

Cabinet

Meeting held 18 September 2019

PRESENT: Councillors Julie Dore (Chair), Jackie Drayton, Mazher Iqbal, Bob Johnson, Mark Jones, Mary Lea, George Lindars-Hammond, Abtissam Mohamed and Paul Wood

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Terry Fox.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 The Chair (Councillor Julie Dore) reported that appendix 4 to the report at agenda item 12 (See minute 11 below) - The City of Sheffield (45 Marchwood Road) Compulsory Purchase Order 2019 - was not available to the public and press because it 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.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of Cabinet, held on 17 July 2019, were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 Public Question in respect of Waste Collection

5.1.1 Athan referred to a complaint he had made two years ago regarding the collection of his black bin where his bin had not been collected but he had been told to leave his bin on Emily Road. Former Councillor Mohammad Maroof had spoken to the Council about the matter and Veolia had inspected the site. Veolia had agreed that the bin should be left outside the property but still had not collected it.

5.1.2 Athan had phoned to complain about the matter and the bin had been collected two days later. He now had an issue of collection of all of his bins. He had been informed that Emily Road was too narrow to collect the bin but a smaller vehicle would come and collect but this didn't happen. What can the Council do to enable his bin to be collected?

5.1.3 The Leader of the Council, Councillor Julie Dore, apologised for the poor quality of service Athan had received. Councillor Mark Jones, Cabinet Member for Environment, Streetscene and Climate Change, would pursue the matter with Veolia and ensure the bins would be collected in future.

5.2 Public Question in respect of Tree Protests

5.2.1 Benoit Compin referred to a criminal judgement against him brought by the Council which he believed was on unfair grounds. What did the Council have to say in respect of this?

5.2.2 Councillor Julie Dore commented that Mr Compin had raised the matter at the last Cabinet meeting on 17 July. She considered it strange that he believed that she made all the decisions in respect of this and that it was based on Legal advice through the Leader's Scheme of Delegation. The Chief Executive, John Mothersole, would provide a written response as a matter of urgency.

5.3. Public Question in respect of Tree Protests

5.3.1 Justin Buxton commented that, on 3 September 2019, the BBC had reported that the Council had spent £413,000 on legal costs regarding tree protesters and the Council had stated that they would receive £70,000 back in legal costs. How much had the Council received back from this? The Forestry Commission had launched an investigation and as a result would the Council receive any further costs back?

5.3.2 Councillor Dore responded that she supported the Council processes in respect of this. The Council would respond to any recommendations in the Forestry Commission investigation. She would confirm, by e-mail, how much costs the Council had recovered.

5.4 Public Question in respect of Tree Protests

5.4.1 Russell Johnson asked whether the Leader was aware of a decision which was imminent in respect of tree protesters being referred back to the High Court? What was the Council's policy in respect of this?

5.4.2 Councillor Julie Dore commented that the Council would take a decision on this at the time it was required.

5.4.3 Russell Johnson replied that, given the Forestry Commission investigation, the protests by the Sheffield Tree Action Groups (STAG) and the Its our City petition, would the Council consider its position in respect of future decision making?

5.4.4 Councillor Mark Jones replied that reflecting on all decisions was important and he was open to discussions on all issues. He was meeting with STAG this week to agree a way forward. He was learning processes already in his new role and the Council's position would evolve as a result.

5.5 Public Question in respect of the Its Our City Petition

5.5.1 Russell Johnson asked did the Its our City Petition submitted to the Council cause the Leader to reflect on her position?

5.5.2 Councillor Julie Dore stated that she was not going to reflect on her position. She welcomed the petition which had received the support of 5% of the electorate. However, she wanted to hear what the view of the other 95% of citizens of the City was. The Council would be embarking on a consultation programme in respect of this. This would involve consultation with all stakeholders and individual citizens across the City.

5.6 Public Question in respect of Heritage Sites

5.6.1 Nigel Slack commented that Sheffield appeared to have lost out on money to help heritage building on its high streets adapt to the changing face of retail in the twenty-first century. The £95 million available from competition monies from Government to the way centres respond to the changes on the high street had been allocated to 69 cities and towns throughout the country.

5.6.2 Mr Slack believed that the Coroners Court, Salvation Army Citadel, Leah's Yard and Devonshire Street all could have had a more positive story with a more positive approach to heritage assets.

5.6.3 The approach of the Heart of the City 2 scheme had changed lately to look at ways of making more from our City Centre heritage but in most cases only if there is no commercial alternative available. The Council could choose to work in partnership with the local enterprises and entrepreneurs to bring these assets back into use and at the same time promote and support the new businesses that were so vital to a new high street for the twenty-first century.

5.6.4 Mr Slack added that general powers of competence, social value considerations and others could be used to make a unique contribution to a truly Sheffield solution to its redevelopment plans. Why do we not make more of these options?

5.6.5 In Mr Slack's view, the Council seemed unable to understand what what was needed to win on the national competition stage. Leeds, Hull and Wakefield benefited again whilst Sheffield lost out. Why was that?

5.6.6 Councillor Mazher Iqbal, Cabinet Member for Business and Investment, replied that Sheffield had been successful with one of the bids to the High Street Fund and had received £25 million and had worked with a number of stakeholders to achieve that. Two other bids had proved unsuccessful. £150,000 had been received from the High Street Fund for Fargate. Stocksbridge Town Centre had been successful in its bid to the Fund but the amount of funding it would receive had yet to be confirmed.

5.6.7 Councillor Iqbal shared Mr Slack's frustration as, even if they had been awarded £95 million, this would not have been enough to bring the buildings referred to by Mr Slack back into use. The Council was working with the Heritage Lottery Fund to see if any further money was available. Councillor Bob Johnson, Cabinet Member for Transport and Development, was leading on the development of the Local Plan

but this did not hinder or prevent developments coming forward.

5.6.8 Councillor Iqbal added that the Council would work with partnerships in any forms who shared their vision. Sheffield was not in competition with other cities and was unique in itself. It had been shortlisted for European Urban City of the Year and had demonstrated that it had stayed true to its values and authenticity.

5.6.9 Councillor Paul Wood, Cabinet Member for Neighbourhoods and Community Safety, added that the Council looked at every property to establish whether it could be used for housing. It was looking at Birley Spa to establish whether the two flats upstairs could be used for social housing. He could not give assurances due to financial considerations but he would welcome Mr Slack sending through any more information on buildings he believed the Council should look at for social housing.

5.7 Public Question in respect of Council Property

5.7.1 Nigel Slack commented that, in April 2019, he had raised at the Cabinet meeting his concerns over the way the decisions about the sale of Mount Pleasant House had been made and, in particular, the responses he had received at the Economic and Environmental Wellbeing Scrutiny and Policy Development Committee, held on 14 March 2018. Mr Slack had raised this again at the Cabinet meeting held on 17 July 2019. He had now raised this matter again to request answers to the questions he posed. Will Mr Slack receive an answer from Property Services?

5.7.2 Councillor Julie Dore acknowledged that the issue of Mount Pleasant was an urgent issue and Mr Slack would get a response to his questions in due course.

5.8 Public Question in respect of Standards Complaints

5.8.1 Nigel Slack commented that he was pleased, after 9 months, that a Standards investigation into a previous Cabinet Member had finally been resolved. He believed that the process and the resolution had been a very unsatisfactory procedure and believed that this had not been fair to himself as the complainant or the subject of the complaint. He also referred to another complaint which had been resolved in a much quicker timescale. When and where will the decisions on these two complaints be made public?

5.8.2 Councillor Julie Dore accepted that there may be a difficulty in understanding the discrepancies in the timescales for the complaints. Each case had different individual circumstances but she would look at how the Council could respond in a more efficient way. Individual cases were not made public. Complaints made through the Standards procedures were reported to the Audit and Standards Committee. If Mr Slack was unsatisfied with Council procedures regarding complaints he could refer this to the Local Government Ombudsman and Councillor Dore stated that, if people felt unsatisfied with a complaint against the Council, they should ensure that they exhaust all Council procedures in respect of complaints.

6. ITEMS CALLED-IN FOR SCRUTINY

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

7. RETIREMENT OF STAFF

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

7.2 **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>
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Place

Steven Bee	Plasterer, Repairs and Maintenance Service	36
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People Services

Brenda Oxley	Supervisory Assistant and Cleaner, Norfolk Park Special School	27
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Christine Robinson	Care Manager Level 2, Adult Social Care	35
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Resources

Martyn Riley	Senior Committee Secretary, Democratic Services	35
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(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. THE SHEFFIELD CITY COUNCIL DIGITAL CONNECTIVITY STRATEGY

8.1 The Executive Director, Resources, submitted a report seeking approval of the Digital Connectivity Strategy and, in principle, the programme of activities and projects proposed within it. These activities and projects will improve digital connectivity in Sheffield, so that coverage, choice and speed of communication stays ahead of demand; and so that connectivity enables residents and businesses to use digital solutions to improve their lives and to sustain, grow and create new business.

8.2 **RESOLVED:** That Cabinet:-

- (a) approves the Digital Connectivity Strategy and the 'direction of travel' set out therein; and
- (b) notes that the Director of Business Change and Information Solutions will seek any additional formal approvals required to implement the activities and projects described in the Digital Connectivity Strategy and summarised in this report such as the procurement of contracts for 5G, Wi-Fi and Internet of Things Networks.

8.3 **Reasons for Decision**

- 8.3.1 It is recommended that Cabinet approves the adoption of the Digital Connectivity Strategy in order to improve digital connectivity in Sheffield, so that coverage, choice and speed of communication stays ahead of demand; and so that connectivity enables residents and businesses to use digital solutions to improve their lives and to sustain, grow and create new business.

8.4 **Alternatives Considered and Rejected**

8.4.1 Do Nothing

The Council could choose not to adopt and implement the Digital Connectivity Strategy and to allow the market to determine the speed and coverage of next generation digital connectivity; it could choose not to work with the market to reduce barriers to investment; and it could choose not to directly intervene through, for example, concession contracts (or alternative forms of agreement).

- 8.4.2 However, history has shown that without public sector intervention, the market is slow to deploy infrastructure, particularly in less affluent areas of the City.

8.4.3 Public Sector Interventions since 2014 have achieved the following:

- Coverage of superfast broadband has increased from 80% to over 95% and will reach 99% of premises by 2021;
- Take-up of superfast broadband has increased from 18% to over 45%;
- Sheffield business parks were amongst the first in the country to access full fibre, gigabit, broadband;
- Business support programmes have helped SMEs use digital to sustain and grow their business;
- SMEs have received vouchers for half price connection and for half price innovation projects;
- The city centre has one of the best public access wi-fi networks in the country.

- 8.4.4 The do nothing option is not recommended because, were the Council to choose not to intervene, it is likely that coverage of full fibre and 5G in Sheffield would continue to lag significantly behind the rest of the country, with many other cities competing to attract the limited resources of the market to their own areas.

9. SHEFFIELD DOC/FEST

9.1 The Executive Director, Place, submitted a report informing the Cabinet of the benefits of the Council's continued sponsorship of Sheffield Doc/Fest ("Doc/Fest"), requesting approval for the continued sponsorship of Doc/Fest for a further three years in 2020, 2021 and 2022 and requesting delegated authority for the Director of City Growth, in consultation with the Director of Legal and Governance and the Director of Finance and Commercial Services, to enter into a grant agreement with Sheffield Doc/Fest.

9.2 **RESOLVED:** That Cabinet:-

- (a) approves the Council's commitment to fund Sheffield Doc/Fest as outlined in the Financial Appendix attached to the report; and
- (b) delegates authority to the Director of City Growth, in consultation with the Director of Legal and Governance and the Director of Finance and Commercial Services, to:
 - (i) enter into a grant agreement with Sheffield Doc/Fest (including negotiation and agreement of the relevant contractual terms of the grant agreement); and
 - (ii) take all other necessary steps not covered by existing delegations to achieve the outcomes outlined in the report.

9.3 Reasons for Decision

9.3.1 It is recommended that Sheffield Doc/Fest will be awarded a grant for three years, as outlined in the financial appendix and that the Director of City Growth, in consultation with the Director of Legal and Governance and the Director of Finance and Commercial Services, is granted delegated authority to enter into a grant agreement with Sheffield Doc/Fest.

9.3.2 Providing a three year fixed grant provides both Sheffield Doc/Fest and Marketing Sheffield with certainty that the festival can continue in Sheffield and develop its programme and reputation over the time period. It allows Sheffield to continue to benefit from the wide range of economic and other benefits described in section two of the report.

9.3.3 The proposed outcomes of the funding are to contribute to Sheffield's economy and status as a cultural and conference destination through assisting Sheffield Doc/Fest in delivering its strategy to:

- Become a world leading A list documentary film festival known for all game-changing non-fiction, all durations, all platforms;
- Continue to grow the Doc/Fest film and alternative realities funding markets into the most successful in the world, with idea to screen tracking and messaging;

- Increase its general public audience to over 30,000, with a stand out reputation for inclusiveness and outreach;
- Discover, nurture and celebrate diverse new and emerging talent; and
- Continue to significantly contribute to the local economy, including creating further activities for delegates and public audiences to engage with business and cultural activities.

9.4 **Alternatives Considered and Rejected**

9.4.1 Alternative option 1 – Do nothing.

Providing no sponsorship for Doc/Fest would be likely to result in the permanent withdrawal of Doc/Fest from Sheffield or, at best, a significant reduction in the quality and breadth of the event, risking its international reputation and/or future relocation to an alternative city. This would be likely to mean the approximate £1,749,342 (minimum) delegate spend per year would be lost to the city, and would also have the effect of reducing the city's profile and reputation within the creative community inside and outside of Sheffield. As the conference is the city's largest conference, maintaining presence and scale is important for PR purposes.

9.4.2 Alternative option 2 – Enter into a grant agreement for a period of one year

Annual grant arrangements would limit Sheffield Doc/Fest's ability to develop their programme in line with their three year strategy. A single year agreement would be likely to require a higher level of grant funding to achieve the same outcomes and so a higher cost over the three year period. A single year grant arrangement would risk Sheffield's opportunity to develop a long term plan for the festival.

10. **MONTH 4 CAPITAL APPROVALS**

10.1 The Executive Director, Resources, submitted a report providing details of proposed changes to the Capital Programme, as brought forward in Month 4 2019/20.

10.2 **RESOLVED:** That Cabinet:-

- (a) approves the proposed additions and variations to the Capital Programme listed in Appendix 1 of the report, including the procurement strategies and delegates authority to the Director of Finance and Commercial Services or nominated Officer, as appropriate, to award the necessary contracts; and
- (b) notes the feasibility allocations approved under delegated authority by Capital Programme Group.

10.3 **Reasons for Decision**

- 10.3.1 The proposed changes to the Capital Programme will improve the services to the people of Sheffield.
- 10.3.2 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.
- 10.3.3 Obtain the relevant delegations to allow projects to proceed.

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. **THE CITY OF SHEFFIELD (45 MARCHWOOD ROAD) COMPULSORY PURCHASE ORDER 2019**

- 11.1 The Executive Director, Place, submitted a report seeking authority to make a Compulsory Purchase Order in respect of 45 Marchwood Road, Sheffield, S6 5LB (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.
- 11.2 Discussion was had around whether, in line with the Council's priority to create mixed tenure estates, including affordable housing, consideration should be given as to whether the property should be acquired by the Council for Council housing. Further, if this option was considered appropriate, whether it should be pursued as an alternative to disposing of the property at auction. It was agreed to pursue this approach. It was acknowledged that the statement of reasons required amendment to reflect the new approach and it was therefore agreed that the Director of Legal and Governance would be given authority, in consultation with the Cabinet Member for Neighbourhoods and Community Safety, to amend the statement.
- 11.3 **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 (45 Marchwood Road) Compulsory Purchase Order 2019' (the "Order Land").
 - (b) delegates authority to the Director of Legal & Governance to make the CPO for the Order Land, and 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:

- In consultation with the Cabinet Member for Neighbourhoods and Community Safety, finalising the attached draft Statement of Reasons, at Appendix 1 of the report;
 - 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;
 - Submitting the CPO to the Secretary of State for confirmation as soon as possible following making of the CPO; and
 - Self-confirming the CPO if authorised to do by the Secretary of State.
- (c) delegates authority to the Director of Legal & Governance 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, requests the Director of Legal and Governance 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 & Governance, in consultation with the Executive Director, 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) delegates authority to the Executive Director, Place, in consultation with the Director of Legal & Governance and the Executive Director, Resources, to manage the compulsory purchase process in accordance with all statutory requirements and to otherwise promote or support the promotion of confirmation of the CPO including the preparation of and giving of evidence at any public inquiry;
- (f) delegates authority to the Chief Property Officer to agree terms for the acquisition of the Order Land and to instruct the Director of Legal and Governance to complete the necessary documents; and
- (g) approves that, upon the completion of the acquisition of the Order Land, where it is decided to dispose of the land, the Chief Property Officer negotiates the disposal of the land and be authorised to instruct the Director of Legal and Governance to complete all the necessary legal documents for the completion of the disposal.

11.4 Reasons for Decision

- 11.4.1 The property has been vacant since at least 2012 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, with limited success, attempted to engage with the property owner, in an effort to get the property back into occupation, including offers 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.

11.5 **Alternatives Considered and Rejected**

11.4.1 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 a semi-detached 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.

11.5.2 Renovation

The Council's Private Housing Standards team first visited the Property in December 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. Additionally, in March 2018, 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 an inspection of the Property on 17 June 2019. 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.

11.5.3 Empty Dwelling Management Orders

These orders enable the Council to effectively step into the shoes of the owner and manage the property. To utilise this option, the Council will need to apply to the First-tier Tribunal for authority to make an interim Empty Dwelling Management Order (EDMO), carry out significant repairs, prepare an appropriate statutory compliant tenancy agreement and, with the owner's permission, let the Property and manage the tenancy. Further, if the owner did not agree to the Property being let, the Council would need to make a final EDMO, enabling it to let the Property without the owner's permission. Given that regular complaints about the Property have been received from concerned neighbours since December 2016, it is felt that the time it would take for an EDMO process to be concluded would result in an unreasonable delay in removing the negative impact this Property has had on these neighbours and the local community.

11.5.4 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 2 October 2018 and again on 17 July 2019, the Council wrote to the owner to offer to purchase the property by agreement. No response was received by the Council to these letters.

11.5.5 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.