



Report to Policy Committee

Author/Lead Officer of Report: Ruth Bell, Head of Parks and Countryside

Tel: 07867 150747

Report of: *Executive Director of Neighbourhood Services*

Report to: *Charity Trustee Sub Committee*

Date of Decision: *16th July 2024*

Subject: *Charity Trustees response to Charity Commission correspondence*

Type of Equality Impact Assessment (EIA) undertaken	N/A	Initial	<input type="checkbox"/>	Full	<input type="checkbox"/>
Insert EIA reference number and attach EIA					
Has appropriate consultation/engagement taken place?		Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?		Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?		Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>The appendices C and I are not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).</i>					

Purpose of Report:

The Charity Trustee Sub Committee is asked to consider the contents of this report, alongside the letter from the Charity Commission dated 27th June 2024 regarding Graves Park. The Charity Trustee Sub Committee is asked to approve the draft response to the Charity Commission which is set out in the appendix.

Recommendations:

The Charity Trustee Sub Committee is recommended to:

- Note the contents of this report
- Approve the draft letter annexed to this report
- Note that officers will send a letter (by email) in the form approved by this Sub Committee to the Charity Commission, within 3 working days of the decision.

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.	Finance: Adrian Hart
		Legal: David Sellars
		Equalities & Consultation: Ed Sexton
		Climate: Ruth Bell
	<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	SLB member who approved submission:	<i>Ajman Ali</i>
3	Committee Chair consulted:	<i>Cllr Richard Williams</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 Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Ruth Bell</i>	Job Title: <i>Head of Parks and Countryside</i>
	Date: 16th July 2024	

Background Papers: Charity Trustee Sub Committee Decisions 4th March 2024
[Minutes Template \(sheffield.gov.uk\)](https://www.sheffield.gov.uk)

Appendices:

Appendix A	Letter from Charity Commission to the Trustee dated 27/06/24
Appendix B	Draft Letter to Charity Commission from the Trustee
Appendix C	QSR Tennis Hub CONFIDENTIAL / CLOSED
Appendix D	Minutes of Charity Trustee Sub Committee dated 05/06/23
Appendix E	Public Notice Disposal of Charity Land (and Map)
Appendix F	CTSC Decision Report – Tennis Objections
Appendix G	List of objections received regarding tennis and activity hub proposals
Appendix H	Minutes of Charity Trustee Sub Committee dated 04/09/23
Appendix I	Appendix – Financial Summary CONFIDENTIAL / CLOSED
Appendix J	A photograph of Norton Nurseries in relation to the whole of Graves Park
Appendix K	CTSC Decision Report – Norton Nurseries Glasshouses 04/03/24
Appendix L	Minutes of Charity Trustee Sub Committee dated 04/03/24

1. PROPOSAL

1.1 Graves Park is a charity, and the sole Trustee is Sheffield City Council.

The Charity Trustee Sub-Committee is a standing sub-committee of the Strategy and Resources Policy Committee. It is established to take all decisions of the Council as charitable trustee, including but not limited to:

- 1) Disposals of and other dealings with charitable land
- 2) Matters about which the Charity Commission must be contacted.
- 3) Matters of which charitable trustees should be aware in accordance with Charity Commission Guidance
- 4) Use of charitable assets by the Council for purposes that do not directly meet the charitable aims.
- 5) Any other matter that has a significant impact on the use of a charitable asset for the charitable purposes for reasons of duration, area of the asset impacted, or other restriction.
- 6) Matters relating to land that is not itself charitable and other incidental matters which depend on or are directly related to a decision that must be made by the Charity Trustee Sub-Committee.

In making this decision, the Charity Trustee Sub-Committee is discharging its duty in respect of these requirements.

1.2 The Council has for several years been engaged in correspondence with the Charity Commission (“CC”) regarding a number of matters concerning the Graves Park Charity. This correspondence has been by letter or email.

1.3 In 2022 the Council changed to a new system of governance which saw the Cooperative Executive replaced by policy committees, including the Charity Trustee Sub Committee which discharges the Council’s obligations as sole trustee of the Graves Park Charity.

1.4 In March 2024 the Trustee considered a letter from the Charity Commission and a response approved by the Charity Trustee Sub Committee was sent from the Trustee (see background papers).

1.5 A further letter was received from the Charity Commission on 27th June 2024. Appendix A to this report contains the latest correspondence regarding the Graves Park Charity.

1.6 The proposed response from the Trustee to the CC is at Appendix B. The matters contained in the response are summarised below.

- 1.7 Proposed Disposal of the Tennis Courts
- 1.7.1 The CC has requested information regarding the decision-making process for the proposed disposal of the tennis courts, including how the decision was reached, the process followed and the justification. A detailed response is set out in the draft letter. The response includes links to several Charity Trustee Sub Committee reports and the published Trustee decisions from those meetings.
- 1.8 Norton Nurseries
- 1.8.1 The CC has asked several questions regarding how the council is using the land at Norton Nurseries and what steps have been taken to regularise these arrangements. The CC has advised that because the council has not regularised these arrangements, the trustee has in effect, been acting in breach of the 2009 scheme and the Charities Act 2011.
- 1.8.2 The draft response includes information regarding the use of Norton Nurseries as operational land including details of what portion of this charitable land is used directly for Graves Park and what proportion is for the benefit of other parks and green spaces in Sheffield. The CC letter expresses a concern that a significant amount of designated land is being used other than by the charity. The draft response confirms that Graves Park is approx. 90.27 hectares in area and The Norton Nurseries operational area comprises approx. 1.93 hectares. This equates to Norton Nurseries operational area representing around 2.14% of the entirety of the Graves Park charitable land. The response also explains that the Council use is incidental to the use for the charity as the amount of land that would be required were it possible to separate the uses would be the same. The entire 2.14% is used to support the day-to-day management and maintenance of the Charity. Of the use of the land (for machine storage, staff welfare, machinery turning, refuse collection), we estimate that 60% of the charitable land use is to support Graves Park and 40% of the use supports other green spaces in Sheffield.
- 1.9 Food Growing in Norton Nurseries Glasshouses
- 1.9.1 The CC has requested Trustees to provide full details of how this arrangement would be in the best interests of the charity. The response to the CC provides the clarification requested. A detailed response is set out in the draft letter. The response includes links to the Charity Trustee Sub Committee report and the subsequent minutes from the meetings detailing the decision made by the Trustee.
- 1.10 Other matters
- 1.10.1 The CC have advised the trustees to read and consider the following guidance:
- [Charity meetings: making decisions and voting - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
 - [It's your decision: charity trustees and decision making - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

These links have been provided to the members of the Charity Trustee Sub Committee by email on 4th July 2024.

- 1.10.2 The CC requested a response on or before 12 July 2024. They have been informed that the Charity Trustee Sub Committee is meeting on 16 July 2024 and have agreed to an extension to 19 July 2024 to allow the Trustees to review the correspondence and provide their response.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 An ongoing relationship and regular dialogue with the Charity Commission is essential to ensure good governance and to enable any plans or decisions for the various matters in Graves Park and the wider charitable interests to be implemented lawfully.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 There has been no consultation regarding this response to the Charity Commission.
- 3.2 Any changes proposed within charitable parks would be subject to specific consultation undertaken.
- 3.3 There is regular on-going dialogue with the Friends of Graves Park and Save the Rose Garden Cafe group.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 There are no equality implications arising from this report.

4.2 Financial and Commercial Implications

- 4.2.1 There are no financial or commercial implications arising from this report.

4.3 Legal Implications

- 4.3.1 In the event that the Trustee ceases to engage with the CC this may be construed as a breach of the Trustee's duties that could ultimately lead to the CC instigating a Statutory Inquiry.

4.4 Climate Implications

- 4.4.1 There are no climate implications arising from this report.

4.4 Other Implications

4.4.1 There are no other implications

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Do nothing. This could lead to the outcome set out at paragraph 4.3.1 above and also cause reputational damage to the Council.

6. REASONS FOR RECOMMENDATIONS

6.1 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.

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

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