

SHEFFIELD CITY COUNCIL

POLICY COMMITTEE DECISION RECORD

The following decisions were taken on Friday 15 September 2023 by the Charity Trustee Sub-Committee.

Item No

8. **CONSIDERATION OF OBJECTIONS TO LEASES REGARDING PARKS TENNIS**

- 8.1 The Committee considered a report of the Executive Director of Neighbourhood Services and was asked to consider the contents of this and previous reports and make a decision as to whether the proposed disposal was on balance in the best interests of the charitable trusts/parks.

The decisions that the Charity Trustee Sub-Committee were asked to make on the basis of this report related to charitable and non-charitable land. These decisions fall to the Charity Trustee Sub-Committee because the decisions in relation to the charitable and non-charitable sites are indivisible. A decision could not, for example, be taken by another Committee not to proceed and by this Sub-Committee to proceed as the contractual arrangement was proposed to apply to all of the sites. For the avoidance of doubt an amendment to the Constitution was agreed by Full Council on Wednesday 6th September 2023 to specifically reserve such decisions to this Sub-Committee.

- 8.2 **RESOLVED:** That the Charity Trustees Sub-Committee:-

Having:

- noted and endorsed the contents of the report;
- noted that the Cooperative Executive Decision of 22nd April 2022 approved;
 - the proposed City Council funding contribution of up to £180,000 (of prudential borrowing) towards the development of the Activity Hub at Hillsborough Park; and
 - the allocation of Section 106 funds of up to £183,000 for the development of the facilities at Hillsborough Park, as described in the report; and
- reviewed and considered the objections and supportive comments received and, in particular, if the same affected the decision as to whether the proposals were in the best interests of each charity and park

the Charity Trustee Sub-Committee confirmed their approval of:

1. the award of the contract to the preferred supplier Courtside CIC; and
2. the grant of leases of the properties referred to in the body of the report to the preferred supplier, Courtside CIC, on the terms set out in the previous reports, being satisfied that the proposed terms are the best that can be reasonably obtained in the circumstances.

The Charity Trustee Sub-Committee also requested that monitoring of the performance of the supplier take place in accordance with Appendix 1 and

Appendix 2 of the report at item 8 of the meeting of the Charity Trustee Sub-Committee, 5th June, 2023, and a report be brought back to the committee at its meeting in September 2024.

(NOTE: The result of the vote was FOR – 4 Members; AGAINST – 1 Members; ABSTENTIONS – 0 Members.

Councillor Douglas Johnson requested that his vote against the recommendations be noted)

8.3 **Reasons for Decision**

Whilst the Committee were grateful to those who had taken the time to respond to the notices and raise objections they noted that there was both support for as well as opposition to the proposals and, on balance, they did not feel that the objections raised substantial new issues, they did still feel that the proposals were in the best interests of each charity and park and they did feel that the proposed terms were the best that could be reasonably obtained in the circumstances.

8.4 **Alternatives Considered and Rejected**

The Committee considered not approving the contract and leases but felt that would not be in the best interests of the charities/parks.

9. **ENDCLIFFE PARK CAFE LEASE**

9.1 The committee considered a report of the Executive Director Operational Services seeking the approval of the Charity Trustee Sub Committee acting as Charity Trustee of Endcliffe Park (Registered Charity Number 1112149) (“the Charity”) to the grant of a lease of the Property (as defined at paragraph 1.2 of this report and referred to in the plan attached hereto) to Ashley Charlesworth on the terms set out in the Appendices to the report after consideration of the contents of the Qualified Surveyor’s Report and satisfying itself that the proposed terms are the best that can be reasonably obtained by the Charity in the circumstances.

9.2 **RESOLVED UNANIMOUSLY:** That the Charity Trustees Sub-Committee:-

1. On consideration of the commercial terms and the Qualified Surveyor’s Report (set out in attached Appendices), confirm that the Trustees are satisfied that the proposed terms are the best that can be reasonably obtained by the Charity in the circumstances.
2. Approve the lease of the Property to the tenant based on the terms set out in this report.

9.3 **Reasons for Decision**

The proposal to grant a lease of this café facility:

- safeguards the café facility at Endcliffe Park for the short term

- secures an increased income stream by way of rent and contribution to running costs of the Park.
- enhances the attractiveness of the park as a valuable asset for use by the community
- enables the demised property 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.

9.4 **Alternatives Considered and Rejected**

It is considered that there are no realistic alternative options here at this time

10. **LEASE OF ARBOURTHORNE LODGE, NORFOLK HERITAGE PARK**

10.1 The committee considered a report of the Executive Director of City Futures seeking the approval of the Charity Trustee Sub-Committee acting as Charity Trustee of Norfolk Park (Registered Charity Number 1040354) (“the Charity”) to grant a new lease of the Arbourthorne Lodge (“the Property”) to Amy’s House on the terms set out in the Appendices to the report after consideration of the contents of the Qualified Surveyor’s Report and satisfying itself that the proposed terms are the best that can be reasonably obtained in the circumstances.

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

1. On consideration of the commercial terms and the Qualified Surveyor’s Report (set out in attached Appendices), agree that the Trustees are satisfied that the proposed terms are the best that can be reasonably obtained in the circumstances.
2. Approve the lease of the subject property to the tenant based on the terms set out in this report, subject to the advertising of notices and consideration by the Sub-Committee of any representation made in response to the public notices being advertised.

10.3 **Reasons for Decision**

The proposal to grant a lease of this property:

- contributes to charity park income
- reduces the charity’s liabilities by passing on maintenance and repair responsibilities to the tenant
- complies with the statutory provisions contained within the Act and further with the requirements of the Charity Commission

10.4 **Alternatives Considered and Rejected**

It is considered that there are no realistic options here given that property is already occupied by Amy's House who have invested significantly in upgrading the building.