press and on/around the Order Land;
- iii) To submit the CPO to the Secretary of State for confirmation as soon as possible following making of the CPO; and
- iv) To self-confirm the CPO if authorised to do by the Secretary of State;

(c) the Director of Legal and Governance be authorised to sign and serve any notices or documents necessary to give effect to these recommendations and to take all the other actions necessary to give effect to these recommendations;

(d) as soon as the CPO is confirmed by the Secretary of State or self -confirmed where authorised by the Secretary of State, the Director of Legal and Governance be authorised to advertise the confirmation of the CPO and serve all necessary notices of the confirmation and once the CPO becomes operative, the Director of Legal and Governance in consultation with the Executive Director of Resources be authorised to execute General Vesting Declarations under the Compulsory Purchase (Vesting Declarations) Act 1981, at the earliest opportunity and to thereafter serve all necessary documents and notices of the vesting of the Order Land in the Council;

(e) the Interim Executive Director Place, in consultation with the Director of Legal and Governance and the Executive Director of Resources be authorised to manage the compulsory purchase process in accordance with all statutory requirements and to otherwise promote or supporting the promotion of confirmation of the CPO including the preparation of and giving of evidence at any

public inquiry;

(f) the Chief Property Officer be authorised to agree terms for the acquisition of Order Land and to instruct the Director of Legal and Governance to complete the necessary documents.

(g) upon the completion of the acquisition of Order Land, the Chief Property Officer be authorised to negotiate the disposal of the land and to instruct the Director of Legal and Governance to complete all the necessary legal documents for the completion of the disposal.

18.3 Reasons for Decision

18.3.1 The Property has been vacant since at least 2005 and is in a poor state of repair, attracting anti-social behaviour and is having a negative impact on the local community. There is a demand for this type of property within Sheffield and the Council has, without success, attempted to engage with the Property owner, in an effort to get the Property back into occupation, including an offer to purchase the Property by agreement. In addition, particularly in respect of recent enforcement action taken by the Council, the owner has failed to take reasonable steps to make the Property safe. In those circumstances, as an option of last resort, the Council consider, to ensure the Property is put back into occupation, that it is appropriate to seek a CPO in respect of the Property.

18.4 Alternatives Considered and Rejected

18.4.1 Demolition

The Property is in a state of disrepair empowering the Council to take various steps to remedy the problem, including renovation and demolition. As the Property is an end terrace house, the demolition option would not be practical as support is required to the adjacent property. Demolition will not result in the provision of housing as it is believed that it is unlikely the owner would rebuild should this option be taken.

Renovation

The Council first visited the Property in 2016 and found it to be vacant. From this date, the Council has not observed or received any information that the property has been occupied. The owner has taken inadequate steps to prevent its deterioration despite the Council writing on several occasions to the owner to express their concern over the condition of the property and asking for the owner to explain his intentions for renovation and bringing the property back into occupation. It is therefore unlikely, should the Council do works in default, that this would result in the improvements to the Property being sustained. In those circumstances this option would be a poor use of limited resources and unlikely to achieve its purpose.

Empty Dwelling Management Orders

These orders enable the Council to effectively step into the shoes of the owner and manage the property. However, prior to occupation, the Council would have to refurbish the property. Given the poor condition of the property, the cost of

bringing it up to a habitable condition is likely to be significant. Furthermore, it is doubtful that the rental income would cover the costs within the timescale of the EDMO, which is seven years. Therefore, it is highly likely that the Council would be unable to recover the significant costs of refurbishment, making this option inappropriate.

Purchase by Agreement

The Council have actively pursued this option which would have enabled it to sell the Property at auction, so that it could be renovated and reoccupied. On 13 November 2018, the Council wrote to the owner to offer to purchase the property by agreement. No response was received by the Council to this letter. The Council repeated this offer to purchase the Property by agreement in a letter sent to the owner in August 2019. No response was received to this letter. A further offer to purchase the Property by agreement was made to the owner on 20 July 2020 and repeated on 25 January 2021. No response was received to these letters.

Compulsory Purchase

All attempts at working with the owner have failed, as detailed in the Statement of Reasons. Due to the owner's failure to take proper action, the property, for which there is a demand, has remained in a poor state of repair for a significant period and there is little prospect of it being brought back into occupation. Compulsorily purchasing the Property is currently the only feasible option to ensure its renovation and re-occupation. For these reasons, this is the preferred option.

18.5 Any Interest Declared or Dispensation Granted

None

18.6 Reason for Exemption if Public/Press Excluded During Consideration

Appendix 4 of the report is not for publication by virtue of Regulation 20(2) Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 because, in the opinion of the proper officer, it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

18.7 Respective Director Responsible for Implementation

Mick Crofts, Interim Executive Director, Place

18.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Safer and Stronger Communities Scrutiny and Policy Development Committee