

SHEFFIELD CITY COUNCIL

Charity Trustee Sub-Committee

Meeting held 16 July 2024

PRESENT: Councillors Richard Williams (Chair), Fran Belbin (Deputy Chair), Christine Gilligan Kubo (Group Spokesperson), Mike Chaplin and Kurtis Crossland

7. APOLOGIES FOR ABSENCE

7.1 No apologies for absence were received.

8. EXCLUSION OF PRESS AND PUBLIC

8.1 It was noted that appendices 1 and 2 to the report at item 10 on the agenda and appendices C and I to the report at item 11 on the agenda were not available to the public or press because they contained exempt information relating to financial and business affairs. If Members wished to discuss the information in the appendices, the Sub-Committee would ask the members of the public and press to kindly leave for that part of the meeting and the webcast would be paused.

9. DECLARATIONS OF INTEREST

9.1 No declarations of interest were received.

10. MINUTES OF PREVIOUS MEETING

10.1 The minutes of the meetings of the Sub-Committee held on 4 March and 21 March 2024 were approved as a correct record.

11. PUBLIC QUESTIONS AND PETITIONS

11.1 The Sub-Committee received six questions from two members of the public.

Caroline Dewar, on behalf of the Friends of Graves Park, attended the meeting and asked the following question:

“The FOGP have been informed by Graves Park parks manager about the plans to lease the cricket hut at the south side of the park for 5 years to a local group, who want to improve changing facilities etc. We have since read the report and the amended report for the agenda item.

Naturally we fully support the increased access, use and maintenance of a facility. The club concerned seems to be doing an excellent job and we can fully understand their desire to have reasonable changing facilities and need for a longer license to achieve this. Indeed we are willing to support them in any fundraising or applications for funding in the future.

The report indicates that there has been “appropriate consultation” but it would seem that this has only been within the council as we were informed once the

proposal was being submitted. We were unaware that the whole of the pitch/outfield was included.

After making enquiries and listening to various people, including some of the group themselves, we have concerns about this suggested lease and arrangement for the following reasons:

1. To put in historical context, the land was first offered as a cricket pitch in 19th century and from then Norton Woodseats Cricket Club (or the local community) had the right to play there, so this predates Graves Park.
2. The council is incorrect in item 4.3.1: the Conveyance for this land dates from 1936, when J G Graves bought this land to be added to his previous acquisitions of 1925 and 1931.
3. The cricket hut, or shed, was put up by NWCC and to our knowledge does not belong to the Graves Park Trust.
4. NWCC moved to Matthews Lane so that they could have a better pitch, proper cricket pitch and get funding for a proper pavilion, which is now in place. One of the problems of trying to improve their pitch in Graves Park is that it would involve serious intervention which would damage or destroy what is a significant historical heritage site. This has always prevented such improvement in the past.
5. The current group informed us that they do not want a lease, just a licence to use the hut and improve it.
6. All the above notwithstanding, the FOGP are not happy about yet more leases being given to people to have control over land within Graves Park, when land is not to be disposed of according to the covenants. This is especially true of designated parkland, for which the clause 4.3.5 "where the extent of the disposal is in proportion to the overall size of Trust so small that it will have no impact on the charity's ability to further its objects" does not apply to designated parkland, as far as we understand from previous discussions with the Charity Commission.

Bearing all the above in mind, we respectfully ask the following question:

Will the Charity Subcommittee, as trustee of the Graves Park trust, please postpone this decision and arrange a discussion between SCC, the FOGP and the cricket group, so that information can be shared and the situation regarding the hut can be addressed in a way that benefits all those involved, while at the same time protecting the Park's covenants and heritage?"

The Chair thanked the questioner for attending and proposed that the Sub-Committee defer the consideration of item 10 on the agenda (Lease of Cricket Ground and Pavilion, Graves Park (Charles Ashmore), Sheffield) to allow for discussions to take place with the Friends of Graves Park and the Allama Iqbal Cricket Club. The Sub-Committee agreed to defer the item to the September meeting of the Sub-Committee.

11.2 Russell Johnson attended the meeting and asked the following questions:

"Regarding the Restoration of the next section of the Nurseries back to parkland:

1. Is the Charity Subcommittee aware that the Friends of Graves Park are still waiting for permission to restore the next section of the Norton Nurseries site back to parkland?
2. Has the Charity Subcommittee noted that, as with the previous 2 restorations of parts of the site to parkland, the new restoration will be fenced off with supervised access to volunteers until the site is fully restored and safely opened to the public?
3. Will the Charity Sub-committee please, as a matter of urgency, agree to the land for the next section of Chantreyland Meadow and Arboretum (as identified in the questions of 22-1-24) being released to the Friends of Graves Park for restoration with immediate effect, so that it can be fenced off while it is restored back to parkland and then once restoration is complete, reopened to public use?

Wider Discharge by SCC of its charities' responsibilities:

4. Does the Chair agree with me that, in order to properly discharge its responsibilities and in accordance with principles of good governance, the Charities Sub Committee should include representation of relevant parties beyond Elected members? This matter has been the subject of a previous PQ by a member of the public. An assurance was then given that action would be considered. Has that consideration taken place, and if so with what outcome?
5. Would the Chair agree with the point I made to Cllr Hunt over a year ago that if SCC's protestations that they aspire to become a listening, responsive and open organisation are to carry any credibility, this glaring flaw in Council practice with regard to management of charitable parks should be remedied without further delay?"

The Chair provided the following responses in writing:

1. Yes, the Charity Trustee Sub-Committee are aware of this request.
2. Yes, the Charity Trustee Sub-Committee has noted this.
3. The trustee has considered the request from the Friends of Graves Park and up to now has taken the view that the land is in use operationally and needed by the Charity to maintain the Park.
4. As part of the ongoing review of the governance models for the SCC parks that are held on trust the inclusion of representatives who are not elected members is one of the options under consideration.
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12. MEMBERS' QUESTIONS

12.1 No questions were received from Members of the Sub-Committee.

13. WORK PROGRAMME

13.1 The Principal Democratic Services Officer submitted a report containing the Sub-Committee's Work Programme which detailed all known, substantive agenda items for forthcoming meetings of the Sub-Committee to enable the Sub-Committee, other Committees, officers, partners and the public to plan their work with and for the Sub-Committee.

13.2 **RESOLVED UNANIMOUSLY:** That the Charity Trustee Sub-Committee:-

1. agrees the Sub-Committee's work programme, as set out in Part 2 of Appendix 1, including any additions and amendments identified in Part 1;
2. gives consideration to any further issues to be explored by officers for inclusion in the next work programme report, for potential addition to the work programme; and
3. notes any referrals from Council (petition and resolutions) detailed in Section 2 of the report be noted and the proposed responses set out be agreed.

14. UPDATE ON THE ROSE GARDEN CAFE

14.1 The Project Manager, together with Gertie Whitfield from the Friends of Graves Park, presented the report which provided an update on the progress made by the Rose Garden Café Partnership on the following recommendations approved by the Charity Trustee Sub-Committee on 18 October 2023:

1. The proposal for Sheffield City Council, in partnership with stakeholders, to develop a strategy for the restoration of the Rose Garden Café building (options 2A and 2B), pausing work on a replacement building approach (design options 3 and 4) and a limited works approach (design options 1 and 5).
2. That the Rose Garden Café Partnership, once established, creates an action plan to develop the strategy for restoration, which would include defining the following:
 - a framework for a proportionate public consultation on the Rose Garden Café;
 - establish funding sources to meet the structural remediation and building refurbishment works; and
 - agree a strategy for public communication,

and then proceed to carry out the agreed consultation and implement the agreed public communication strategy in order to inform the strategy for restoration that would be brought back to the Sub-Committee in due course.

This was the third progress report since October 2023 and provided an update on progress made from 16 February 2024 to 5 July 2024.

14.2 RESOLVED UNANIMOUSLY: That the Charity Trustee Sub-Committee:

1. notes the progress made towards the actions agreed in the October 2023 report;
2. agrees to receive a further report in September 2024 on progress towards the recommendations agreed in the October 2023 report; and
3. notes that further updates and decisions will be taken to the appropriate Committee as required.

14.3 Reasons for Decision

14.3.1 To ensure Members are informed of the progress made by the Rose Garden Café Partnership.

14.4 Alternatives Considered and Rejected

14.4.1 This report was produced to provide an update on progress made towards the recommendations made in the Rose Garden Café (18 October 2023) report. The only alternative option would have been to not produce an update report in July and wait for the next committee meeting, which was discounted by Officers.

15. MARKETING EXERCISE FOR THE PAVILION AND LODGE AT THE EAST ENTRANCE TO ENDCLIFFE PARK, SHEFFIELD

15.1 The Business Manager (Parks and Countryside) presented a report that sought approval to undertake a marketing exercise to identify potential interest in the Endcliffe Park Lodge as a commercial food and beverage offer. Proposals for Endcliffe Park Lodge would be brought back to a future meeting of the Charity Trustee Sub-Committee for consideration and approval.

15.2 **RESOLVED UNANIMOUSLY:** That the Charity Trustee Sub-Committee approves the undertaking of a marketing exercise as detailed in the report.

15.3 Reasons for Decision

15.3.1 The proposal to transform this Grade 2 listed building in a green flag park:

- would bring a special, historic and important facility back into use;
- could bring much needed investment to the Lodge to reduce the risk of it

falling into a worse state of repair;

- enhance the facilities for recreation and leisure offered by Endcliffe Park;
- could contribute to charity park income;
- could reduce the charity's liabilities by passing on maintenance and repair responsibilities to the tenant; and
- could provide local business and job opportunities thereby improving the conditions of life of the inhabitants of Sheffield and the surrounding area.

15.4 **Alternatives Considered and Rejected**

15.4.1 There is an option to do nothing which would risk the Lodge falling into disrepair. Doing nothing would not further the Charity's objectives and an opportunity to enhance and improve the facilities at Endcliffe Park would be missed.

16. **LEASE OF CRICKET GROUND AND PAVILION, GRAVES PARK (CHARLES ASHMORE), SHEFFIELD**

16.1 The Chair proposed that the report, Lease of Cricket Ground and Pavilion, Graves Park (Charles Ashmore), Sheffield, be deferred to a later meeting.

16.2 **RESOLVED UNANIMOUSLY:** That the Charity Trustee Sub-Committee agrees to defer the report to the next meeting of the Sub-Committee to allow for discussions to take place with the Friends of Graves Park and the Allama Iqbal Cricket Club.

17. **CHARITY TRUSTEE'S RESPONSE TO CHARITY COMMISSION CORRESPONDENCE**

17.1 The Head of Parks and Countryside presented a report that contained correspondence received from the Charity Commission dated 27 June 2024 regarding Graves Park. The Charity Trustee Sub-Committee was asked to approve the draft response to the Charity Commission which was set out in the appendix to the report.

17.2 The Sub-Committee made amendments to paragraph 10 and 16 of the Trustee's response, relating to Norton Nurseries, to include a request from the Sub-Committee to explore alternative sites for the operational plant and equipment and to require a report to be prepared for the Sub-Committee meeting in November 2024 on the range of options open to the trust; this would enable the Sub-Committee to give full consideration to the request of the Friends of Graves Park to return the land in Norton Nurseries back to park land and to review the licence.

17.3 The Sub-Committee queried whether there were any concerns regarding implementing the charitable interests lawfully in any of the other charitable parks and asked that a situation report be prepared for consideration at a future meeting of the Sub-Committee.

17.4 **RESOLVED UNANIMOUSLY:** That the Charity Trustee Sub-Committee:-

1. notes the contents of the report;

2. approves the draft letter annexed to this report subject to the revisions requested by the Sub-Committee in the meeting;
3. notes that officers will send a letter (by email) in the form approved by the Charity Trustee Sub-Committee to the Charity Commission, within 3 working days of the decision;
4. requests that a report be prepared and presented to the Sub-Committee in November 2024 which explores alternative sites for the operational plant and equipment (not restricted to existing Parks); and
5. requests that a situation report on the other charitable parks, with regard to implementing the charitable interests lawfully, be prepared and presented to the meeting of the Sub-Committee in November 2024.

17.5 Reasons for Decision

- 17.5.1 Responding to the Charity Commission maintains the ongoing relationship with the Charity Commission which is essential to ensure that whatever plans the Trustee settles on for the various matters in Graves Park and the wider charitable interests are implemented lawfully.
- 17.5.2 To maintain good governance, it is important for the Graves Park Charity Trustees to approve any significant correspondence with the CC.

17.6 Alternatives Considered and Rejected

- 17.6.1 Do nothing. This could lead to the outcome set out at paragraph 4.3.1 of the report and also cause reputational damage to the Council.