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Director of Culture & Environment

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Report of: Laraine Manley
Report to: Cabinet
Date of Decision: 17th January 2018
Subject: Registration of High Hazels Park as a Charitable Trust

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? Culture Parks and Leisure				
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:-				
<p><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“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”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></p>				

Purpose of Report:

This report seeks Cabinet approval:

1. to register High Hazels Park as a charitable trust at the Charity Commission as detailed in the Legal Implications section;
2. of the proposed trust deed for the management and governance of High Hazels Park attached to this report at Appendix 1; and
3. to start using the proposed trust deed for High Hazels Park as the charity’s governing document.

Recommendations:

It is recommended to Cabinet that the following decisions are made:

- R1.** To approve registration of High Hazels Park as a charitable trust at the Charity Commission.
- R2.** To approve the trust deed for the future governance and management of High Hazels Park.
- R3.** To agree to start using the proposed trust deed for High Hazels Park as the charity's governing document.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Appendix 1: Proposed Trust Deed for High Hazels Park

Lead Officer to complete:-	
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.
	Finance: Janinne Scarborough
	Legal: Leonie Wallace
Equalities: <i>Annemarie Johnston – no equalities impact, no EIA required.</i>	
<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	EMT member who approved submission: <i>Laraine Manley</i>
3	Cabinet Member consulted: <i>Cllr Mary Lea</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.
	Lead Officer Name: <i>Paul Billington</i>
	Job Title: <i>Director of Culture & Environment</i>
Date: 8 th January 2018	

1. PROPOSAL

(Explain the proposal, current position and need for change, including any evidence considered, and indicate whether this is something the Council is legally required to do, or whether it is something it is choosing to do)

- 1.1 High Hazels Park is held by the Council on trust although not on a charitable trust, however, this park has always been treated as if it were held on charitable trust and in previous years the Council has stated that the park is held on charitable trust and refused proposals received from third parties which it believed would be in breach of charitable trust status.
- 1.2 In previous years High Hazels Park has not produced income over £5,000 a year which is the threshold at which the statutory requirement for registration at the Charity Commission becomes operative.
- 1.3 High Hazels Park exceeded the income threshold of £5,000 per year set out in the Charities Act 2011 in the 2015/2016 financial year. The park trust is now required to be registered as a charity at the Charity Commission and entered on the register of charities as a statutory requirement.

2. HOW DOES THIS DECISION CONTRIBUTE ?

(Explain how this proposal will contribute to the ambitions within the Corporate Plan and what it will mean for people who live, work, learn in or visit the City. For example, does it increase or reduce inequalities and is the decision inclusive?; does it have an impact on climate change?; does it improve the customer experience?; is there an economic impact?)

- 2.1 Sheffield's Corporate plan 2015 -18 aims to ensure that "high quality parks and open spaces" are provided for people to use and enjoy. By registering High Hazels park as a charitable trust, the council will be protecting the park for current and future generations as a quality green space. Registration will also meet the object of the Charity which is the provision and maintenance of a park and recreation ground for use by the public with the object of improving their conditions of life

3. HAS THERE BEEN ANY CONSULTATION?

(Refer to the Consultation Principles and Involvement Guide. Indicate whether the Council is required to consult on the proposal, and provide details of any consultation activities undertaken and their outcomes.)

- 3.1 Consultation has taken place with SIV as key partner for the golf course facilities, with the LTA as key partner for the provision of tennis facilities and with the Friends of High Hazels park as representatives of the local community and key stakeholders in the park.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

4.1.1 There are no significant equality implications, positive or negative, identified from this proposal. The registration should be positive for everyone by protecting the park for current and future generations as a quality green space.

4.2 Financial and Commercial Implications

4.2.1 Any costs arising from registration will be charged to High Hazels Park. No further financial and commercial implications are anticipated.

4.3 Legal Implications

4.3.1 Section 30(1) of the Charities Act 2011 requires every charity to be registered in the register unless an exemption applies to it. High Hazels Park exceeded the income threshold of £5,000 per year set out in section 30(2)(d) of the Charities Act 2011 in the 2015/2016 financial year. The park trust is now required to be registered as a charity at the Charity Commission and entered on the register of charities as a statutory requirement.

4.3.2 Following registration the park, as a charitable trust, will be subject to all the provisions of the Charities Act 2011 and will be regulated by the Charity Commission in the same way as current parks charities such as Graves Park. The charity will be governed by the charity's governing documents and all decisions pertaining to the management and administration of the charity shall be made by Cabinet as sole trustee of the charity.

4.4 Other Implications

(Refer to the Executive decision making guidance and provide details of all relevant implications, e.g. HR, property, public health).

4.4.1 There are no Property Implications regarding the proposed registration of High Hazels Park as a Charitable Trust as there are already existing restrictions under its current status.

5. ALTERNATIVE OPTIONS CONSIDERED

(Outline any alternative options which were considered but rejected in the course of developing the proposal.)

5.1 The only alternative option is not to register the park as a charity however this would potentially damage the Council's reputation and erode public trust due to incorrect information previously being given to the public regarding the park's status as a charitable trust.

6. REASONS FOR RECOMMENDATIONS

(Explain why this is the preferred option and outline the intended outcomes.)

- 6.1 The recommendation for registration of the park as a charitable trust will ensure that the Council is compliant with the provisions of the Charities Act 2011.
- 6.2 The registration of High Hazels Park as a charitable trust will regularise the Council's previous and future management of the park and uphold public trust and confidence in the Council by extending the protection afforded by charities legislation and ensuring transparency in the Council's future management of the park.

Appendix 1 High Hazel Park and Tinsley Park Golf Club Trust Deed



963866 - HIGH
HAZELS PARK TRUST



1163679 - High
Hazels Park Trust Dec

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