



**Author/Lead Officer of Report:** Alice Nicholson,  
Policy & Improvement Officer  
**Tel:** 0114 27 35065

**Report of:** *Economic and Environmental Wellbeing Scrutiny and Policy Development Committee*

**Report to:** *Cabinet*

**Date of Decision:** *Wednesday 20<sup>th</sup> September 2017*

**Subject:** *Western Road Scrutiny Working Group Report*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to?		
<ul style="list-style-type: none"><li>• Environment and Streetscene</li></ul>		
Which Scrutiny and Policy Development Committee does this relate to?		
Economic and Environmental Wellbeing Scrutiny and Policy Development Committee		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i>		

**Purpose of Report:**

The Economic and Environmental Wellbeing Scrutiny and Policy Development Committee set up the Western Road First World War Memorial Scrutiny Task and Finish Working Group in January 2017. It was set up in response to a petition submitted to Sheffield City Council and was tasked by Full Council to gather information and evidence in relation to the Western Road First World War Memorial.

The Scrutiny Task and Finish group has now produced its final report, endorsed by Economic and Environmental Wellbeing Scrutiny and Policy Development Committee on 27<sup>th</sup> July 2017.

Drawing on their findings the report recommends that the Western Road War Memorial, where street trees are intrinsic, warrants a different approach in the Streets Ahead programme ongoing contract and sets out a series of recommendations on three main themes:

1. The nature of the Western Road War Memorial, tree maintenance and management
2. Communication and engagement with residents
3. Analysis of Technical evidence

This Cabinet report presents the Scrutiny Committee's report to Cabinet (Appendix A).

**Recommendations:**

Cabinet is asked to:

1. Thank the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee for its work in relation to the Western Road First World War Memorial.
2. Note the Western Road First World War Memorial Report that is attached as Appendix A to this report.
3. Note that the Cabinet Member for Environment and Streetscene provided a verbal response to the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee's September 2017 meeting.
4. Agree that a written report on progress on actions in response to the recommendations be provided to the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee for October 2017.
5. Agree that the Scrutiny Task and Finish Working Group report be shared with all members of Council, as requested by the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee.

**Background Papers:**

## Appendix 1: Western Road First World War Memorial Scrutiny Task and Finish Working Group Report

<b>Lead Officer to complete:-</b>	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	<b>Finance:</b> Pauline Wood, Finance Manager
	<b>Legal:</b> Andrea Simpson, Solicitor
	<b>Equalities:</b> Adele Robinson, Social Justice and Inclusion Manager
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>EMT member who approved submission:</b> <i>n/a (scrutiny report)</i>
3	<b>Cabinet Member consulted:</b> <i>n/a (scrutiny report)</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	<b>Lead Officer Name:</b> <i>Alice Nicholson</i>
	<b>Job Title:</b> <i>Policy &amp; Improvement Officer</i>
	<b>Date:</b> 29/08/2017

## 1. PROPOSAL

- 1.1 A petition calling on the Council to “save Western Road First World War Memorial Trees from destruction” was referred by full Council in January 2017 to the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee to enable a cross party working group, working with relevant interested parties, to consider the issue and develop recommendations for the Committee to consider. The Western Road First World War Memorial Scrutiny Task and Finish Working Group Report includes information about the cross-party Scrutiny Working Group, its approach and findings.
- 1.2 The Scrutiny Working Group was made up of seven members from Economic and Environmental Wellbeing Scrutiny and Policy Development Committee at that time, with Cllr Lisa Banes as Chair of the Scrutiny Working Group and was tasked to gather information and evidence to inform recommendations to be put to Sheffield City Council about the future of the Western Road First World War Memorial.
- 1.3 The Scrutiny Working Group agreed their role was to listen and gather information from a range of stakeholders, and make recommendations based on what they heard. This was undertaken during a series of meetings of the group of Councillors that considered and discussed the evidence, and met with individuals and representatives of different organisations as part of this over a period of 11 weeks. This included the three ward members, the lead petitioner and relevant Council officers. The group was also acutely aware of the need to listen to public concerns so organised open community evidence sessions to listen to the public, where they heard from residents of Western Road and Mona Avenue and interested groups.
- 1.4 The Scrutiny Working Group also agreed that its role was not to supplant the role of the service in terms of making technical judgements on the evidence provided or to undertake any consultation activity that was the role of the services to perform.
- 1.5 This report presents the Scrutiny Committee’s report to Cabinet. At its meeting on 27<sup>th</sup> July 2017 the Committee endorsed the Working Group’s recommendations and requested that Cabinet provide an initial response to their recommendations by September 2017 or sooner and a formal response for October 2017. Cabinet is asked to note that the Cabinet Member for Environment and Streetscene has been invited to the September meeting of Economic and Environmental Wellbeing Scrutiny and Policy Development Committee to provide a verbal response to the Working Group’s recommendations, and to agree to the request that a written report to the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee on progress on actions in response to the recommendations be provided to the Committee for October 2017.
- 1.6 **Western Road First World War Memorial Scrutiny Task and Finish Working Group Report**  
The Working Group’s full report is attached to this report as Appendix 1. Drawing on what the Working Group found and heard their report makes recommendations across three themes:

#### **A. Western Road War Memorial**

1. *Recommend that the Western Road war memorial, with its intrinsic avenue of trees, be considered differently to other street trees. That it should be seen as an exception to the norm, and every effort is made to retain as many existing trees where possible by all appropriate means available to the Council, and that this recommendation does not extend to other types of war memorial.*
2. *Recommend that beyond the core investment period, the Council moves from a position of limited or no obvious maintenance, to a clear and stated proactive war memorial and tree management plan.*
3. *Recommend where practicable and affordable that engineering solutions are adopted to retain as many memorial trees on Western Road/Mona Avenue, as far as possible.*

#### **B. Communication and Engagement**

4. *Recommend that the Council look to restoring over time the Western Road War Memorial to its original concept. This would be subject to appropriate space, funding, and **agreement with residents on Western Road and Mona Avenue.***
5. *Note and support the Council's commitment to 'replanting and rededicating memorials over the coming months'. In regard to Western Road this could be with a view to unveil a fitting memorial in time for Centenary Anniversary of Armistice Day November 2018.*
6. *Ask the relevant Cabinet member to share with the public the immediate, medium and longer term, future maintenance plan for Western Road War Memorial street trees.*

#### **C. Technical**

7. *Recommend that the relevant Cabinet Member comes to the Economic and Environmental Scrutiny Committee to explain how they will respond to the differences and challenges identified in a) the Council's technical recommendations following the Independent Tree Panel report, and b), the technical submissions from the community; and also the ask for a technical dialogue between the community and Streets Ahead.*

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 The work and approach of the Working Group connects to the commitment within the priority theme of “*An In Touch Organisation*” to “*make sure we listen, understand and respond to what people are telling us, treating them with respect at all times*”. The working group was set up in response to a petition submitted to Sheffield City Council.
- 2.2 The Council's Corporate Plan has a priority theme of “*Thriving Neighbourhoods and Communities*” which includes a specific commitment to “*complete the resurfacing of 1,180 miles of road, as part of our Streets Ahead programme*”. The recommendations outlined in the Western Road First World War Memorial Scrutiny Task and Finish Working Group Report sets out a series of recommendations on three main themes: The nature of the Western Road War Memorial, tree maintenance and management, Communication and engagement with residents, Analysis of Technical evidence. The street trees that are intrinsic to the first world war memorial on Western Road are in the street tree replacement programme part of Streets Ahead contract.

## **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 The Working Group gathered evidence through a variety of activities, as detailed in its report, which informed the findings and recommendations.

## **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### **4.1 Equality of Opportunity Implications**

- 4.1.1 As a Public Authority, we have legal requirements under Section 149 of the Equality Act 2010. These are often collectively referred to as the ‘general duties to promote equality’. To help us meet the general equality duties, we also have specific duties. We have considered our obligations under this Duty in this report and found that there are no direct equality of opportunity implications arising as a result of this report. However, any specific changes to service delivery or policy arising in response to scrutiny recommendations will need to include the consideration of equality implications, to continue to ensure the Council fulfil our statutory obligations.

### **4.2 Financial and Commercial Implications**

- 4.2.1 The Committee is very aware of the financial context in which the Council is now operating. Although some of the recommendations in the report relate to actions/solutions to retain as many trees where possible by all appropriate means, this is qualified by as to where practicable and affordable. Any suggestion or recommendation of further restoration is subject to appropriate funding and the recommendations make no specific call for commitment of additional funding. The recommendation is also limited by the explicit statement that it does not extend to other types of war memorial.
- 4.2.2 There are no direct financial implications arising from this report. The

implementation of any of the recommendations from the Committee's report may be subject to further decision making in accordance with the Leader's Scheme of Delegation. This would include any financial and commercial implications.

#### 4.3 Legal Implications

4.3.1 There are no direct legal implications arising from this report. The implementation of any of the recommendations from the Committee's report may be subject to further decision making in accordance with the Leader's Scheme of Delegation, and the legal implications of any proposal would be fully considered at that time.

4.3.2 Under the Local Government Act 2000 section 21, clause 2(b.) there is an explicit power for Scrutiny committees to make reports or recommendations to the Executive.

### 5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 An alternative option in relation to the recommendations would be to do nothing with the Task Group Report. However, given the time and effort spent by the Task Group and contributions to the work from residents and interested parties, and the expectations raised by the resolution of full Council in January 2017, this is not deemed a viable option.

5.2 An alternative option in relation to the recommendations would be to respond to the Committee's report over a much longer timescale. However, the Scrutiny Committee would welcome a fast response to its recommendations. The Committee believes an initial reporting to its September 2017 and a formal report to its October 2017 meetings strikes an appropriate balance between speed and allowing sufficient time for Cabinet Members and officers to consider the recommendations in the Western Road First World War Memorial Scrutiny Task and Finish Working Group, accommodating as far as possible the timeline of the Streets Ahead core investment period.

### 6. **REASONS FOR RECOMMENDATIONS**

6.1 For expediency the Scrutiny Committee requested an initial response to their recommendations for September 2017, and the Cabinet Member for Environment and Streetscene is invited to provide a verbal update at Economic and Environmental Wellbeing Scrutiny and Policy Development Committee meeting on 13<sup>th</sup> September 2017.

6.2 In order to make it clear to the Scrutiny Committee what actions the Council is committing to, the Committee requests a formal written response report to its Western Road First World War Memorial Scrutiny Working Group Report by October 2017, within the Streets Ahead core investment period.

6.3 The Economic and Environmental Wellbeing Scrutiny and Policy Development Committee would like to share the report with all members of Council as appropriate course of action, to close the circle on the referring of the petition to the Committee from Full Council.

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