

SHEFFIELD CITY COUNCIL

POLICY COMMITTEE DECISION RECORD

The following decisions were taken on Monday 4 March 2024 by the Charity Trustee Sub-Committee.

Item No

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.

8.2 **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.

9.2 **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).

10.2 **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.

11.2 **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.

12.2 **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.