

Cabinet

Meeting held 16 September 2015

PRESENT: Councillors Julie Dore (Chair), Isobel Bowler, Jackie Drayton, Jayne Dunn, Terry Fox, Mazher Iqbal and Mary Lea

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Leigh Bramall and Ben Curran.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 The Chair reported that appendices to agenda items 12 'Key Bus Route – Chesterfield Road Land Acquisition and Compulsory Bus Order', 13 'Future Options for SCC Property and Facilities Management Service' and 14 'The J.G Graves Charitable Trust: Proposed Letting of Agricultural Land at Clough Lane and Mark Lane' were not available to the public and press because they contained exempt information described in Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) and if Members wished to discuss these appendices the public and press would need to be excluded from the meeting.

3. DECLARATIONS OF INTEREST

3.1 Councillor Jackie Drayton declared a personal interest in agenda item 13 'The J.G Graves Charitable Trust: Proposed Letting of Agricultural Land at Clough Lane and Mark Lane' as a trustee of the J.G Graves Charitable Trust in a personal capacity.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Cabinet held on 22 July 2015 were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 Public Question in respect of Walkley Library

Nigel Slack commented that at the last Cabinet meeting a question was put by a member of the public asking whether a report of the negotiations and the decision to sell the Walkley Library building to Forum Café Group was available as the matter was before Scrutiny Committee the same week.

Mr Slack stated that Councillor Bowler had replied to that question by stating 'A Freedom of Information request could be made by the questioner but would not produce results by tomorrow's Scrutiny Committee meeting.' Mr Slack commented that the Scrutiny Committee had met and decided the issue in one meeting, even

though they clearly could not have been in receipt of the evidence the questioner had asked for.

This was, in Mr Slack's opinion, unfair and certainly did not live up to item 6 of the Sheffield Fairness Framework 'To be seen to act in a fair way as well as acting fairly'. Mr Slack therefore asked wouldn't the fair approach have been to defer the decision to the next meeting so that the information could have been made available and a decision be made on the full facts?

In response, Councillor Isobel Bowler, Cabinet Member for Neighbourhoods, commented that Mr Slack had only quoted part of her response to the question at the last Cabinet meeting, held on 22 July 2015. The full response Councillor Bowler had given was that 'She had not been involved in these negotiations, had not seen any report on them and doubted such a report existed. A Freedom of Information request could be made by the questioner but would not produce results by tomorrow's Scrutiny Committee meeting. Dave Wood, Interim Property Surveying Manager, would be presenting the report at the Scrutiny Committee meeting and she would make him aware of Ms. Simmonds question.'

As stated, Councillor Bowler had made Dave Wood aware of the question prior to the Scrutiny Committee meeting. As she had suspected, no such report of the negotiations had been produced, so any Freedom of Information request would not have given access to a report. At the Scrutiny Committee meeting Councillor Bowler and officers had answered all questions in detail and referred to the request for access to a report on the negotiations and that no such report existed. Therefore, she did not believe the process had not been fair as Mr Slack had suggested and she always tried to be as open and transparent as possible.

5.2 Public Question in respect of Sheffield Moorlands report

Nigel Slack referred to the report in respect of Sheffield Moorlands, on the agenda for the meeting. He stated that the report made comment concerning the importance of accountability and the following statement about representation: 'The proposed lessees will be required to make proposals for a Key Partner's Forum, a Stakeholder Forum and for an Annual Meeting open to all interested parties, for the approval of the Council. The proposals are to cover: frequency of meetings; terms of reference; representation and protocols.' Mr Slack commented that this was all very positive but he believed inevitably with any private management of public assets there will be a loss of transparency unless the lease agreement also requires the private (albeit charitable) management to submit to the Freedom of Information Act. Will the Council add this provision to the lease?

Councillor Bowler replied that the report referred to transparency of the new management arrangement for the Moors. In terms of Mr Slack's request, Freedom of Information regulations cannot be imposed on an organisation although it applied to any City Council business. She hoped that there would not be a need to use Freedom of Information legislation as there were a range of measures in the new agreement to ensure transparency, such as a Stakeholder Forum, an Annual General Meeting, the opportunity to ask public questions, the South Yorkshire Management Plan which the Cabinet Member would sign off and an Annual

Review of performance against the Management Plan which would be published.

5.3 Public Question in respect of Devolution

Nigel Slack commented that at the Sheffield City Region Combined Authority (SCRCA) meeting held on Monday, an update was given about the proposals the SCRCA have put to Government on the so called 'devolution' deal. Mr Slack believed the update was a bit shy on detail but from business sources he had learned that the asks from the Region implied control over an extra £750m or more of public and private funding.

If the SCRCA achieved all they were asking for, Mr Slack considered that it will almost certainly result in the imposition of a City Region Elected Mayor. It was also clear that the cost of the Mayor will be borne by the local Council Tax payers, through a precept. Had any work been done to assess the cost of a City Region Mayoral office and staff and the impact this will have on increased Council Taxes or further cuts to local services?

The Leader of the Council, Councillor Julie Dore, responded that, in relation to the figure stated of £750m, this was not something that she had heard. The Government had made it clear that until a settlement had been agreed the negotiations had to remain confidential amongst the Combined Authority.

The demands from the Combined Authority were very ambitious and asked for major changes to the current system. Councillor Dore acknowledged that not every demand may be met but everything was currently on the table to be negotiated. The Combined Authority Members were clear that they would resist as far as possible the imposition of an Elected Mayor as this would create difficulties geographically across the region and this had been made clear to the Government.

Councillor Dore believed the current governance model of the Combined Authority was working well as evidenced by the recent City Deal, growth deal etc. The demands on the table from the Combined Authority at the present time related to economic drivers. She believed the Combined Authority could agree a deal without the imposition of an Elected Mayor but that remained to be seen.

Councillor Dore confirmed that any costs would have to be subsumed within the devolution deal and the administrative structure that was agreed. A deal would not be agreed unless it vastly improved services and funding and would not detrimentally impact on Council Tax or services.

5.4 Public Question in respect of New Retail Quarter

Nigel Slack stated that proposals for the New Retail Quarter were grinding ahead and, presumably, under the current proposals the land now owned by the Council in the City Centre will be returned to private ownership. This brought concerns for Mr Slack over the private ownership of perceived public land such as roads, pavements and 'public' squares etc. Private ownership of these types of spaces could lead to the public having their traditional rights curtailed, such as the right to

protest, assemble and so forth. Will the Council, therefore, be taking steps to retain true public ownership of these spaces in order to protect such rights?

Councillor Dore replied that the Council always tried to retain as much public ownership as possible when it came to public realm and there were very few occasions where they didn't. In relation to the New Retail Quarter, the Council would try to do that but it may be a decision for the main developer. However, she expected that it would be in the developer's interest to keep the public realm up to a good standard to be more attractive to visitors. The aim would be to find the best solution for the City.

5.5 Public Question in respect of the Council's Development Partner

Nigel Slack asked will the candidates for the Council's development partner be assessed on the same standards as potential contractors i.e. Tax Propriety etc?

Councillor Dore confirmed they would be assessed by the same standards. The Council was currently revising its procurement policies and was constantly striving to ensure standards were met.

5.6 Public Question in respect of Transparency and Webcasting

Nigel Slack commented that he congratulated the Council on their plans to return more public services to Council control, under item 13 on the agenda for the meeting, but for him it was about transparency and accountability rather than cost. Could we look forward to other services being returned in due course? And whilst on transparency, what was the status of the plans to webcast meetings of the Council?

Councillor Dore emphasised that the wish of the Council was to insource as much as possible if it met the needs of the particular service. Every individual case was looked at on its merits. In the example referred to by Mr Slack on the agenda for the meeting, insourcing some services was felt to be the best option but the Council were not necessarily in a position to insource everything.

The issue of webcasting was still being investigated and she would speak to Councillor Ben Curran, Cabinet Member for Finance and Resources, to establish what the current position was.

5.7 Public Question in respect of Councillor Status

Nigel Slack commented that, with the self-suspension of Councillor Clarkson, what did this mean for the representation of the public of his Ward? Will he be able to fulfil the role ascribed in Article 2 of the Constitution (Effectively represent the interests of their Ward and of individual constituents) and, if not, what are the consequences?

Councillor Dore responded that once Councillors were elected they were effectively self-employed. One of their main duties was to attend the Full Council meeting. Thereafter it was the individuals responsibility to manage the needs and

resources to suit that position.

As stated, the main requirement of a Councillor was to attend Full Council meetings. If a Councillor did not attend a meeting for six months action could be taken, but this would be dependent on the individual circumstances of the Councillor concerned.

The Council could not take any action against the Councillor concerned at the present time. No complaints had been received. If any complaints were received, they would be considered at that time. The Council had retained its Standards Committee and any complaint would be managed through the Standards Committee process.

5.8 Public Question in respect of Mount Pleasant Development

Jonny Douglas commented that his question related to the Mount Pleasant development on Sharrow Lane. For 12 months he and his colleagues had been trying to register interest for their community development project for the site and gain the relevant information to put a proper proposal together. They felt they had been unfairly treated, disadvantaged and actively obstructed, both directly by Kier themselves and indirectly through the misleading and misinforming of Councillors and Council departments at every step of the way, to the extent that they had to use Freedom of Information requests, which revealed, among other things that the 'Exclusivity Contract' period which was repeatedly cited had in fact finished months early, and the pre-planning proposal from the currently engaged, seemingly preferred, commercial developer had been deemed inappropriate and unworkable. He therefore asked the following questions:-

1) In light of the report being considered later in the meeting, which recommended that Kier's contract to handle property disposal (and other services) be terminated, are Cabinet willing to call a halt to these proceedings in order to ensure all interested parties are given a fair hearing and the chance to have their proposals for this important Community Asset property considered?

2) On Monday 7 September Nigel Slack (who has been helping us with our project) was told by Councillor Jayne Dunn that the signing of a contract with the developer was imminent and could happen as soon as Friday 11th, yet yesterday we were informed by Dave Wood that this was "never the intention of either party". With the constant movement of goalposts and apparent continually changing status of talks with the current developer, can Cabinet say here today: (a) what stage the current negotiations are at, and (b) the timeline for any further stages?

3) I would like to request a meeting with the appropriate Cabinet Members and the Leader to discuss this matter further please.

Councillor Dore commented that she had seen the email in relation to the development from Mr Douglas the morning of this meeting and was not aware of all the details. She would refer the matter to Councillor Ben Curran and ask him to respond to Mr Douglas' comments. She would attend any meeting if necessary.

She confirmed that no final decision on the matter had been made and if Mr Douglas wished to provide any additional information she would be happy to receive it.

Dave Wood, Interim Property Surveying Manager, commented that approval had been given to sell the building. However, contracts had not been exchanged and no one had said that contracts would be exchanged that week. The disposal would be put on hold prior to a meeting with Councillor Curran next week.

6. ITEMS CALLED-IN FOR SCRUTINY

- 6.1 It was reported that a call-in of the Leader's decision on the Proposed Disposal of Walkley Library, taken on 30 June 2015, was considered at a meeting of the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee held on 29 July 2015. The Committee had resolved that no action be taken on the called-in decision. The Cabinet noted the information reported.

7. RETIREMENT OF STAFF

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

RESOLVED: That this Cabinet :-

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

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
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Children, Young People and Families

Anthony Bailey	Buildings Officer, Wharncliffe Side Primary School	41
Alexandra Crawshaw	Primary Consultant	40
Julie Crookes	Teacher, Bents Green School	31
Alan McIntosh	Exam Officer/Data Manager, Stocksbridge High School	37
Christine Peat	Senior Teaching Assistant Level 3, Lower Meadow Primary School	20

Communities

Jean Bennett	Care Manager Level 3	30
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Resources

Daryl Johnson	Finance Officer	38
Kim Kelly	Driver/Attendant	31
Lynda Skill	Assistant Finance Officer	37
Peter Shemeld	Operational Delivery Officer	30
Russell Webster	Multi Functional Driver	40

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

(c) directs that an appropriate extract of this resolution under the Common Seal of the Council be forwarded to them.

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

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

8.2 A map showing the locations was circulated to Members at the meeting.

8.3 **RESOLVED:** That Cabinet:-

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

8.4 Reasons for Decision

8.4.1 Through the terms of the proposed lease, the RSPB and National Trust will bring

substantial additional expertise and resources to support the long term sustainable management of this valuable and cherished landscape, within a robust framework of consultation, stakeholder engagement and accountability to the City Council.

8.5 **Alternatives Considered and Rejected**

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

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

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

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

9. **LONDON ROAD SHOP FRONT IMPROVEMENT SCHEME**

9.1 The Executive Directors, Place and Communities, submitted a joint report seeking Cabinet approval for a proposed London Road Shop Front Improvement Scheme to be delivered under the Successful Centres Programme.

9.2 Appendix 1, which had been omitted from the agenda in error, was circulated to Members.

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

9.4 **Reasons for Decision**

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

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

9.5 **Alternatives Considered and Rejected**

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

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

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

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

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

10.2 **RESOLVED:** That Cabinet:-

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

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

10.3 **Reasons for Decision**

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

10.4 **Alternatives Considered and Rejected**

- 10.4.1 A number of alternate courses of action are considered as part of the process undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what Officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Revenue Budget and the Capital Programme.

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

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

11.2 **RESOLVED:** That:-

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

Legal and Governance be authorised to advertise the confirmation of the CPO and serve all necessary notices of confirmation and once the CPO becomes operative, to serve Notices to Treat under Section 5 of the Compulsory Purchase Act 1965, and where necessary, to serve Notices of Entry under Section 11 of the same Act in respect of the land included in the Order, or to execute general vesting declarations under the Compulsory Purchase (Vesting Declarations) Act 1981; and

- (f) it be noted that a Capital Approval submission will be brought forward for the acquisition of the land.

11.3 Reasons for Decision

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

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

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

11.4 Alternatives Considered and Rejected

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

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

12. FUTURE OPTIONS FOR SCC PROPERTY AND FACILITIES MANAGEMENT SERVICES

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

12.2 **RESOLVED:** That Cabinet:-

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

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

12.3 **Reasons for Decision**

- 12.3.1 Each element of the proposed package has been considered on its merits. The proposals are being recommended as providing an appropriate balance between:-
- Providing quality services, which meet the expectations of customers (both internal customers and the public)
 - Making a considerable, and ongoing contribution to the Council's savings target, over and above what was envisaged as part of the 2008 contract
 - Maintaining risk (financial, legal, reputational and delivery) within acceptable limits
 - Being affordable and representing best value to the Organisation within the short and long term
 - Supporting the Organisation to transform its services and deliver differently

12.4 **Alternatives Considered and Rejected**

- 12.4.1 To extend the full contract with Kier Ltd based on the service improvements and

savings offered within the contract renewal dialogue.

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

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

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

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

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

13.3 Reasons for Decision

13.3.1 The proposed new letting will benefit the Charity by securing an enhanced rent, increasing the net income available for distribution to the beneficiaries of the Trust.

13.4 Alternatives Considered and Rejected

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