

Charity Trustee Sub-Committee Decision Report

Title of Report: Weston Park - Ice Cream Operator Tender 2025
Date of Decision: 9th September 2024
Report To: Charity Trustee Sub-Committee
Report Of: Ajman Ali, Executive Director; Neighbourhood Services
Report Author: Jo Pearce, Service Manager – Business and Partnerships

Executive Summary: The Charity Trustee Sub Committee is asked to consider the contents of this report and grant approval to go out to tender for an ice cream operator for Weston Park.

Name of charity and (if registered) charity number: Weston Park Trust (1112685)

Charitable Objects:

1. To promote for the benefit of the inhabitants of Sheffield and the surrounding area the provision of facilities for recreation or other leisure time occupation of individuals who have need of such facilities by reason of their youth, age, infirmity or disablement, financial hardship or social and economic circumstances or for the public at large in the interests of social welfare and with the object of improving the condition of life of the said inhabitants;
2. To advance the education of the public, to promote and to advance education in the arts, in particular, by the establishment and maintenance of a museum and art gallery.



Committee remit:

This report is to be considered by the Charity Trustee Sub-Committee as its remit includes

- Disposals of and other dealings with charitable land
- Matters about which the Charity Commission must be contacted
- Matters of which charitable trustees should be aware in accordance with Charity Commission Guidance
- Use of charitable assets by the Council for purposes that do not directly meet the charitable aims
- 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for reasons of duration, area of the asset impacted, or other restriction, including that permission may be granted or withdrawn for the regular or exclusive use of an area of charitable land for recreational, business or other purposes by a single person or organisation
- 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

Does the report contain confidential or exempt information? No

Recommendations:

The Charity Trustee Sub-Committee is recommended to:

1. Approve the proposal to go out to the market for an ice cream operator for Weston Park based on the principles outlined within this report.
2. Note that a recommendation will be brought back to the committee following the tender process for approval to enter into a licence arrangement with the recommended operator.

Financial Implications: Yes. Approved by: Kerry Darlow

Legal Implications: Yes. Approved by: Leonie Wallace

Equality and Inclusion Implications: Yes. Approved by: Ed Sexton
Initial Equalities Impact Assessment completed with EIA number: 2791

Climate Change Implications: Yes. Approved by: Laura Ellendale

Background Papers: none

Appendices: none

1. Background to the issue

- 1.1 The current 3 year Licence arrangements with Peter Devoti expire on 02 April 2025. It is proposed to re-tender the ice cream operator License for Weston Park from 03 April 2025.
- 1.2 Weston Park is a charity, and the sole Trustee is Sheffield City Council.
- 1.3 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:
 - i. Disposals of and other dealings with charitable land
 - ii. Matters about which the Charity Commission must be contacted.
 - iii. Matters of which charitable trustees should be aware in accordance with Charity Commission Guidance
 - iv. Use of charitable assets by the Council for purposes that do not directly meet the charitable aims.
 - v. 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.
 - vi. 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 point v.

2. Proposal

- 2.1 As the current ice cream operator licence expires in Spring 2025 we need to begin the tender process now to allow potential operators sufficient notice and time to mobilise
- 2.2 A rental income will be generated from the licence and retained by the Charity and used for the purposes of the objects of the Charity and for the benefit of the park and park users.
- 2.3 When this ice cream pitch was tendered approximately 3 years ago there was an intention to work towards the installation of electric points within several park sites to support more environmentally friendly operations. Feasibility works carried out at several sites concluded that grid and supply connection costs for this were significantly higher than anticipated therefore this has not been progressed. The impact of this has been set out in the climate implications section of this report.

2.4 The previous tenure offered was up to 3 years. To support the move towards greener solutions, it is proposed to offer licences of a minimum 5 years, maximum 7 years.

3. How does this decision contribute to the objects of the charity?

3.1 The charitable objects of Weston Park Trust are:

1. *To promote for the benefit of the inhabitants of Sheffield and the surrounding area the provision of facilities for recreation or other leisure time occupation of individuals who have need of such facilities by reason of their youth, age, infirmity or disablement, financial hardship or social and economic circumstances or for the public at large in the interests of social welfare and with the object of improving the condition of life of the said inhabitants.*
2. *To advance the education of the public, to promote and to advance education in the arts by the establishment and maintenance of a museum and art gallery*

3.2 The provision of an ice cream offer within the park provides a rental income which contributes financially towards enabling the charity to meet its object.

4. What community or partner engagement has been undertaken and how has it informed the proposal?

4.1 Due to the nature of this proposal, there has been no formal community or partnership engagement. However, feedback shows that the current ice cream offer is well used and has become an expectation of visitors to the park.

5. What alternative options did we consider?

5.1 Alternative Option 1

Do nothing – there is the option to not re-tender the ice cream pitch. This would mean there would be no provision for this type of offer within the park and would impact on the rental income for the charity.

5.2 Alternative Option 2

Go out to the market on the same terms as the last tender i.e. 3 years

- This would make it difficult for the operators to justify the investment in greener technology and thus recoup their investment
- Lack of focus on greener technology will minimise our ability to change the environmentally negative operations on site

- Lack of focus demonstrates misalignment with wider city goals and ambitions, could lead to reputational risk

6. How has equality, diversity and inclusion been actively considered?

- 6.1 There are no direct equality implications arising from this proposal. However, in going out to tender for a new licenced operator, the council is ensuring it will achieve one of the core principles of public sector procurement in that it will encourage free and open competition and value for money which will achieve best value for the charity.

7. Financial and Commercial Implications

- 7.1 There are no financial or commercial implications arising from this report as the proposal is seeking permission to go to tender. Should a suitable operator be identified, all financial and commercial considerations will form part of a further report to this committee.

8. Legal Implications

- 8.1 There are no legal implications to consider at this stage. The proposal to enter into a licence with the preferred bidder will be brought back to this Committee at a future date and the relevant legal implications will be advised upon in a future report.

9. Climate and Environmental Implications

- 9.1 Within the last tender process, Euro 6 compliance was implicit which went some way towards a more sustainable approach. However, Ice Cream Vans need to keep their engines running in order to power the freezers which store their produce therefore the current approach is still resulting in fumes being pumped into the air within our parks and often near to playgrounds which needs addressing
- 9.2 Over recent years and as advances in technology have allowed us to better understand the damage wrought on our atmosphere by diesel engines and black carbon in particular, the ice cream van sector has moved to reduce or eliminate idling altogether by means of solar refrigeration and the use of electric vehicles.
- 9.3 To support Sheffield's commitments to reduce Council emissions to net zero by 2030, we propose to invite proposals for Ice Cream concessions across the City's Parks to operate with minimal negative environmental impact to the City, this could be by adapting current vehicles to reduce emissions and improve air quality, or by using new and developing technology.

- 9.4 The Council receive many complaints about the emission of fumes from Ice Cream vans located at prime locations visited by children and families in a number of our charitable parks. The proposal to explore more environmentally friendly options would help to address this.
- 9.5 Officers have discussed with the existing Ice Cream Van operators and discussed options for a sustainable and environmentally friendly future. As referenced in point 2.4 a longer tenure would support operators in moving towards greener solutions.
- 9.6 Officers from the parks and countryside service have discussed with the Councils Sustainability and Climate Change team ensuring alignment with the wider city plans, in particular the 10 Point Plan for Climate Action, Our Council and The Way We Travel decarbonisation routemaps and other work being undertaken in relation to electric vehicle charging infrastructure.

10. Other implications

There are no other implications arising from this report.

11. Reasons for decision

- 11.1 The selling of ice cream contributes to the objects of the charity, providing amenities within recreation/pleasure grounds for use by the public. It has also become an expected part of visitors park experience.
- 11.2 Generating an income allows the council as sole trustee to support the management and maintenance of the park and in turn contribute to the charity objects.

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