

Cabinet

Meeting held 17 February 2021

PRESENT: Councillors Bob Johnson (Chairman), Jackie Drayton, Terry Fox, Julie Grocutt, Mazher Iqbal, Mark Jones, Mary Lea, George Lindars-Hammond, Abtisam Mohamed and Paul Wood

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. All members of the Cabinet were present at the meeting.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 It was reported that the appendices to the following reports were not available to the public and press because they contained exempt information described in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), relating to the financial or business affairs of any particular person. Accordingly, if the content of the appendix was to be discussed, the public and press would be excluded from the meeting:-

<u>Item No.</u>	<u>Title</u>	<u>Excluded Appendix</u>
13	Proposed Changes towards a Sustainable Streets Ahead Contract	B and C
15	Lease of Land at Hillsborough Park to Disability Sheffield	1
16	Lease Renewal on Forge Dam Café Fulwood	1 and 2
17	Lease of High Hazels Park Former Bowling Green to Yorkshire Dog Training	1 and 2
18	The City of Sheffield (104 Mill Road) Compulsory Purchase Order 2021	4
19	The City of Sheffield (1 Havelock Street) Compulsory Purchase Order 2021	4

3. DECLARATIONS OF INTEREST

3.1 Councillor Julie Grocott declared a personal interest in agenda item 10 (Revenue Budget and Capital Programme for 2021/22) as a Member of Stocksbridge Town Council.

3.2 Councillor Jackie Drayton declared a personal interest in Item 16 (Lease Renewal on Forge Dam Café Fulwood) as a J. G. Graves Trustee.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of Cabinet held on 20th January, 2021 were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 Public Question Concerning Legal Action taken by the Council

- 5.1.1 Russell Johnson commented, on BBC Radio Sheffield on 15 October 2019, Councillor Mark Jones took part in the now notorious 'car crash' interview with Toby Foster.

(a) Will you now explain why in that interview Councillor Jones stated "we [Sheffield CC] didn't try to put anyone in prison" when this was patently untrue, and this was known at the time. For the avoidance of any doubt about this, below is an image of the Committal Notice. Furthermore, it should be noted that during the hearing the Judge was told that the Council Leader approved of the attempt to imprison citizens, one of whom was and is an Elected Councillor. This is on public record.

(b) Was informed political authorisation sought from the Leader of the council for this action or did the head of Legal and Governance authorise this legal action solely via 'delegated authority' without seeking informed political sign off?

(c) In that interview, Mr Foster suggested that you go away and find out who made the decision that led to the Rustlings Road debacle, and call him back when you had. You agreed to this. Have you made that call, and if so are you able to share what you told him with the public?

(d) Since there has been no repeat appearance on BBC Radio Sheffield it would appear that you have as yet been unable to unearth the truth. Therefore, will SCC initiate an Independent Inquiry into the whole SCC-AMEY PFI saga, as advocated in a recent Yorkshire Post article? This would be a step towards lancing this festering sore that debilitates our Governance. Would Councillor Jones please resist referring to the Street Tree Strategy – though that is very welcome – and the 'Archive' – most likely window-dressing – in making his response. These do not meet the need for a truth & reconciliation process.

- 5.1.2 Councillor Mark Jones commented with regard to question (a) this is a repetition of a statement that has previously been made and referred Mr. Johnson to the response given by the then Leader of the Council.

In respect of part (b), this question has also been addressed by the previous Leader and I refer you to these previous answers.

With regards to (c) I have yet to return the call to Mr Foster however I will repeat that I wholeheartedly believe that we are all the products of our environment and experiences and that our decisions are doubly so. I maintain that the breakdown

of communications and the subsequent environment that developed from that failure to hold a dialogue resulted in a series of decisions that were frankly wrong. We wouldn't seek to defend them and these were our responses to the recent ombudsman report. We will endeavour to make sure this doesn't happen again.

With regards to question (d) this is a good question because it clearly acknowledges the efforts we are putting in to rebuilding trust with our citizens of Sheffield. You are quite right that there is a difference between the past, and what has been done and future relationships that we are endeavouring to build. He stated that he was optimistic about that future and believe that the previous issues have to some extent been addressed and would hope that the vast majority of people in Sheffield are satisfied with how things are currently proceeding.

5.2 Public Question Concerning use of Civil Injunctions

5.2.1 Russell Johnson commented, A 2019 Appeal Court Hearing (Boyd & Anor v Ineos Upstream Ltd & Ors [2019] EWCA Civ 515) found that 'the blunt tool of Civil Injunctions should not be used in place of criminal proceedings'. As a result of this judgement, it is highly unlikely that SCC would now be successful in securing the draconian 'Persons Unknown' Injunction (which applied to everyone in the world), and thus the imposition of costs and suspended prison sentences may be considered illegitimate and are most certainly unjust.

(a) Will the Council today and on record express its regret that this 'blunt tool' was used to crush peaceful protest and arrange for some form of reparation for those who suffered both financially and emotionally.

(b) The Labour Party can boast a fine tradition of supporting protest against injustice. This is illustrated by the Kinder Mass Trespass commemorative plaque proudly displayed in the Town Hall entrance lobby. Will the Leader please take this opportunity to clarify the Council's position on peaceful protest, and set out the roadmap for a constructive truth, atonement and reparation process that is so clearly needed?

(c) Will the Leader please comment on the fact that FOIR released emails show communications within the Council which reveal planning to describe Cllr Alison Teal's acquittal on an alleged Injunction breach as a 'technicality', contrary to Justice Males' clear judgement? Does the current Leadership believe that seeking to deceive the public in this way is honest governance?

5.2.2 Councillor Mark Jones commented that these questions are a repetition of the questions previously asked to the former Leader and referred Mr Johnson to the responses made. In doing so, he stated that we indeed welcome all peaceful protest and indicated that we are happy to repeat that. He confirmed that we would not look to deceive the public in anyway.

5.3 Public Question Concerning Local Government Ombudsman Complaints

5.3.1 Russell Johnson commented, in 2019/20 89% of complaints about Sheffield CC

to the Local Government Ombudsman were upheld, compared to 67% in similar authorities in that year. Why?

- 5.3.2 Councillor Robert Johnson commented that if specific details could be provided a suitable answer will be provided.

(Note: Subsequent to the meeting a written response was provided to Mr Johnson and published on the Council's [website](#)).

5.4 Public Question Concerning People with Disabilities and Postal Voting

- 5.4.1 Adam Butcher commented, further to my question at full council on the 3rd of February about communications, how is the Council and the Cabinet making sure people with all disabilities can have a postal vote if they want one to make sure there can do their civic duty.

- 5.4.2 Councillor Fox commented that he would firstly like to apologise to Mr Butcher for the actions of some Councillors at the last Council meeting which was very disconcerting and very distracting for him. In reply to the question, he stated that the returning officer is finalising plans to send out postal vote applications with polling cards. This will give people some choices on how they wish to vote, by post or in a Covid secure environment and also by proxy as well. We will try to ensure that the election, forced on us by Government, is as safe as possible and as friendly as we possibly can for people with disabilities. He stated that he would welcome any suggestions on how we can do this.

5.5 Public Question Concerning the Council's Constitution

- 5.5.1 Nigel Slack commented, the last couple of Council Meetings and the history of the Council tinkering almost monthly with the City's constitution suggests there is a bigger issue than poor application of the rules within. We are sliding into an ever greater democratic deficit and the editing by an officer of public questions is another sign of disrespect for the public of the city.

With a new Leader and a new Chief Executive, perhaps now is the time for Council to commit to a wholesale review of the Constitution, root and branch.

Will the Leader and Cabinet, irrespective of the potential outcome of the May Elections, make that commitment now?

- 5.5.2 Councillor Bob Johnson commented that we should always look to make the Council more accountable, open and responsive to peoples' needs. We can all agree that the last 12 months however have been exceptional, and of course the Council has not been immune to any changes. This brought about change to public meetings that we would not have usually done. I want the council to be responsive to public questions and I was pleased that at last month's Council meeting, every public question that was submitted was given time for a proper answer. It should also be noted that Full Council is scheduled for three and a half hours and many other items were on that agenda. For instance last month we had updates from Greg Fell on the public health pandemic and responses to

that; and we also had the setting of the Housing Revenue Account.

It would have been fair to treat questions on a first come first served basis, at the exclusion of some questioners. I welcome that the Lord Mayor decided that council officers should be able to read out questions on behalf of the questioner. This ensured a more streamlined process, crucially allowing more time for answers to be given. I think most members of the public want to see public questions in Full Council being used for genuine questions. The process last month saw some statements within the questions abridged but all of the questions were asked and responded to accordingly.

Sheffield is far from an outlier in taking this approach and this is exactly how it is done in many other local authorities across the country. We should always look to make the Council and councillors as close to the people it serves and when the time is right, I will make a full review of the Council's constitution, however I don't think, in the midst of a pandemic, this is the right time to be doing that.

5.6 Public Question Concerning Opposition Motions

- 5.6.1 Isabel O'Leary commented, members of the Cabinet, including the previous Leader, have said that they are actively seeking to work with people who may have ideas and expertise from within and outside the Council.

I understand that no Opposition Motions have been allowed during the pandemic. In view of the previously expressed desire to work collaboratively with those outside the ruling Labour Group, please confirm what proportion of Motions that have been proposed by Opposition Party Councillors in each of the past 10 years have been passed. I am interested in any trends as to whether Opposition Motions are being considered more or less favourably by the ruling Labour Group over time.

- 5.6.2 Councillor Terry Fox commented that, as a result of the pandemic in October Council resolved that motions would not be taken at meetings of Full Council through this pandemic to allow for the consideration of regular important Covid-19 updates by the Director of Public Health and other issues that the public wanted to hear. With regards to motions and trends over the last 10 years, it was not possible to provide the numbers because Councillors will often vote on parts of resolutions, amendments and substantive motions. However, he confirmed that, at the last Council meeting, an opposition amendment on the Housing Revenue Account was passed. The reintroduction of motions back on to Full Council agendas is now subject to cross party discussions.

5.7 Public Question Concerning Streets Ahead Contract

- 5.7.1 Isabel O'Leary commented, in reply to many public questions to Council over the past few years about the setting up and subsequent management of the £2.2 billion Streets Ahead Contract, Cabinet Members and the Leader have repeatedly referred to the document "Review of Tree Investigations- Lessons learned & Actions", saying and I quote, the report " sets out how the council has learned lessons"

I have read the Review document and it is solely concerned with decisions around how street trees should be managed in future.

Whilst welcome, this certainly does not improve transparency in how decisions were made

- a) to include felling 17500 trees as a Contractual requirement
- b) to seek an Injunction against the citizens of Sheffield at great cost to the Public Purse
- c) to seek to imprison peaceful protestors for alleged breach of the Injunction

Would the new Leader agree that the best way to learn broader lessons about these decisions would be to establish a robust Inquiry, completely independent from Officers and Elected Members who may have been party to the setting up and subsequent management of the Streets Ahead Contract?

- 5.7.2 Councillor Mark Jones commented that the substance of this question had been broached previously in an earlier question from Mr Johnson so I'd like to refer you to my previous answer and reiterated that at this moment in time this would be an inappropriate way forward.

6. COVID-19 UPDATE

- 6.1 The Director of Public Health provided a Coronavirus (Covid-19) position statement. With regards to the Epidemiology, he stated that the rate of infection was in decline as a result of the impact of the lockdown. The seven-day rate of infection has been falling steadily and is in the order of about 150 per 100,000, trending towards 100 per 100,000. It is very unlikely that the rate will get to the levels that we saw last summer as a result of the impact of the new variant of the virus, but it is expected that the range will be a good way below 100 per 100,000 in the not too distant future. He confirmed that there had been a fall in both whole population rate and the over 60 rate.

He stated that the R rate for the region is thought to be below 1, but only just; 7% of people who have symptoms who then gets test are testing positive which is significantly less than a month ago when the rate was 15%; cases are spread pretty evenly across Sheffield; household transmission remains the main form of transmission; rates are coming down in all age groups, but are still higher in the working age population; hospital activity appears to be over the peak but still remained at a high level. This will decline really slowly so the health and social care system will be dealing with the consequences of the wave we've just seen probably for some time to come.

The B117 or the Kent variant is the dominant strain and in Sheffield is about 75% of all cases. It is definitively more transmissible and that will have an upward impact on the seven-day infection rate. There are two other significant variants of concern, the South Africa and Brazil variants, neither of which are in Sheffield at the moment but that is

probably a matter of time. Both of those are of significant concern. Neither are thought to be particularly more dangerous to individuals but the antibodies from either the vaccination or from prior infection with the previous virus may not protect us quite as well.

The vaccination rollout is clearly progressing well. In Sheffield over 150,000 people have been vaccinated which has been a huge effort on all fronts. The vaccination rates in the cohorts that we have offered the vaccine to are pretty high. There is some more work to do for us to ensure that we increase vaccination coverage in care home staff. We are now moving into the cohort 5 (65 to 70 year olds) and cohort 6 which is essentially those adults who would ordinarily get a flu jab, 16 to 64 year olds with underlying medical conditions plus carers. We are sticking with the joint committee on vaccination and immunisation criteria. The reason is that if we say yes to a particular group means that someone who is probably higher risk of serious consequences would have their vaccinations delayed. He reported that yesterday, another approximately 10,000 Sheffield residents were added to the shielded list as a result of the national policy change. Equality wise thus far, surprisingly, there has been few massive signs of unequal uptake, however the data may not be as robust as we want and this position may not last. As we get to vaccinate younger people I think we will start to see significant inequality in vaccination uptake. There is a lot of soft intelligence that the vaccination rates in Asian groups are lower than white groups and black African Caribbean groups are lower than Asian groups. There is no hard data on that but a lot of soft intelligence, so we need to be vigilant. There is further good news on vaccination as we are beginning now to see the signs that it is reducing death rate and hospitalisation rate in the very elderly. It is important for people who have been vaccinated not to see this as a pass out and we are asking people to still obey the rules. We want to avoid unmitigated spread in an unvaccinated population because that will still cause harm to people. Unmitigated spread risks further mutations.

Details of the easing of restrictions will be set out in the prime minister's announcement next week and it is likely to be a gradual reduction in restrictions over a long period of time. He referred to the talk in the media of zero Covid which he considered to be probably unachievable. Unfortunately we will be living with Covid for some time to come. There won't be a clean exit from the pandemic and my sense is that there are three criteria to be met: the R rate needs to be well below one; community transmission will need to be very much lower; and we will need to have a well vaccinated population.

He confirmed that the basic strategy set almost a year ago is largely intact as is the basic plan, although it is being reviewed at the moment. There is more as a city we can and will do on testing and we continue to push for those who have symptoms to go and have a test. On contact tracing, we have our own team now that supports the national team. We continue to push hard on additional financial and other support to those who are asked to isolate. We will also look at adapting the city to living with

Covid for the long term .

7. ITEMS CALLED-IN FOR SCRUTINY

7.1 Call-in of Decisions

7.1.1 It was noted that there had been no items called-in for scrutiny since the last meeting of the Cabinet.

7.2 Scrutiny of the 2021/22 Revenue Budget and Capital Programme Report

7.2.1 A report of the Overview and Scrutiny Management Committee was circulated prior to the meeting, outlining the outcome of the Committee's consideration, at its meeting held on 11th February 2021, of the 2021/22 Revenue Budget and Capital Programme report, which was to be considered at today's Cabinet meeting.

7.2.2 RESOLVED: That Cabinet notes the recommendation made by the Overview and Scrutiny Management Committee, in particular that Cabinet approves the recommendations in the report on the 2021/22 Revenue Budget and Capital Programme without amendment.

8. RETIREMENT OF STAFF

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

8.2 RESOLVED: That this Cabinet :-

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

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
<u>People Portfolio</u>		
Diane Hetherington	Headteacher, Broomhall School	Nursery 34

(b) extends to her its best wishes for the future and a long and happy retirement; and

(c) directs that an appropriate extract of this resolution under the Common Seal of the Council be forwarded to those staff with over 20 years' service.

9. 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.