

SHEFFIELD CITY COUNCIL

Charity Trustee Sub-Committee

Meeting held 21 March 2024

PRESENT: Councillors Ian Auckland (Chair), Zahira Naz (Deputy Chair), Richard Williams, Fran Belbin and Henry Nottage (Substitute Member)

1. APOLOGIES FOR ABSENCE

- 1.1 Apologies were received from Councillor Douglas Johnson and Councillor Henry Nottage attended as his substitute.

2. EXCLUSION OF PRESS AND PUBLIC

- 2.1 It was noted that appendices 1 and 3 to item 5 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 Councillor Auckland declared an interest in item 5 as the ward councillor for that area. This did not preclude him from taking part in the decision for that item.

4. PUBLIC QUESTIONS AND PETITIONS RELATED TO ITEMS ON THE AGENDA

- 4.1 No public questions were received.

5. ROSE GARDEN CAFE LEASE

- 5.1 The committee considered a report of the Executive Director of Neighbourhood Services seeking approval to the grant of a Tenancy at Will in respect of the Rose Garden Café to Julie Collins on the terms set out in the appendices after consideration of the contents of the Designated Adviser's Report and satisfying itself that the proposed terms are the best that can be reasonably obtained by the Charity in the circumstances.

- 5.1.1 It was not known whether the café would be required to close once the required refurbishment works commenced. Officers advised that, after the works had been completed, circumstances would be substantially different. It would be necessary to undertake a tendering process to ensure that the requirements of the Charities Act were being met.

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

1. Having considered the commercial terms and the Designated Adviser's Report (set out in attached Appendices), confirms that the Trustees are satisfied that the

proposed terms are the best that can be reasonably obtained by the Charity in the circumstances.

2. Approves the TAW of the Property to the proposed Tenant based on the terms set out in this report.

5.3 **Reasons for Decision**

5.3.1 The proposal to grant a Tenancy at Will on the same terms as the existing tenancy for the café:

- Safeguards the café facility at Graves Park for the short term and avoids vacant building costs and unwanted antisocial behaviour.
- Secures the income stream by way of a modest rent.
- Allows continuity of service and staff, providing the take-away café facility within the park for use by the public.
- Enables the property to continue to be occupied for the purposes of the charitable objects of the Charity.
- Complies with the statutory provisions contained within the Act and further with the requirements of the Charity Commission.

5.4 **Alternatives Considered and Rejected**

5.4.1 The first option was to close the café, which at this time would be inconsistent with previous decisions of this committee and is clearly not what the users of the park want based on the ongoing work with the Rose Garden Café Partnership.

5.4.2 The second option considered was a competitive tender for a new operator. This option would lead to a pause in service and the property vacant for a period of time, leading to income loss, additional costs and public disappointment. In addition, the limitations of the existing building only able to provide a takeaway service may not be attractive to operators. It is not known what the impacts of the restoration and refurbishment will be, so it is not appropriate to enter into a long-term arrangement at this point.

6. **PARKING FEES**

6.1 The committee considered a report of the Executive Director of Neighbourhood Services reviewing the charges for parking tariffs within charitable park sites (Endcliffe Park, Graves Park and Hillsborough Park) following the approval of an increase in fees across the city's parking estate. The proposed changes will help to better manage parking demand and contribute to wider traffic management and environmental objectives.

6.1.1 Officers clarified that there would be no increase in the rent charged to Cycling 4 All, despite the rate being calculated based on the loss of parking revenue, as they had a five year agreement with the Council.

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

Approves an increase to Pay and Display tariffs in car parks within Charitable Parks in line with the increase that has been agreed in non-Charitable Parks, as detailed in Appendix A, and that these are implemented as soon as practicable.

6.3 Reasons for Decision

6.3.1 Increasing the parking charges on charitable parks sites in line with noncharitable site tariff increases will provide a higher level of income to those charitable parks. This income provides some income certainty for the Endcliffe Park Charity, the Graves Park Charity, and the Hillsborough Park Charity and considers the best interests of each of the parks.

6.4 Alternatives Considered and Rejected

6.4.1 The Council could maintain its current tariffs in charitable parks. As approval has been given by the Waste and Street Scene Policy Committee to increase the parking fees in non-charitable parks sites by 10p/hour, this would lead to price differences for parking within Sheffield parks. However, the benefits associated with the implementation of a demand management strategy which aligns with the charitable objects (as set out in section 2) would not be gained.

6.4.2 The Council could make higher increases to the parking tariffs in charitable parks. As approval has been given by W&SS Committee to increase the parking fees in non-charitable parks sites by 10p/hour, this would lead to price differences for parking within Sheffield parks.

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