

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Tuesday, 15th August, 2017 by Cabinet.

Date notified to all Members: Wednesday, 23rd August, 2017

The end of the call in period is 5.00 p.m. on Monday, 4th September, 2017 and therefore, the decisions can be implemented on Tuesday, 5th September, 2017

Present:

Chair - Mayor Ros Jones (Mayor of Doncaster with responsibility for Budget and Policy Framework)

Vice-Chair - Councillor Glyn Jones (Deputy Mayor, Portfolio Holder for Housing and Equalities)

Cabinet Member for:

Councillor Nigel Ball	Portfolio Holder for Public Health, Leisure and Culture
Councillor Joe Blackham	Portfolio Holder for Highways, Street Scene and Trading Services
Councillor Rachael Blake	Portfolio Holder for Adult Social Care
Councillor Chris McGuinness	Portfolio Holder for Communities, Voluntary Sector and the Environment
Councillor Bill Mordue	Portfolio Holder for Business, Skills and Economic Development
Councillor Jane Nightingale	Portfolio Holder for Customer and Corporate Services

Apologies:-

An apology for absence was received from Councillor Nuala Fennelly.

PUBLIC MEETING – SCHEDULE OF DECISIONS

Public Questions and Statements

There were no public questions or statements made at the meeting.

The Decision records from the meeting held on 18th July, 2017 were noted.

DECISION 1

1. AGENDA ITEM NUMBER AND TITLE

6. DARTS Teacher in Role Project.

2. DECISION TAKEN

Cabinet approved a grant of £67,764.50 to Doncaster Community Arts (DARTS) for the development of a creative project to further develop literacy through developing

drama techniques in 8 identified schools with at least 30% of pupils in receipt of Pupil Premium funding. This project had already been approved by the Schools Forum at its meeting on 15th February 2017.

3. REASON FOR DECISION

Cabinet received a report which sought approval of a grant to the DARTs (Doncaster Community Arts) for a literacy project which was designed to provide targeted support for Y3/4 pupils by using creative drama based approaches to improve reading and writing skills.

Working in role would provide exciting and purposeful contexts for children to develop key skills in reading and writing. The project aligns very closely with Doncaster LA Raising Achievement and Aspirations Strategy, which had the development of wider literacy skills as a key priority.

The project would provide training for subject leaders and resources to support learning. 8 schools had now been identified as participating in the project from September 2017. Funding for this project had been agreed by the Schools Forum at its meeting on 15th February 2017.

Cabinet welcomed the report which would bring about the priority of improving outcomes in reading and writing in Doncaster schools.

4. ALTERNATIVES CONSIDERED AND REJECTED

There were no alternative options within the report, as the intention is to provide Cabinet with an opportunity to note and consider the information presented. The project was approved by the Schools Forum on 15th February 2017.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

Councillor Rachael Blake, Cabinet Member for Adult Social Care declared a non-disclosable pecuniary interest by virtue of being a Director of DARTs.

6. IF EXEMPT, REASON FOR EXEMPTION

Not Exempt

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Damian Allen, Director of People.

DECISION 2

1. AGENDA ITEM NUMBER AND TITLE

7. Funding for structural investigations and interim repairs at former St James' Baths, 72 Waterdale, Doncaster, DN1 3BU.

2. DECISION TAKEN

Cabinet approved the allocation of £300,000 from the Council's General Reserves to undertake survey work to ascertain the viability of refurbishing St. James' Baths.

Undertaking the survey works would enable the Council to establish a clear position as to whether there were any possible areas of St. James' Baths which can be retained/refurbished.

3. REASON FOR DECISION

Cabinet received a report which sought approval to allocate £300,000 from the Council's General Reserves, to undertake structural investigation, analysis and reporting, plus identified interim repair works, at the former St. James' Baths, Waterdale. Subject to the findings of the structural investigations further interim stabilisation work may be required.

The aim of the work was to identify the extent of structural defects and recommendations for addressing, if possible. The information would support future options for the building, which could include disposal, refurbishment or should no other option be viable, an application to de-list. The funding would also provide temporary repairs to an area where a flat roof had collapsed over the 'Turkish baths'.

In presenting the report, Mayor Ros Jones stated that she was very disappointed that when she became the Mayor, she found that a number of Doncaster's most historic buildings were in a very poor state of repair, or were in need of significant investment. Unfortunately, the Council had been left to deal with a legacy of under-investment, which has impacted upon these heritage buildings and the wider town centre. However, she was pleased to say that the Council had already taken wide ranging actions to improve the situation. Multi-million pound renovation and regeneration projects had already been completed, were underway or had been agreed, to transform six of the town's most historic buildings, including:-

- The Mansion House
- Priory Place
- Corn Exchange
- Wool Market
- Railway Station
- Old Girls School

She added that St James Baths is a Listed Building, which suffers from severe structural failures and was forced to close for reasons of public safety. In order to identify potential opportunities for the future of this building and the wider site, it was now essential to understand the full scale of the structural damage to the building. Detailed intrusive investigations had therefore been agreed with Historic England in order to make this assessment.

The Mayor stated that clearly there were no easy answers to bring this building back into use, as it would require both a major financial investment and an economically sustainable future. However, she explained that these steps would help to move the situation forward, and would give the Council a much clearer understanding of the scale and nature of the financial investment that would be required to bring the building back into use. In itself this work represented a significant and essential financial investment by the Council.

Cabinet acknowledged the comprehensive piece of work to be undertaken and that the Council could not decide the future options for the building until the structural investigation, analysis, reporting and interim repair works had been carried out.

4. ALTERNATIVES CONSIDERED AND REJECTED

Do nothing (not recommended)

If the Council allows the St James' Baths building to remain in its current state and does not keep it wind proof and water tight, the Council could be considered to be allowing the building to further deteriorate. In such circumstances Historic England could take action to secure repair through an 'urgent works notice'. The Council would be likely to be liable for any costs resulting from such works.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Not Exempt

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director of Regeneration and Environment.

DECISION 3

1. AGENDA ITEM NUMBER AND TITLE

8. Savoy Cinema and Restaurants – Civic and Cultural Quarter.

2. DECISION TAKEN

Cabinet noted the contents of this report and gave approval to:-

- (1) Proceed with work to finalise plans, drawings and planning conditions;
- (2) Delegate authority to the Council's Property Officer, to negotiate terms and enter into conditional agreements to lease with five potential operators for the proposed units on the site;
- (3) Delegate to Director of Regeneration and Environment and Senior Finance Officer of Finance & Corporate Services (in consultation with the Mayor) the decision to proceed once the Cinema operator and tenant pre-lets have been secured and there is sufficient contracted income for the Council to cover its costs;
- (4) Procure and enter into an agreement to build in accordance with the Council's Contract Procedure Rules at the budgets identified in the report;
- (5) Add the Savoy Cinema development to the Regeneration and Environment Capital Programme for 2017/18; and
- (6) Virement of the Finance & Corporate Services Capital Programme, which

contains the Investment and Modernisation Fund allocation, into the Regeneration and Environment Capital Programme, where this scheme would be delivered and monitored.

3. REASON FOR DECISION

The disposal of land at Civic and Cultural Quarter (CCQ) known as 'Savoy Cinema Site' has been a longstanding leisure based development opportunity and was part of the Muse Development Agreement. Cabinet had previously given approval on 2nd August, 2016 to progress the funding agreement with Sheffield City Region Infrastructure Fund (SCRIF) and accept the funding offer to progress the CCQ Cinema/Restaurants Scheme, as detailed in Appendix 1 to the report. However, due to Muse being unable to make it work commercially, the proposal stalled.

Approval was sought to proceed with the Savoy Cinema Development, for a six screen cinema and restaurants as part of the Civic and Cultural Quarter (CCQ), with the Council acting as landowner, funder, developer and landlord of the completed development.

Once completed, it would create an annual rent (details of which were outlined in the financial Appendix), 100 jobs, an estimated rateable value of circa £530,000 and an enhanced CCQ leisure offer.

It was proposed that the Council would enter into lease negotiations with potential occupiers with a view to opening the scheme by September 2019.

Cabinet agreed that the public and press be excluded from the meeting at this point of the proceedings, to enable the Cabinet to consider in detail, the contents of Appendices 1 and 2 to the report, which contained exempt information, as defined in Paragraph 3 (Information relating to the financial or business affairs of any particular person, including the Authority holding that information) of Part 1 of Schedule 12 A of the 1972 Act, as amended.

Cabinet discussed the commercially sensitive information within the Appendices and Officers responded to questions from Members, in particular in relation to the terms and obligations of the contractual agreement with Savoy.

Following consideration of the exempt appendices, the public and press were invited back into the meeting in order to consider the recommendations of the report.

Cabinet agreed the project which will bring about jobs, business rates and investment returns necessary to assist the Council's long terms financial plans.

4. ALTERNATIVES CONSIDERED AND REJECTED

Option 1: Proceed with a disposal of the land by tendering the site for sale for around £525,000.

Option 2: Seek a second JV partner to work with to bring the development forward.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Appendices 1 and 2 to the report, were not for Publication because they contained commercially sensitive exempt information and were exempt information as defined in Paragraph 3 of Part 1 of Schedule 12 (a) of the Local Government Act 1972 (as amended), information relating to the financial or business affairs of any particular person (including the authority holding that information).

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director of Regeneration and Environment.

DECISION 4

1. AGENDA ITEM NUMBER AND TITLE

9. Proposed Sale of 4.3 acres of Land at Carr House Road.

2. DECISION TAKEN

Cabinet supported the decision to proceed with the sale of 4.3 acres of land at Carr House Road on the terms, as outlined within the report.

3. REASON FOR DECISION

Cabinet considered a report which sought approval to proceed with the sale of land at Carr House Road, Doncaster, with the preferred bidder for a new housing development.

Following cessation of the former use as bloodstock sales, the site was now surplus to the Council's operational requirements and currently formed part of the Council's Disposal Programme, approved by Cabinet on 20th February 2008. A previous marketing exercise failed to achieve an acceptable offer. Given the number of new housing sites being developed in the locale, further marketing of the site was held in abeyance to ensure best consideration through market demand.

The land was advertised by the way of an informal tender for 8 weeks. The site was marketed both locally and nationally, with a total number of 47 sales particulars sent to prospective buyers. Following completion of this process, a total of 6 offers were received, which were detailed in the Appendix to the report.

The most favourable bid was submitted by a local house builder, as detailed within Appendix 1 of the report (Offer B). Their proposed scheme is for residential houses to be built throughout the site with an element of public open space on site, as well as affordable housing provisions as per the planning policy. The bidder has already undertaken significant work on scheme design and has consulted with the Highways department, and was subject to gaining successful planning permission.

Cabinet were supportive of the proposals and welcomed the transformation of this area, which in the past had been blight on the community.

4. ALTERNATIVES CONSIDERED AND REJECTED

Option One: Do nothing (not recommended)

If the Council does not proceed with the sale of the land then it will remain in the ownership of the Council and the Council will not achieve the financial disposal target for this year.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Appendix 1 to the report was not for Publication because it contained commercially sensitive exempt information and was exempt information as defined in Paragraph 3 of Part 1 of Schedule 12 (a) of the Local Government Act 1972 (as amended), information relating to the financial or business affairs of any particular person (including the authority holding that information).

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director of Regeneration and Environment.

DECISION 5

1. AGENDA ITEM NUMBER AND TITLE

10. Proposed disposal of Barnburgh Grange Farm.

2. DECISION TAKEN

Cabinet agreed to the proposed disposal of Barnburgh Grange Farm on the terms as outlined within the report.

3. REASON FOR DECISION

Cabinet received a report which sought approval to the disposal of the freehold interest of Barnburgh Grange Farm. Barnburgh Grange Farm is an arable farm plus buildings with a site area of approximately 250 acres. The site comprises general arable farmland including 31.62 Acres of designated washlands and 11.96 Acres of Woodland. The site also includes a farmhouse, Managers house and a pair of derelict cottages.

Doncaster Council holds the freehold title and the asset is let by way of an agricultural tenancy agreement dated 11th May 1967. The passing rent is £7,845 per annum. As with agricultural tenancies, there are succession rights, and there are two further rights to succeed. This essentially means that unless the tenants wish to surrender their lease (which is highly unlikely) it will be very difficult for the Council to regain vacant possession of the farm in the foreseeable future.

Following a request from the tenant to acquire the freehold interest in the property, advice was sought from a local agricultural expert, which had enabled the Council to make an informed decision as to the best option for the future of this asset, after

they took a holistic approach to reviewing the immediate and future options available.

It should be noted that the farm is located on the possible proposed route of the HS2 scheme. Some of the site therefore may be compulsorily acquired for this purpose, and the Council may, at some point in the future, be entitled to compensation for this loss. Advice from the Council's specialist agent is that a disposal to the tenant represented the best achievable consideration for the asset as a 'special purchaser'. Further, the agent had advised that there was no additional value to the Council in retaining the asset and dealing directly via a compensation negotiation with HS2 in the future.

The farmer was aware of the potential impacts of HS2 and had confirmed that he had obtained specialist legal advice on the right to claim compensation as a consequence of the HS2 scheme and still wished to proceed with a purchase of the freehold interest in the property.

As landlord, the Council currently has repairing liabilities outstanding under the terms of the lease, although not considered significant at this time. The low passing rent may be the reason for these repairs not having been reported by the tenant.

4. ALTERNATIVES CONSIDERED AND REJECTED

Option 1 – Retain the freehold and review the rent – not recommended

The earliest opportunity to increase the rental is August 2018. As previously noted, due to the existence of succession rights in favour of the tenant, the Council are very unlikely to regain possession in the near future to enable a disposal of the asset on the open market.

Option 2 – Dispose of the site on the open market subject to tenancy – not recommended

The market for such properties subject to tenancy is restricted, although investments such as this are considered to be quite safe, as the longer term prospect of gaining vacant possession will see a substantial increase in capital value.

Option 4 – Do nothing – not recommended

The Council would forego the opportunity to increase the annual rent or generate a capital receipt, whilst still retaining the landlord's maintenance liabilities.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

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7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director of Regeneration and Environment.

Signed.....Chair/Decision Maker