

Charity Trustee Sub-Committee

Meeting held 4 March 2024

PRESENT: Councillors Ian Auckland (Chair), Zahira Naz (Deputy Chair), Douglas Johnson (Group Spokesperson), Richard Williams and Fran Belbin

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PRESS AND PUBLIC

2.1 It was noted that the appendices to items 11 and 12 on the agenda were not available to the public or press because they contained exempt information. If Members wished to discuss the information in the appendices, the 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.

3. DECLARATIONS OF INTEREST

3.1 No declarations of interest were received.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 22nd January, 2024 were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 The Policy Committee received no petitions from members of the public.

5.2 The Committee received two sets of questions from members of the public.

Question from: Friends of Graves Park

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

1. Will the Charity Subcommittee please acknowledge that the response to the Friends' questions which we asked at the last Charity Subcommittee did not answer any of our questions?
2. Will the Charity Subcommittee please acknowledge that the statement that "Elements of the Norton Nursery site have been used for the maintenance of Graves Park and other parks in the local area prior to the amalgamation of the nursery site into the 2009 Graves Park scheme" cannot be correct if SCC was claiming in 2008 that the site was "derelict and surplus to requirements" and that this response to our questions is misleading, particularly for anyone not fully familiar with the history of the site?

3. Will the Charity Subcommittee please note 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, so the response given to our questions which states, "We are aware of the excellent work the Friends of Graves Park have put into the Chantreyland Meadow and the Arboretum and are motivated to see further parts of the site restored to similar standards. However, we are currently not in a position to allow any volunteer groups access to the site to conduct work due to health and safety concerns. Due to moving vehicles, COSHH and PPE required it would not be safe for members of the public to have access to this site. Furthermore, there are a lot of vehicles, equipment and other expensive items that need to remain in a safe and locked area that is currently provided by the site." Will the Charity Subcommittee acknowledge that this response is misleading, particularly for anyone not fully familiar with the site?
4. Will the Charity Subcommittee please note that, in the above response from SCC to our questions, in the reference to the moving vehicles and expensive equipment, the Norton Nurseries site is not and never has been a depot, according to SCC, so it is not surprising that there are regular break-ins where fuel, vehicles and/or parts are stolen and that a proper secure depot would be a much better place to store council equipment that is not relevant to Graves Park?
5. 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?

The Chair thanked the questioner for attending and advised that items to be discussed later in the agenda would be relevant to the questions posed. It was also noted that members intended to visit the Norton Nursery site and that a full written response would be provided once that visit had taken place.

Question from: Friends of Graves Park

Regarding the proposal to use the Glasshouses for Growing Food:

1. While the Friends are broadly in favour of the glasshouses being used for food growing by members of the public, why was a formal consultation not conducted regarding this issue?
2. Is the use of the greenhouses in this way really in the best interests of the Graves Park Charity? Is this getting best value for the charity? Has SCC checked that it is allowed to lease the greenhouses in this way and that they do not have to put it out to tender?
3. Are the members of the Charity Subcommittee aware that the glasshouses have not been maintained and that therefore the estimate of £10,000 to restore the glasshouses is a woeful underestimate? Has a proper survey of the glasshouses been done and have the results been shared with the Charity Subcommittee?
4. Can the Charity Subcommittee guarantee that any plans to bring the

greenhouses back into use will not adversely affect the Friends of Graves Park's long-standing request to restore the next section of the Norton Nurseries site back to parkland?

5. Further to the above, does the proposed use of the greenhouses mean that the site will no longer be used as a general parks and open spaces depot and dumping ground?
6. Does this also mean that the objections of SCC to the restoration of the next section of the Nurseries back to parkland by FOGP, at their own expense, because it would entail access by members of the public, will now be removed, as the above use of the greenhouses by members of the public is being approved?

The Chair referred again to the planned visit to the site by members of the committee, explained that some of the answers to these questions would be present in the officer's report at item 10 and concluded that a full written response would be provided.

6. MEMBERS' QUESTIONS

- 6.1 No questions were received from Members.

7. WORK PROGRAMME

- 7.1 The Principal Democratic Services Officer presented the Work Programme. It was noted that an extraordinary meeting of the committee had been scheduled to take place on Thursday 21st March, 2024 in order to consider two reports; one on parking fees and another on the Rose Garden Café.

7.2 RESOLVED UNANIMOUSLY that:-

1. the Committee's work programme, as set out in Appendix 1 be agreed, including any additions and amendments identified in Part 1;
2. consideration be given to the further additions or adjustments to the work programme presented at Part 2 of Appendix 1;
3. Members give consideration to any further issues to be explored by officers for inclusion in Part 2 of Appendix 1 of the next work programme report, for potential addition to the work programme.

8. CHARITIES COMMISSION CORRESPONDENCE

- 8.1 The committee considered a report of the Executive Director of Neighbourhood Services containing correspondence received from the Charities Commission regarding Graves Park and setting out a proposed response.
 - 8.1.1 It was moved by Cllr Auckland and seconded by Cllr Williams, as an amendment, that further additions be made to the response, prior to it being sent to the

Charities Commission. The amendment was put to the vote and carried.

(NOTE: The result of the vote was FOR – 5 Members; AGAINST – 0 Members; ABSTENTIONS – 0 Members.)

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

- Approve the contents of the proposed response letter to the Charity Commission with the following additions:
 - wording to make it clear that the income received from the tennis courts is income from the operator and not direct income
 - reference in the section on conflicts of interest to the fact that there is now a specific committee separate to the Committee responsible for Parks more generally that takes decisions on behalf of the Council and Charity Trustee
 - reference to the intention of members of the Committee to do a site visit to Norton Nurseries
 - specific reference in the next steps section to the fact that regularising the position at Norton Nurseries will include applying for any necessary consents/orders from the Charity Commission

- Request that officers will forward this correspondence to the Charity Commission by way of an emailed letter, within 3 working days of the decision.

8.3 Reasons for Decision

8.3.1 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.

8.3.2 To maintain good governance, it is important for the Graves Park Charity Trustees approve any significant correspondence with the CC.

8.4 Alternatives Considered and Rejected

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

9. UPDATE ON ROSE GARDEN CAFE

9.1 The committee considered a report of the Executive Director of Neighbourhoods providing an update on the progress made by officers and the Rose Garden Café

Partnership on the recommendations approved by the Charity Trustee Sub-Committee on October 18th 2023.

9.1.1 The Project Manager advised that the Partnership had appointed a Chair and the Terms of Reference were under development. The public consultation would be launched 15th March and the results would shape the brief for the work required. A route for procurement for the structural engineer had been agreed. A proposal and cost plan would be created after the structural survey was complete.

9.1.2 A representative of the Friends of Graves Park, one of the Rose Garden Café partners, gave an overview of the funding situation. It was explained that a list of potential funding sources had been compiled, including criteria. Once the structural survey was completed and an estimate for the work received, then applications could begin.

9.2 **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 following the local elections on progress towards the recommendations agreed in the October 2023 report.

3. Notes that further updates and decisions will be taken to the appropriate Committee as required.

9.3 **Reasons for Decision**

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

9.4 **Alternatives Considered and Rejected**

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

10. NORTON NURSERIES

10.1 The committee considered a report of the Executive Director of Neighbourhood Services seeking to approve the commissioning of a suitable operator to carry out food growing activity within the Glass Houses at Norton Nurseries, Graves Park. The committee was asked to note the requirements that needed to be met prior to the grant of this Licence agreement and concession agreement (as detailed in the Legal Implications section of the report).

10.1.1 Discussion took place around the potential benefits of social engagement and connecting communities in addition to maintaining the historic glass houses, subject to people being able to access the site in a safe way.

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

1. Approves the proposed commissioning of an operator to deliver food growing within the glass houses at Norton Nurseries for up to 5 years.

2. Delegates authority to the Director of Parks Leisure and Libraries in consultation with the Chief Property Officer and General Counsel to grant a concession agreement and license to occupy space within the Glass Houses incorporating a right of access over land within Graves Park for the chosen operator in accordance with this report.

10.3 **Reasons for Decision**

Enabling food growing within the glass houses would further the charitable objects of the Graves Park Charity by;

- Bringing a special, historic and important facility back into use.
- Contribute to Sheffield's ambitions around the food system and food growing and thereby improve the lives of the people of Sheffield.
- Bringing much needed investment to the glass houses to reduce the risk of them falling in to a worse state of repair.

10.4 **Alternatives Considered and Rejected**

10.4.1 There is an option to do nothing which would risk the glass houses falling into further disrepair. Doing nothing would not further the Charity's objectives and an opportunity to benefit the lives of the public through a contribution to ambitions and commitments in the Food Strategy would be missed.

10.4.2 There is an option to offer a long lease to an operator, but it is believed this would not be in the best interests of the Graves Park Charity at this early stage. Therefore, a proposal for a concession with a licence is recommended so the impact and success of the project can be assessed and reviewed.

11. TRAMLINES

11.1 The committee considered a report of the Executive Director of Neighbourhood Services and the content of previous reports and were asked to make a decision as to whether to grant Tramlines Events Limited (TEL) a licence for the use of Hillsborough Park for hosting the Tramlines Festival, noting the Heads of Terms of the licence (at Appendix 1), and the fee (at closed Appendix 3), as being on balance, in the best interests of the Hillsborough Park charity.

11.1.1 Members discussed the £10,000 allocation from the fee paid by TEL, that was

specifically intended to improve the park for its users. It was noted that repairs made to the park following the 2023 event, including significant groundworks, had cost in excess of this amount. Officers explained that the majority of work carried out in the park since the 2023 event had been paid for by TEL. This new allocation would bring additional benefit.

11.2 RESOLVED: That the Charity Trustee Sub-Committee:-

1. Agree that hosting of the Tramlines Festival in Hillsborough Park represents a positive and beneficial use of the park bearing in mind the Hillsborough Park Charity objectives.
2. Approve the license agreement Heads of Terms set out at Appendix 1.
3. Approve the income to the Charity as set out in the fee schedule at closed Appendix 3 on the basis that it represents and supports positive and beneficial use of Hillsborough Park, having regard to the Charity's objectives, and will benefit the Hillsborough Park Charity.
4. Agree to £10,000 of the annual fee being used to improve, replace, or install equipment or facilities to improve the park for the benefit of park users, which would not have otherwise been possible using the Council's revenue grant to the Hillsborough Park Charity.

(NOTE: The result of the vote was FOR – 4 Members; AGAINST – 1 Member (Councillor Douglas Johnson); ABSTENTIONS – 0 Members)

11.3 Reasons for Decision

- 11.3.1 The licence agreement provides protection for the Hillsborough Park Charity and considers the best interests of the park.
- 11.3.2 The fee schedule provides best value and income certainty for the Hillsborough Park Charity.
- 11.3.3 Sheffield will continue to benefit from the social, cultural and economic benefits derived from hosting Tramlines.

11.4 Alternatives Considered and Rejected

- 11.4.1 A 10-year agreement was considered. However, it was felt this was too long a period to set out fees for the use of Hillsborough Park and was deemed not to be in the best interests of the charity.
- 11.4.2 A fee structure that included inflationary increases was considered. However, TEL requested the certainty of a fixed fee and as this would also provide income certainty for the Hillsborough Park Charity, a fixed 5-year fee structure was agreed. This fixed fee is approximately the same amount as would have been received if we had agreed to a lower annual fee and annual inflationary increases of c5%.

- 11.4.3 There was an option to do nothing and not enter into a revised licence agreement with TEL. However, this would not provide the Council or Hillsborough Park Charity with the protections derived from the revised licence agreement, nor the financial certainties of the fee structure.

12. WESTON PARK - FESTIVE EVENT

- 12.1 The committee considered a report of the Executive Director of Neighbourhood Services setting out a potential opportunity for a festive event to be held in Weston Park, seeking approval to hold such an event and seeking approval for the Director of Parks, Leisure and Countryside to give final approval to a specific event and award a 'license to occupy' to an event operator.

- 12.1.1 Section 3.1 of the report stated that discussions had taken place with local ward councillors but one of the ward councillors present disputed this.

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

1. Notes the contents of the report.
2. Agrees that a festive animation of the kind described in this report represents a positive and beneficial use of the park taking into account the charitable purposes for which Weston Park is held and approve, in principle, a festive animation being held in Weston Park.
3. Delegates authority to the Director of Parks, Leisure and Libraries, in consultation with the Council's General Counsel, Chief Property Officer and Director of Finance and Commercial Services to give final approval to a specific event being held in Weston Park and to grant a license to use and occupy part of the Park (plan attached at Appendix A) to an event operator for such an event.

12.3 Reasons for Decision

Enabling an event of this nature would;

- Enhance the facilities for recreation and leisure offered by Weston Park.
- Bring guaranteed income into the Weston Park trust
- Bring income into local charities and the local economy, and provide local business and job opportunities thereby improving the conditions of life of the inhabitants of Sheffield and the surrounding area

12.4 Alternatives Considered and Rejected

Don't explore this event opportunity. This is not recommended as it is felt that this opportunity will enhance what Weston Park has to offer and generate income for the charity.

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