



SHEFFIELD CITY COUNCIL

Cabinet Report

Report of: Economic and Environmental Wellbeing Scrutiny Committee

Date: 16th October 2013

Subject: Outcome of Scrutiny discussion on Graves Park Charitable Trust: Cobnar Road Cottage

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Summary:

This paper reports the outcome of the Scrutiny Committee meeting held on the 4th October 2013, where the decision on Graves Park Charitable Trust: Cobnar Road Cottage was considered.

Recommendations:

That Cabinet:

- 1) note the decision of the Economic and Environmental Wellbeing Scrutiny Committee
- 2) note the requests of the Economic and Environmental Wellbeing Scrutiny Committee that officers enter into dialogue with the Friends Group, as well as other users of the Park, to
 - a) have an on-going dialogue
 - b) consider how the proceeds of the sale could be reinvested back into Graves Park and
 - c) look at any other viable options proposed in terms of the future use of the Cottage.

Background Papers:

Cabinet 17th July 2013

<http://meetings.sheffield.gov.uk/council-meetings/cabinet/agendas-2013/agenda-17th-july-2013>

Economic and Environmental Wellbeing Scrutiny Committee – 4th October 2013.

<http://meetings.sheffield.gov.uk/council-meetings/scrutiny/culture-economy--sustainability/agendas-2013/agenda-4th-october-2013-special>

Category of Report: OPEN

Report to the Cabinet

Outcome of Scrutiny Committee Meeting on Graves Park Charitable Trust: Cobnar Road Cottage

1. Cabinet Decision as Trustees 17th July 2013

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

2. Role of Scrutiny

- 2.1. This decision had been called-in for scrutiny under the call-in process for Executive decisions. The decision was made by the Cabinet sitting as Trustees of the Graves Park Charitable Trust and does not, therefore, fall within the call-in process for Executive decisions. However, in the spirit of transparency, the Scrutiny and Policy Development Committee were invited

to examine the Executive Director's report and the decision made by the Cabinet on the matter, and any comments or recommendations made by the Committee would be reported to the Cabinet.

- 2.2. The Economic and Environmental Wellbeing Scrutiny and Policy Development Committee met on 4th October 2013 to consider the decision.
- 2.3. The Committee heard from the relevant Cabinet Member, Council Officer, Councillors who called-in the decision, and members of the public.
- 2.4. The Scrutiny Committee:
 - a) noted (i) the contents of the report now submitted, together with the comments now made and responses provided to the questions raised and (ii) that it does not have the authority to refer back the decision of the Cabinet at its meeting held on 17th July, 2013; and
 - b) acknowledges some weaknesses now reported in terms of the lack of prior, earlier consultation with the Friends of Graves Park and, in the light of this, (i) offers its apologies to the Friends Group and (ii) requests that officers enter into dialogue with the Friends Group, as well as other users of the Park, to (A) have an on-going dialogue, (B) consider how the proceeds of the sale could be reinvested back into Graves Park and (C) look at any other viable options proposed in terms of the future use of the Cottage.

3. Update from the Service

- 3.1. Following the discussion at Scrutiny the Cabinet member has offered to meet with the Friends of Group, other users of the park and ward councillors to discuss the best way forward. This has been arranged for early November.

4. Recommendations

- 4.1. Cabinet is asked to:
 - 1) note the decision of the Economic and Environmental Wellbeing Scrutiny Committee
 - 2) note the requests of the Economic and Environmental Wellbeing Scrutiny Committee that officers enter into dialogue with the Friends Group, as well as other users of the Park, to
 - a) have an on-going dialogue
 - b) consider how the proceeds of the sale could be reinvested back into Graves Park and
 - c) look at any other viable options proposed in terms of the future use of the Cottage.