

# Charity Trustee Sub-Committee

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**Monday 4 March 2024 at 2.00 pm**

**To be held in the Town Hall,  
Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillor Ian Auckland  
Councillor Zahira Naz  
Councillor Douglas Johnson  
Councillor Richard Williams  
Councillor Fran Belbin

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## PUBLIC ACCESS TO THE MEETING

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Meetings of the Charity Trustee Sub-Committee are chaired by Councillor Ian Auckland.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda. Members of the public have the right to ask questions or submit petitions to Charity Trustee Sub-Committee meetings and recording is allowed under the direction of the Chair. Please see the [webpage](#) or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Charity Trustee Sub-Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last on the agenda.

Meetings of the Charity Trustee Sub-Committee have to be held as physical meetings. If you would like to attend the meeting, please report to an Attendant in the Foyer at the Town Hall where you will be directed to the meeting room. However, it would be appreciated if you could register to attend, in advance of the meeting, by emailing [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk), as this will assist with the management of attendance at the meeting. The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to registered speakers and those that have registered to attend.

Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the meeting page of the [website](#).

If you wish to attend a meeting and ask a question or present a petition, you must submit the question/petition in writing by 9.00 a.m. at least 2 clear working days in advance of the date of the meeting, by email to the following address: [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk).

In order to ensure safe access and to protect all attendees, you will be recommended to wear a face covering (unless you have an exemption) at all times within the venue. Please do not attend the meeting if you have COVID-19 symptoms. It is also recommended that you undertake a Covid-19 Rapid Lateral Flow Test within two days of the meeting.

If you require any further information please email [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk).

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## FACILITIES

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms. Access for people

with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**CHARITY TRUSTEE SUB-COMMITTEE AGENDA  
4 MARCH 2024**

**Order of Business**

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**Welcome and Housekeeping**

The Chair to welcome attendees to the meeting and outline basic housekeeping and fire safety arrangements.

**1. Apologies for Absence**

**2. Exclusion of Press and Public**

To identify items where resolutions may be moved to exclude the press and public

**3. Declarations of Interest**

Members to declare any interests they have in the business to be considered at the meeting

(Pages 7 - 10)

**4. Minutes of Previous Meeting**

To approve the minutes of the last meeting of the Sub-Committee held on 22<sup>nd</sup> January, 2024.

(Pages 11 - 22)

**5. Public Questions and Petitions**

To receive any questions or petitions from members of the public.

(NOTE: There is a time limit of up to 30 minutes for the above item of business. In accordance with the arrangements published on the Council's website, questions/petitions at the meeting are required to be submitted in writing, to [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk), by 9.00 a.m. on 29<sup>th</sup> February 2024).

**6. Members' Questions**

To receive any questions from Members of the committee on issues which are not already the subject of an item of business on the Committee agenda – Council Procedure Rule 16.8.

(NOTE: a period of up to 10 minutes shall be allocated for Members' supplementary questions - one supplemental question on each question may be asked by the Member who had submitted the original question).

**7. Work Programme**

Report of the Director of Policy and Democratic Engagement

(Pages 23 - 30)

8. **Charities Commission Correspondence** (Pages 31 - 46)  
Report of the Executive Director – Neighbourhood Services
9. **Update on Rose Garden Cafe** (Pages 47 - 74)  
Report of the Executive Director – Neighbourhood Services
10. **Norton Nurseries** (Pages 75 - 86)  
Report of the Executive Director – Neighbourhood Services
11. **Tramlines** (Pages 87 - 100)  
Report of the Executive Director – Neighbourhood Services
12. **Weston Park - Festive Event** (Pages 101 - 110)  
Report of the Executive Director – Neighbourhood Services

**NOTE: The next meeting of Charity Trustee Sub-Committee will be held on a date to be confirmed.**

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its Policy Committees, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.



Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from David Hollis, General Counsel by emailing [david.hollis@sheffield.gov.uk](mailto:david.hollis@sheffield.gov.uk).

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Charity Trustee Sub-Committee

Meeting held 22 January 2024

**PRESENT:** Councillors Ian Auckland (Chair), Zahira Naz (Deputy Chair), Douglas Johnson (Group Spokesperson), Richard Williams and Fran Belbin

**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**2. EXCLUSION OF PRESS AND PUBLIC**

2.1 It was noted that the appendix to item 6 on the agenda was not available to the public or press because it contained exempt information. If Members wished to discuss the information in the appendix, 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 No declarations of interest were received.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 15<sup>th</sup> September, 2023 and 18<sup>th</sup> October, 2023 were approved as a correct record.

**5. PUBLIC QUESTIONS AND PETITIONS**

4.1 The Policy Committee received no petitions from members of the public.

4.2 The Committee received ten questions from members of the public. Eight members of the public did not attend to ask their questions, written responses would be provided.

Question from: Friends of Graves Park

Are the Charity Sub-committee members aware of the following regarding the Norton Nurseries section of Graves Park:

1. That the Norton Nursery is part of the gift to the citizens of Sheffield by J G Graves, is part of Graves Park and is charitable parkland?

2. That in 1998 this land was declared derelict and surplus to requirements by the council and that attempts were made to sell it for housing development?

3. That this was eventually prevented by strong local opposition, eventually supported by the Charity Commission and that there was an apology at the time from the council and an assurance that the land would be restored back to parkland?

4. That the first section of this restoration, Chantreyland Meadow, was actioned by the Friends of Graves Park and that this section opened in 2006?

5. That the council attempted, yet again, to dispose of the Norton Nurseries site in 2008, this time in an attempt to move St. Luke's hospice to the site, as once again they insisted that it was derelict and surplus to requirements? Are they also aware that this failed, partly because of the huge local opposition from the local community and beyond, partly because of the eventual intervention of the Charity Commission and partly because subsequently it emerged that St. Luke's could not have financially made this move?

6. That the second section of restoration of the site, called the Arboretum, or "The Secret Garden", actioned by the Friends of Graves Park, opened to the public in 2016? Are they also aware that at this time the Friends asked for the third section to be released for restoration?

7. That as late as 2014, the council insisted that the Norton Nurseries site was not being used, was derelict and was surplus to requirements?

8. That the Parks department, when saying that this land has been used as a depot for parks since the closure of the Norton Nurseries horticulture activities, cannot be correct if the land was declared derelict and surplus to requirements in 1998 and again in 2008?

9. That the FOI responses we received make it clear that the Norton Nurseries site "is not and has never been designated "depot land", yet despite this, the site is being used as a depot for Graves Park and other local areas? Are the Trustees aware that these "other local areas" are:

a. "Parks in these areas include: Barbers Field, Batemoor Open Space, Beauchief Gardens, Bents Green Playing Field, Bradway Rec, Broadfield Rd Open Space, Chancet Wood Playing Field, Dore Rec, Graves Park, Graves Park Animal farm, Green Oak Rec, Greenhill Park, Herdings Park, Meersbrook Park, Millhouses Park, Topley  
Bents Open Space, Topley Hall Playing Field, Whirlow Brook Park, Beaver Hill Rec, Charnock Park, Frecheville Park and Whinfell Quarry Gardens?" (22 Including Graves Park and Graves Park Animal Farm)

b. "In addition operatives working out of Norton Nurseries cover the following areas of the city (and associated green spaces) Dore, Topley, Whirlow, Millhouses, Bradway, Lowedges, Greenhill, Norton, Batemoor, Jordanthorpe, Meersbrook, Heeley, Gleadless, Frecheville, Birley, Charnock, Basegreen. Teams working in these areas will empty bins that have been used by the public and bring the bags of rubbish to Norton where they can then be taken by a larger vehicle to the waste collection site in Darnall to save multiple vehicles driving to and from Darnall every

day.” (Total of 17 including Norton).

c. In addition, we have anecdotal evidence that rubbish is brought here from Page Hall and Concord Parks. Also, during Covid, when Endcliffe Park had to be cleared of the rubbish left by the public, it was all taken to Norton Nurseries.

10. That the Parks department has conceded that this land needs to be restored back to parkland? This being the case do the Trustees agree that waiting for a review of depots, which could take up to 5 years, is not relevant, since this site is not a depot and that 25 years is far too long for the local community to wait for Sheffield City Council to honour its promise to allow the Friends of Graves Park, at their own expense, to restore this section of the park back to parkland?

Finally, are the trustees aware that the next section to be restored is not currently occupied or being used for anything and that the above activities, as well as the storage of vehicles and fuel, are all within the part of the Nurseries on the other side of the glasshouses and that the commencement of restoration would not impact on the use of the Nurseries as a depot?

Will the Charity Sub-committee please, as a matter of urgency agree to the land being released to the Friends of Graves Park, so that it can be restored back to parkland and reopened to public use with immediate effect?

The Chair thanked the questioner for attending and explained that the site was part of a review of the Council’s operations across the city and therefore it was unable to make any decisions until the review was complete. It was also acknowledged that it would be impractical and uneconomic both in respect of the maintenance and operational aspects of running Graves Park and for providing services to the other parks in the surrounding area to find an alternative site at that time.

Excellent work had been carried out by the Friends of Graves Park on the Chantreyland Meadow and the Arboretum and although there was a desire to see further areas restored to a similar standard it was not possible to allow volunteer groups access to the site at that time due to Health and Safety concerns.

The Chair offered assurance that there was no appetite to dispose of the land for any other purpose and quoted guidance from the Charities Commission explaining that a charity cannot generally transfer its property to a non-charitable body or for a non-charitable purpose for example, charity land could not be transferred to a local authority to form part of its statutory property even if it was to be used for purposes similar to those formerly undertaken by the charity.

The Chair was happy to meet with the Friends of Graves Park to discuss the matter further.

Question from: Ruth Hubbard

It’s disappointing to see yet another rather cheerleading report on Tramlines that - in line with all reports that have gone before - fails to address considerable local

Hillsborough community concerns. In fact, once again, it appears public and private,/corporate interests are aligned and conflated - whilst community concerns are ignored.

1. So it's claimed a "comprehensive review" of licensing arrangements has taken place. What role, then, have local community and park user group stakeholders, plus local citizens, played in this comprehensive review? What was learned and taken on board by all parties?

2. A reasonable list of community concerns that have been being consistently raised for four years or more at least includes:

- impacts on/ mitigations for local businesses
- urine-filled gardens/ginnels and smelly streets
- other anti-social behaviour (street drunkenness/pre-loading, litter etc)
- a range of parking/traffic/public transport issues (& for better end of day dispersals)
- re-entry for all as of right (rather than discretionary gift & favour for local residents), and prohibitive drink/food costs from largely chain-type festival stall holders for its consequently captive audience)
- disputes about noise levels and the disturbances they bring
- a range of other evident pre and post-festival impacts

Which of these (or any general festival management arrangements that concern local residents) were considered for the comprehensive review and as suitable for building in to new licence arrangements.

3 What do officers and councillors know about Tramlines in-house residents survey, and what is said in feedback sessions? Why is it mentioned in this report without mentioning any findings and influence these might or might not be having? Indeed, why aren't the findings public? Why isn't the appropriateness of a corporate partners own survey not questioned? What information have officers gathered themselves, or understood from petition, PQ, local cllr insights, LAC representations and the fact its consistently all over social media year on year?

4. Why does this council continue to ignore Hillsborough residents wide-ranging concerns? What do they need to do to be heard? Should they spend a year like graves park campaigners have, very strongly pushing the council, using loud and powerful well-known local voices, holding a few protest-type public meeting events, or should they plan to do things like picket Tramlines or engage in other direct disruptions? Would that kind of action be better heard by our council? Does 'people at the heart of all we do' mean Tramlines people? Is it more boring for officers to talk to local residents, businesses and groups and understand their concerns - or to continue to block their voices - than it is to engage with a rapidly growing global business with private equity backers and an increasingly complex corporate structure?

5. Why has the Parklife Festival in Heaton Park Manchester had a Community Impact Team in place since 2015, plus an Event Community Consultation Group dealing at a detailed level with local community impacts when Sheffield and Hillsborough does not? Why has Portsmouth's Victorious Festival (also run by Superstruct) got re-entry rights for all that are championed by their local council as

protective of local businesses, when Tramlines does not?

6. What are the implications for local residents (as well as festival goers) of a shift to a 'right to occupy' licence from a premises licence? (And does this have any impact in the context of charitable status?)

7. Will this council require all Tramlines Reports from now on to directly address community concerns and the progress that is being made on these issues?

8. Will this committee refuse to endorse work towards new licence arrangements before community and local stakeholders concerns have been fully discussed with those involved and appropriate consultation carried out to consider them as potential inclusions for the new licence? I note that this is exactly what the relevant committee did when it was discovered that no stakeholders had been properly consulted for the development of the MUGA proposals in Hillsborough park. That is, the committee delayed MUGA progress until basic Consultation work was done with stakeholders.

9. I note the £500 to be donated to Friends of Hillsborough Park. Except FOHP has folded precisely because they felt utterly dispirited by the council failure to engage Presumably the walled garden group will now benefit from this £500. Have our council perused Tramlines (multiple companies) latest submitted accounts?

10. I also note on the Hillsborough park accounts on another item, Friends of Hillsborough Park are 'bigged up' as being at the centre of park management arrangements. If this was ever true, its not been true for a while has it? What do the council intend to do about the inaccuracy in the accounts, and about new Hillsborough park arrangements with the demise of FOHP.

11. Who controls Tramlines Trust, and what are the management arrangements? Do they involve local residents and stakeholders? What information is made public about their donations and work?

For clarity, in answers I am not interested in hearing more defensive justifications about Tramlines, still less more of our council acting as corporate cheerleaders. These answers simply act to obscure and block ongoing, legitimate and persistent community concerns and as though Hillsborough has to simply put up with it for the sake of Sheffield. These answers also sometimes assume - or seem to want to assume - that it's a zero sum debate of for or against Tramlines, when it's not. Nor do I hope to hear more about what members of councillors families think of Tramlines. I've also had some perfectly reasonable letters from committee chairs in response to previous inquiries and questions - however, I cannot recall a time when a committee or an officer report has taken up in any serious or meaningful way the community concerns I'm talking about, nor have I heard any positive proposals being brought forth in public in committee meetings to tackle concerns.

The Chair thanked the questioner for attending and apologised that the item on Tramlines had been deferred from the agenda. It was explained that the license review referred to in the report was not a review of a premises license, but rather the "right to occupy" license agreement and focused on wet weather mitigations

and event cancellation procedures.

Community concerns raised in July 2023 were considered in the report prepared for committee but there had not been a consistent list raised for four years. The example of re-entry to the event was not raised until after the 2022 event. In 2023 the resident parking scheme was extended and there was a dedicated resident parking page on the Tramlines website.

Resident feedback is available to view on the Tramlines website. The Chair assured the questioner that the residents views were being heard, mitigation measures had been put into place wherever feasible and the significant number of complaints received following the 2023 event had all been considered and responded to in the prepared report.

The Chair provided a response from Tramlines highlighting the dedicated residents liaison team that had been in place since the event moved to Hillsborough in 2018. The team dealt with any incidents as they arose and specific examples of this were provided. Tramlines had also clarified that the Victorious Festival in Portsmouth operated on a much larger site with more than 5 entry and exit points that could accommodate a transient crowd. This involved closing the surrounding roads in order to create sterile areas and this would not be appropriate in Hillsborough.

It was explained that feedback received from members of the public following committee reports in September 2023 had been considered and included in the prepared report. The £500 donation to the Friends of Hillsborough Park, queried in the questions was detailed more explicitly referencing paragraph 1.15 of the report which stated that "Tramlines will donate £500 per annum to the Friends of Hillsborough Park (or other volunteer group working in Hillsborough Park) to help volunteers to continue their valuable work in the park".

The Chair clarified that the last published reports for the Hillsborough Park Charity were for the financial year ended 31<sup>st</sup> March 2022 and were accurate at the time of submission. The final question relating to the Tramlines Trust was referred to a page on the Tramlines website that provided further information [The Tramlines Trust - Tramlines Festival 2024](#)

## **6. MEMBERS' QUESTIONS**

6.1 No questions were received from Members.

## **7. WORK PROGRAMME**

- 7.1 The Principal Democratic Services Officer presented the Work Programme. It was noted that;
- The knowledge update on the Charities Act and Charity Trustee Responsibilities was still outstanding
  - An update on the Norton Nurseries site should be added to the Work Programme



- Submission of the Charity Accounts for 2023/24 should be added to the Work Programme for next year
- An update on the Rose Garden Café should be added to the Work Programme for the March 2024 committee meeting.

7.2 **RESOLVED UNANIMOUSLY** that:-

1. the Committee's work programme, as set out in Appendix 1 be agreed, including any additions and amendments identified in Part 1;
2. consideration be given to the further additions or adjustments to the work programme presented at Part 2 of Appendix 1;
3. Members give consideration to any further issues to be explored by officers for inclusion in Part 2 of Appendix 1 of the next work programme report, for potential addition to the work programme.

**8. 2022/23 SHEFFIELD CITY COUNCIL CHARITY ACCOUNTS**

8.1 The committee considered a report of the Director of Finance and Commercial Services to present the 2022/23 Sheffield City Council Charity Accounts, to communicate any relevant matters arising from the external auditors' independent examination, and to conclude the examination, by requesting that Trustee approval is given by signing the Letter of Management Representations, the Statement of Accounts and the Annual Trustees Report.

8.1.1 It was noted that some wording within the statements needed amending to reflect Sheffield City Council's new governance arrangements. The notes to the financial statements for High Hazels referenced Firth Park and this would need correcting. There was also a reference to the previous Chair of the committee that should be amended.

8.1.2 The external auditor indicated that it would be prudent to carry our revaluations on all the charitable land to include in next year's accounts for clarity.

8.1.3 A member asked why there had been a significant increase in income for Hillsborough Park and it was explained that this was due to a large scheme of work having been undertaken to include improvements to the footpaths, drainage works and the installation of a cycling track and so all of the capital expenditure for this was included in the accounts.

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

- notes the 2022/23 Sheffield City Council Charity Accounts and outcome of the external auditor's independent examination undertaken by Rogers Spencer Ltd Chartered Accountants.
- approves the 2022/23 Charity Accounts and authorises the Chair of the Charity Trustees Sub-Committee to sign the Statement of Accounts, Trustee Report and Letter of Management Representations to conclude the

external auditor's independent examination subject to their being updated to

- reflect that the committee collectively discharges the responsibilities of the Council as a trustee
- remove wording relating to Firth Park from the High Hazels Notes to the Financial Statements
- remove any reference to the 'Leaders Scheme of Delegation'
- replace any reference to Councillor Bryan Lodge with Councillor Ian Auckland
- amend the date of change to the committee system to May 2022

**Note:** Councillor Naz had left the room and did not take part in this vote

### 8.3 **Reasons for Decision**

The Committee, acting as Trustee, were satisfied with the accounts and as Trustee, if so satisfied, are required to approve the financial statements in order to provide audit assurance that their obligations as trustees to the charities have been met and subsequently conclude the external audit independent examination process, allowing for publication of the annual returns with the Charity Commission.

### 8.4 **Alternatives Considered and Rejected**

If they had concerns/questions, then the Committee could have declined to approve the accounts until they were satisfied with them. That was not necessary on this occasion.

## 9. **LEASE OF CAFÉ AT FIRTH PARK, SHEFFIELD**

9.1 The committee considered a report of the Director of Parks, Leisure and Libraries seeking the approval of the Charity Trustee Sub Committee acting as Charity Trustee of Firth Park (Registered Charity Number 1104444) ("the Charity") to the grant of a Tenancy at Will (TAW) in respect of the Property (as defined at paragraph 1.2 of the report and referred to in the plan attached hereto) to Hilary Dawtry on the terms set out in the Appendices to the report.

9.1.1 Councillor Naz returned to the meeting.

9.1.2 Members of the committee noted the fantastic work carried out at the café over and above providing refreshments; improving the lives of local residents and demonstrating a wonderful example of a multi-use building. The community impact of the work undertaken at the cafe would need to be considered as part of any future negotiations.

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

- confirm that, on consideration of this report and the commercial terms and advice set out in attached Appendices, it is satisfied that the proposed terms promote the objects of the Charity and the Tenancy at Will is in the best interest of the Charity.
- approve the Tenancy at Will based on the terms set out in the report.

9.3 **Reasons for Decision**

The proposal to grant a Tenancy at Will of this café facility:

- safeguards the café facility at Firth 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 was considered that there are no realistic alternative options here at this time.

10. **TRAMLINES FESTIVAL**

10.1 The Chair proposed that the Tramlines Festival report be deferred to a later meeting.

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

Agrees to defer the report to a later meeting to allow further work to be carried out, including further briefings for committee members on the exempt appendices to the report.

10.3 **Reasons for Decision**

To allow further information to be provided to committee members.

10.4 **Alternatives Considered and Rejected**

Not applicable

## **11. ROSE GARDEN CAFE UPDATE**

11.1 The committee considered a report of the Executive Director of Neighbourhoods to provide an update on actions agreed at the meeting of the Charity Trustee Sub-Committee on 18<sup>th</sup> October, 2023 to include;

1. The proposal for Sheffield City Council, in partnership with stakeholders, to develop a strategy for the restoration of the Rose Garden Café building (options 2A and 2B), pausing work on a replacement building approach (design options 3 and 4) and a limited works approach (design options 1 and 5).
2. That the Rose Garden Café Partnership, once established, creates an action plan to develop the strategy for restoration, which will include defining the following:
  - A framework for a proportionate public consultation on the Rose Garden Café.
  - Establish funding sources to meet the structural remediation and building refurbishment works.
  - Agree a strategy for public communication.

and then proceeding to carry out the agreed consultation and implement the agreed public communication strategy in order to inform the strategy for restoration that will be brought back to the Committee in due course.

11.1.1 Members asked if it would be possible to have feedback directly from the Partnership at a future committee meeting and it was agreed that this was a good idea. Members were encouraged that tasks were being carried out in parallel and that fortnightly meetings were taking place which would help maintain momentum.

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

1. Notes the progress made towards the actions agreed in the October 2023 report.
2. Agrees to receive a further report in March 2024 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.

### **11.3 Reasons for Decision**

The Committee were pleased to receive the update on the progress made following the recommendations approved by the Charity Trustee Sub-Committee

on 18<sup>th</sup> October 2023 and were keen to receive a further update in March.

11.4 **Alternatives Considered and Rejected**

The report to the Committee was produced to provide an update on progress made towards the recommendations made in the Rose Garden Café 18<sup>th</sup> October 2023 report. The only alternative options would have been not to receive an update report at this time or to ask for a further at a different point than March 2024.

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## Report to Charity Trustees Sub-Committee

Date 4<sup>th</sup> March 2024

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**Report of:** James Henderson, Director of Policy and Democratic Engagement

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**Subject:** Committee Work Programme

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**Author of Report:** Amanda Clayton, Principal Democratic Services Officer

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### Summary:

The Committee's Work Programme is attached at Appendix 1 for the Committee's consideration and discussion. This aims to show all known, substantive agenda items for forthcoming meetings of the Committee, to enable this committee, other committees, officers, partners and the public to plan their work with and for the Committee.

Any changes since the Committee's last meeting, including any new items, have been made in consultation with the Chair, and the document is always considered at the regular pre-meetings to which all Group Spokespersons are invited.

The following potential sources of new items are included in this report, where applicable:

- Questions and petitions from the public, including those referred from Council
- References from Council or other committees (statements formally sent for this committee's attention)
- A list of issues, each with a short summary, which have been identified by the Committee or officers as potential items, but which have not yet been scheduled (See Appendix 1)

The Work Programme will remain a live document and will be brought to each Committee meeting.

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### Recommendations:

1. That the Committee's work programme, as set out in Appendix 1 be agreed, including any additions and amendments identified in Part 1;
2. That consideration be given to the further additions or adjustments to the work programme presented at Part 2 of Appendix 1;
3. That Members give consideration to any further issues to be explored by officers for inclusion in Part 2 of Appendix 1 of the next work programme report, for potential addition to the work programme;

**Background Papers:** None

**Category of Report:** Open

## **COMMITTEE WORK PROGRAMME**

### **1.0 Prioritisation**

1.1 For practical reasons this committee has a limited amount of time each year in which to conduct its formal business. The Committee will need to prioritise firmly in order that formal meetings are used primarily for business requiring formal decisions, or which for other reasons it is felt must be conducted in a formal setting.

1.2 In order to ensure that prioritisation is effectively done, on the basis of evidence and informed advice, Members should usually avoid adding items to the work programme which do not already appear:

- In the draft work programme in Appendix 1 due to the discretion of the chair; or
- within the body of this report accompanied by a suitable amount of information

### **2.0 References from Council or other Committees**

2.1 Any references sent to this Committee by Council, including any public questions, petitions and motions, or other committees since the last meeting are listed here, with commentary and a proposed course of action, as appropriate:

Issue 1	
Referred from	
Details	
<i>Commentary/ Action Proposed</i>	

### **3.0 Member engagement, learning and policy development outside of Committee**

3.1 Subject to the capacity and availability of councillors and officers, there are a range of ways in which Members can explore subjects, monitor information and develop their ideas about forthcoming decisions outside of formal meetings. Appendix 2 is an example 'menu' of some of the ways this could be done. It is entirely appropriate that member development, exploration and policy development should in many cases take place in a private setting, to allow members to learn and formulate a



position in a neutral space before bringing the issue into the public domain at a formal meeting.

## 2.2 Training & Skills Development - Induction programme for this committee.

Title	Description & Format	Date
Charities Commission	Knowledge update on the Charities Act and Charity Trustee Responsibilities	ASAP

## Appendix 1 – Work Programme

### Part 1: Proposed additions and amendments to the work programme since the last meeting:

Item	Proposed Date	Note
<b>NEW:</b> Update on Rose Garden Cafe	4 <sup>th</sup> March 24	
<b>NEW:</b> Parking Fees	TBC	
<b>MOVED:</b> Tramlines	4 <sup>th</sup> March 24	Moved from 22 <sup>nd</sup> January 24
<b>NEW:</b> Norton Nursery Glasshouses	4 <sup>th</sup> March 24	
<b>NEW:</b> Weston Park	4 <sup>th</sup> March 24	

### Part 2: List of other potential items not yet included in the work programme

Issues that have recently been identified by the Committee, its Chair or officers as potential items but have not yet been added to the proposed work programme. If a Councillor raises an idea in a meeting and the committee agrees under recommendation 3 that this should be explored, it will appear either in the work programme or in this section of the report at the committee's next meeting, at the discretion of the Chair.

<b>Topic</b>	
<b>Description</b>	
<b>Lead Officer/s</b>	
<b>Item suggested by</b>	<i>Officer, Member, Committee, partners, public question, petition etc</i>
<b>Type of item</b>	<i>Referral to decision-maker/Pre-decision (policy development/post-decision (service performance/ monitoring)</i>
<b>Prior member engagement/ development required (with reference to options in Appendix 2)</b>	
<b>Public Participation/ Engagement approach (with reference to toolkit in Appendix 3)</b>	
<b>Lead Officer Commentary/Proposed Action(s)</b>	

**Part 3: Agenda Items for Forthcoming Meetings**

Meeting 5 2023	4 <sup>th</sup> March 2024	Time 2pm				
Topic	Description	Lead Officer/s	Type of item <ul style="list-style-type: none"> <li>Decision</li> <li>Referral to decision-maker</li> <li>Pre-decision (policy development)</li> <li>Post-decision (service performance/ monitoring)</li> </ul>	(re: decisions) Prior member engagement/ development required (with reference to options in Appendix 2)	(re: decisions) Public Participation/ Engagement approach (with reference to toolkit in Appendix 3)	Final decision-maker (& date) <ul style="list-style-type: none"> <li>This Cttee</li> <li>Another Cttee (e.g. S&amp;R)</li> <li>Full Council</li> <li>Officer</li> </ul>
<b>NEW:</b> Update on Rose Garden Cafe		Rebecca Maddox	Post-decision (service performance/ monitoring)			
<b>MOVED:</b> Tramlines		Lisa Firth				
<b>NEW:</b> Norton Nursery Glasshouses		Jo Pearce				
<b>NEW:</b> Weston Park		Jo Pearce				
Standing items	<ul style="list-style-type: none"> <li>Public Questions/ Petitions</li> <li>Work Programme</li> <li>[any other committee-specific standing items e.g. finance or service monitoring]</li> </ul>					

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Meeting 1 2024	TBC	Time TBC				
Topic	Description	Lead Officer/s	Type of item <ul style="list-style-type: none"> <li>Decision</li> <li>Referral to decision-maker</li> <li>Pre-decision (policy development)</li> <li>Post-decision (service performance/ monitoring)</li> </ul>	(re: decisions) Prior member engagement/ development required (with reference to options in Appendix 2)	(re: decisions) Public Participation/ Engagement approach (with reference to toolkit in Appendix 3)	Final decision-maker (& date) <ul style="list-style-type: none"> <li>This Cttee</li> <li>Another Cttee (e.g. S&amp;R)</li> <li>Full Council</li> <li>Officer</li> </ul>

Standing items	<ul style="list-style-type: none"> <li>• <i>Public Questions/ Petitions</i></li> <li>• <i>Work Programme</i></li> <li>• <i>[any other committee-specific standing items e.g. finance or service monitoring]</i></li> </ul>					
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**Items which the committee have agreed to add to an agenda, but for which no date is yet set.**

Topic	Description	Lead Officer/s	Type of item	<i>(re: decisions)</i> Prior member engagement/ development required <i>(with reference to options in Appendix 2)</i>	<i>(re: decisions)</i> Public Participation/ Engagement approach <i>(with reference to toolkit in Appendix 3)</i>	Final decision-maker (& date)
NEW: Parking Fees		Ruth Bell	<ul style="list-style-type: none"> <li>• <i>Decision</i></li> <li>• <i>Referral to decision-maker</i></li> <li>• <i>Pre-decision (policy development)</i></li> <li>• <i>Post-decision (service performance/ monitoring)</i></li> </ul>			<ul style="list-style-type: none"> <li>• This Cttee</li> <li>• Another Cttee (e.g. S&amp;R)</li> <li>• Full Council Officer</li> </ul>
NEW - Norton Nurseries Update		Jo Pearce				
NEW - 2023/24 Sheffield City Council Charity Accounts						

## **Appendix 2 – Menu of options for member engagement, learning and development prior to formal Committee consideration**

Members should give early consideration to the degree of pre-work needed before an item appears on a formal agenda.

All agenda items will anyway be supported by the following:

- Discussion well in advance as part of the work programme item at Pre-agenda meetings. These take place in advance of each formal meeting, before the agenda is published and they consider the full work programme, not just the immediate forthcoming meeting. They include the Chair, Vice Chair and all Group Spokespersons from the committee, with officers
- Discussion and, where required, briefing by officers at pre-committee meetings in advance of each formal meeting, after the agenda is published. These include the Chair, Vice Chair and all Group Spokespersons from the committee, with officers.
- Work Programming items on each formal agenda, as part of an annual and ongoing work programming exercise
- Full officer report on a public agenda, with time for a public discussion in committee
- Officer meetings with Chair & VC as representatives of the committee, to consider addition to the draft work programme, and later to inform the overall development of the issue and report, for the committee's consideration.

The following are examples of some of the optional ways in which the committee may wish to ensure that they are sufficiently engaged and informed prior to taking a public decision on a matter. In all cases the presumption is that these will take place in private, however some meetings could happen in public or e.g. be reported to the public committee at a later date.

These options are presented in approximately ascending order of the amount of resources needed to deliver them. Members must prioritise carefully, in consultation with officers, which items require what degree of involvement and information in advance of committee meetings, in order that this can be delivered within the officer capacity available.

The majority of items cannot be subject to the more involved options on this list, for reasons of officer capacity.

- Written briefing for the committee or all members (email)
- All-member newsletter (email)
- Requests for information from specific outside bodies etc.
- All-committee briefings (private or, in exceptional cases, in-committee)
- All-member briefing (virtual meeting)
- Facilitated policy development workshop (potential to invite external experts / public, see appendix 2)
- Site visits (including to services of the council)
- Task and Finish group (one at a time, one per cttee)

Furthermore, a range of public participation and engagement options are available to inform Councillors, see appendix 3.

## **Appendix 3 – Public engagement and participation toolkit**

### **Public Engagement Toolkit**

On 23 March 2022 Full Council agreed the following:

A toolkit to be developed for each committee to use when considering its 'menu of options' for ensuring the voice of the public has been central to their policy development work. Building on the developing advice from communities and Involve, committees should make sure they have a clear purpose for engagement; actively support diverse communities to engage; match methods to the audience and use a range of methods; build on what's worked and existing intelligence (SCC (Sheffield City Council) and elsewhere); and be very clear to participants on the impact that engagement will have.

The list below builds on the experiences of Scrutiny Committees and latterly the Transitional Committees and will continue to develop. The toolkit includes (but is not limited to):

- a. Public calls for evidence
- b. Issue-focused workshops with attendees from multiple backgrounds (sometimes known as 'hackathons') led by committees
- c. Creative use of online engagement channels
- d. Working with VCF networks (e.g. including the Sheffield Equality Partnership) to seek views of communities
- e. Co-design events on specific challenges or to support policy development
- f. Citizens assembly style activities
- g. Stakeholder reference groups (standing or one-off)
- h. Committee / small group visits to services
- i. Formal and informal discussion groups
- j. Facilitated communities of interest around each committee (e.g. a mailing list of self-identified stakeholders and interested parties with regular information about forthcoming decisions and requests for contributions or volunteers for temporary co-option)
- k. Facility for medium-term or issue-by-issue co-option from outside the Council onto Committees or Task and Finish Groups. Co-optees of this sort at Policy Committees would be non-voting.

This public engagement toolkit is intended to be a quick 'how-to' guide for Members and officers to use when undertaking participatory activity through committees.

It will provide an overview of the options available, including the above list, and cover:

- How to focus on purpose and who we are trying to reach
- When to use and when not to use different methods
- How to plan well and be clear to citizens what impact their voice will have
- How to manage costs, timescales, scale.

**There is an expectation that Members and Officers will be giving strong consideration to the public participation and engagement options for each item on a committee's work programme, with reference to the above list a-k.**



## Report to Policy Committee

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

**Tel:** 07867 150747

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**Report of:** *Executive Director of Neighbourhood Services*

**Report to:** *Charity Trustee Sub Committee*

**Date of Decision:** *4<sup>th</sup> March 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 checked="" type="checkbox"/>	No	<input 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 type="checkbox"/>	No	<input checked="" type="checkbox"/>

### **Purpose of Report:**

The Charity Trustee Sub Committee is asked to consider the contents of this report and approve the draft response to the Charity Commission regarding Graves Park which is set out in the appendix.

**Recommendations:**

The Charity Trustee Sub Committee is recommended to approve:

- The contents of the proposed response letter to the Charity Commission
- That officers will forward this correspondence to the Charity Commission by way of an emailed letter, within 3 working days of the decision.

Lead Officer to complete:-							
1	<table border="1"> <tr> <td rowspan="4">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.</td> <td>Finance: Adrian Hart</td> </tr> <tr> <td>Legal: David Sellars</td> </tr> <tr> <td>Equalities &amp; Consultation: Ed Sexton</td> </tr> <tr> <td>Climate: None</td> </tr> </table>	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: None	
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: None						
	<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	<table border="1"> <tr> <td><b>SLB member who approved submission:</b></td> <td><i>Ajman Ali</i></td> </tr> </table>	<b>SLB member who approved submission:</b>	<i>Ajman Ali</i>				
<b>SLB member who approved submission:</b>	<i>Ajman Ali</i>						
3	<table border="1"> <tr> <td><b>Committee Chair consulted:</b></td> <td><i>Cllr Ian Auckland</i></td> </tr> </table>	<b>Committee Chair consulted:</b>	<i>Cllr Ian Auckland</i>				
<b>Committee Chair consulted:</b>	<i>Cllr Ian Auckland</i>						
4	<table border="1"> <tr> <td colspan="2">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.</td> </tr> <tr> <td><b>Lead Officer Name:</b> <i>Ruth Bell</i></td> <td><b>Job Title:</b> <i>Head of Parks and Countryside</i></td> </tr> <tr> <td colspan="2"><b>Date:</b> <i>23<sup>rd</sup> February 2024</i></td> </tr> </table>	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.		<b>Lead Officer Name:</b> <i>Ruth Bell</i>	<b>Job Title:</b> <i>Head of Parks and Countryside</i>	<b>Date:</b> <i>23<sup>rd</sup> February 2024</i>	
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<b>Lead Officer Name:</b> <i>Ruth Bell</i>	<b>Job Title:</b> <i>Head of Parks and Countryside</i>						
<b>Date:</b> <i>23<sup>rd</sup> February 2024</i>							



## 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 actively engaged in correspondence with the Charity Commission (“CC”) regarding a number of matters concerning the Graves Park Charity. This correspondence has been both in writing and by telephone conversation.

1.3 In 2022 the Council changed to a new system of governance which saw the Cooperative Executive replaced by committees, including the Charity Trustee Sub Committee which discharges the Council’s obligations as sole trustee of the Graves Park Charity. It is now considered prudent that substantive correspondence to the CC be considered and approved by the Charity Trustee Sub Committee.

1.4 Appendix A and B to this report set out the latest correspondence from the CC (November 2023) and the Council’s proposed response regarding several long-standing matters concerning Graves Park. These matters are summarised below.

1.5 Rose Garden Café

1.5.1 The view is that the CC are content with the progress that is being made to resolve the issues arising out of the condition of the café building. A separate report setting out in detail the current position is coming to this sub-committee.

1.6 Friends of Graves Park

1.6.1 There had been an issue regarding what correspondence the CC was releasing to the Friends Group as part of its dialogue with the Trustee. This has now been resolved and the CC has assured officers that no correspondence is released without due consideration of its duties under FOI and EIR.

1.7 Council Governance and the section 15(2) Action Plan

1.7.1 As can be seen from the draft letter the intention is to appoint an external legal advisor to provide options on what governance models are available to local authorities such as Sheffield to see how an independent voice can be added to Council role as Trustee. The intention is to have an exploratory meeting with external legal advisors and officers early in March 2024.

1.8 Proposed Disposal of the Tennis Courts

1.8.1 The CC asked if the Trustee was satisfied that it had made a proper decision and followed all the Charity Act 2011 requirements as part of the wider Tennis Hub provision contract award. This matter was considered by the Trustee on 21 March 2023 which approved the disposal.

1.9 Norton Nurseries

1.9.1 The response to the CC is based on a number of concerns raised by the CC. There is a detailed response set out in the draft letter. As well as the broad terms set out at paragraph 1.7.1 the engagement of external legal advisors will be on the basis that it specifically addresses what options are available to the Trustee going forward.

**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 As a charity trustee the Council has a number of duties in accordance with charities law. 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 approve any significant correspondence with the CC.

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**CHARITY COMMISSION**  
FOR ENGLAND AND WALES

Sent by email to:

[David.Sellars@sheffield.gov.uk](mailto:David.Sellars@sheffield.gov.uk)

Charity Commission  
PO Box 211  
Bootle  
L20 7YX

**Our ref: LAW/C-036009/RC**

**Date: 24 November 2023**

Dear Mr Sellars

### **Graves Park - 510841**

Thank you for your email of 24 August 2023. We apologise for the delay in providing you with this response.

We note the Charity contacted the Commission 19 September 2023 regarding Bolehill Farm, which will be dealt with separately by our Authority Casework Team. I address below the information provided in your email of 24 August 2023.

### **Rose Garden Café**

In the Action Plan issued to the Trustee dated 4 May 2023, we asked the Trustee to confirm by 4 August 2023 their decision for the future of the Rose Garden Café and details of the actions taken. Having read your email, I note the Trustee has not yet come to this decision. I do however note that the Trustee is trying to maintain a dialogue with the Friends of Graves Park and others regarding what options are reasonable in the circumstances.

I note your comment regarding a capital scheme, in managing any challenges, including financial, the Trustee should consider obtaining appropriate professional advice when making its [decision](#) for the future of the Rose Garden Cafe.

The Council as trustee should also take into account its duty to manage the charity's resources responsibility which includes ensuring that any property it owns is properly maintained and being used correctly. (Section 7.6 of CC3: The Essential Trustee)

**On track to meet your deadline?**

Visit [www.gov.uk/charity-commission](http://www.gov.uk/charity-commission) for help on filing your annual return and accounts

t: 0300 066 9197 (General enquiries)

w: [www.gov.uk/charity-commission](http://www.gov.uk/charity-commission)

We also note from an update in August on the [website](#) of the Friends of Graves Park, they advise they have over £8000 in their campaign fund for the Rose Garden Café and another £20,000 has been pledged in Council Community Infrastructure Levy Funding. Hopefully, this financial support from the Friends will assist the Trustee when making its decision for the future of the Rose Garden Café.

### **Friends of Graves Park**

I am not aware of correspondence between the Trustee and the Commission being shared with the Friends of Graves Park and any requests for copies of correspondence would have been considered in accordance with the Freedom of Information Act. We did however; share with them; as we did the Trustee; our analysis of the disposal of Bolehill farm. When providing our analysis to the Friends of Graves Park, in accordance with data protection principles, we removed personal details of the current tenant.

### **Council Governance**

To provide some clarity on our reference to the appointment of independent Trustees; when a Charity with a sole Trustee appoints independent Trustees; the sole Trustee would sit on a Board of Trustees with those appointed independently from the sole Trustee and together they would make decisions collectively as a Board of Trustees. The advantage of having independent trustees is that it would make it easier to manage the conflict of interest that arises when managing the Park. Ultimately this is a decision for the Trustee, and we note that the Trustee has considered this and feels it would be impractical.

### **Action Plan Issued Under section 15(2) of the Charities Act 2011**

The Commission's power to issue formal guidance under s.15(2) of the Charities Act does not rely on us making a finding of wrongdoing. We often exercise this power where we consider that the trustee(s) would benefit from the advice and we frame it as an action plan where we consider that the Trustee needs to take steps to ensure compliance with their legal duties and responsibilities as Trustee.

We acknowledge the steps taken by the Trustee to review the governance of the trusteeship of the charitable assets and this is under consideration with details being provided to the Commission in due course. We also note that the Trustee will commence a dialogue with the appropriate parties regarding how their views can be incorporated into any decision-making process in the future and that the Trustee has recognised a need to ensure that new members of the committee are aware of their duties and the governance committee has agreed to look at the governance of its Charities.

## **Norton Nurseries**

The Commission notes your reference made to clause 4 (1) of the 2009 Scheme. However, whilst we appreciate the use of the Norton Nurseries site to provide a depot for the maintenance of Graves Park may be considered as being in furtherance of the objects; it is not clear whether the Norton Nurseries site is used solely as a depot for Graves Park; or if it is also used as a depot for areas within the City of Sheffield.

I assume your reference to dialog with the Commission specifically on the question of how to regularise the situation of a maintenance depot is a reference to correspondence between the Commission and the legal advisor to the Trustee in 2016.

I note from our records, the Trustees' then legal advisor discussed with the Commission the use of the Norton Nurseries site; advising the site was divided into 4 parts; one of which being used by the parks service by the maintenance teams servicing Graves Park and work on maintaining other parks in the City of Sheffield. They further advised, there was no formal written agreement in place, but the Council paid a grant of £200,000 per year to the Charity to cover any annual shortfall in the Charity meeting the costs associated with maintaining the park.

Further correspondence advised the Council were making good progress with regards to the lease of the Norton Nurseries site within Graves Park but that this may be impacted upon due to possible Charity proceedings against the Council as Trustee of Graves Park, the Trustees' powers of disposal under the Trusts of Land and Appointment of Trustee Act 1996 and the interpretation of the objects of the scheme governing the Charity.

I note after consideration of the above, the Commission's advice was that the Council as Trustee has powers under the Trusts of Land and Appointment of Trustees Act to dispose of an interest in property. However, as the disposal would be to a connected party (ie to the Council as local authority) this would require an order from the Commission.

Whilst I appreciate that certain matters including those referred to in your email and above, may impact on the Council's plans as Trustee to regularise the situation of a maintenance depot, if the Charity's land has since 2016 been used by the Council for the city of Sheffield, as above, this would require an order from the Commission and should have been obtained prior to the land being disposed of to the Council. We would also expect that conflicts of interest would have and continue to be managed when decisions are made for the use of the Norton Nurseries site by the city of Sheffield. It doesn't appear from our records, that the trustee approached us for formal consent.

If the land continues to be used for the city of Sheffield, the Council as Trustee must [request permission from the Commission](#). We cannot, however, provide permission retrospectively.

We assume given the advice previously provided by the Commission, and as you advise the Council will continue to work closely with the Commission regarding the current and future use of the land, that this is something the Council intends on doing.

The Commission requires clarification on this disposal which I will set out further below.

### **Proposed disposal of tennis courts**

The Commission has received further concerns about the Trustees' lease of the tennis courts to a private company, Courtside CIC, for 25 years, which we understand is a move from a shorter lease of 5-10 years.

We note that the open space notice dated 10 August 2023 on the Council's website advises:

*The Sheffield City Council acting as Trustee of Graves Park (registered charity number 510841) give notice that the Charity proposes to dispose by way of lease the property known as:*

#### ***Land at Graves Park, Sheffield***

*The property to be leased is held on designated charitable trust.*

*The lease will facilitate the continuation of the Parks Tennis Programme and will contribute to the wellbeing of the local community and Park users.*

If a Charity is disposing of designated land and the proportion of the land in question is small; and there will be little or no effect on the Charity's ability to carry out the purposes for which the remainder of the land is held; the Trustees may be able to rely on the statutory power of sale in the Trusts of Land and Appointment of Trustee Act 1996. The trustees must be satisfied that the sale is in the best interests of the Charity and conducive to achievement of its purposes.

The proceeds of sale of the designated land are held on the same trusts as the land. If those trusts are sufficiently wide for the proceeds to be applied to support the use of the remaining land for the purposes of the Charity, they may be so applied. If not, the Trustee would need to apply for a cy pres scheme to provide for the proceeds to be used, for example as investment permanent endowment to provide income to support the land's upkeep.

The trustee(s) would still need to ensure that the disposal complied with the requirements of s.117-123 of the Charities Act 2011 ("the 2011 Act").

For further information please refer to section [disposing of designated land](#) in our guidance.



## **Next steps**

We require the following information from the Trustee:

### Norton Nurseries land

1. Confirm if the use of the Norton Nurseries land, particularly as a deport, is solely for the use of the Graves Park Charity? If it is not, provide full details of how the land is used.
2. If the land is used for the City of Sheffield, please confirm how conflicts of interest were managed when decisions were made? Please also provide minutes of meetings when decisions were made regarding the use of the Norton Nurseries land.
3. If the land has been used for the wider purposes of the City of Sheffield please confirm if the Graves Park Charity has received funds for the use of its land and for how long?
4. If the land is currently used by the Council, not in its role as Trustee, advise why the prior written consent of the Commission was not obtained prior to its use?

### Disposal of Tennis Courts

5. Please confirm that the income received from the lease of the tennis courts will be held on the same trusts as the land and only be used in furtherance of the objects of the Graves Park Charity.
6. Please also confirm that the trustee has complied with the requirements of the 2011 Act in relation to the disposal.

The Trustee should read and discuss this letter collectively. We look forward to hearing from the Trustee by **5pm on Friday 8 December 2023**. If the Trustee cannot meet this deadline, they should let the Commission know as soon as possible and before the deadline expires.

Yours sincerely

**Laura Wainwright**  
Case Manager – Regulatory Compliance

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**Resources: Legal & Governance**

Legal Counsel : David Hollis  
Town Hall SHEFFIELD S1 2HH  
Tel: 0114 273 4059  
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Sent by email only to  
Laura Wainwright  
Case Manager – Regulatory Compliance  
[CC address]

Your Reference: LAW/C-036009/RC  
Our Reference:

Date: 2024

Dear Ms Wainwright

**Graves Park – 510841**

Further to your letter of 24 November 2023 and our subsequent email exchanges please see below the position regarding the matters raised therein.

As noted regarding **Bole Hill Farm** a draft order has been provided by your colleague and will be returned to them shortly thus paving the way to bring this matter to a conclusion.

**Rose Garden Café**

As you have noted the Trustee is continuing to work with the Friends Group and others on finding the best outcome for the building and is in the process of establishing a steering group with an independent chair to streamline this process. Your comments are noted regarding what considerations will be required when making the final decision regarding the future of the café.

**Friends of Graves Group**

Thank you for your clarification regarding sharing correspondence which is noted.

**Council Governance and the section 15(2) Charities Act 2011 Action Plan**

The Commission's comments are noted and the Trustee where required will consult with the Commission.

**The Proposed Disposal of the Tennis Courts**

The Trustee has fully considered the proposed disposal of the tennis courts and has decided that the disposal is in the best interests of the Charity and is conducive to the achievement of its purposes. It was therefore not considered necessary to apply for a cy pres scheme. As previously advised the Trustee is satisfied that the disposal complied with the requirements of ss 117 to 123 of the 2011 Charities Act.

## **Norton Nurseries**

It is accepted that since 2017 there has not been any progress toward formalising the situation regarding Norton Nurseries. It should be noted by the Commission that this was not a deliberate avoidance of what is required but rather due to long term absence of the persons dealing with this for the Council and other matters such as Lockdown caused by the Covid 19 Pandemic. It continues to be the case that the Trustee recognises the need to regularise the situation. It should be noted that the Council continues to provide a large subsidy by way of grant to the Graves Park Trust from its General Fund which does include an element for use and occupation of part of the area that is used as a depot. Independent legal advice has been obtained regarding regularising the situation by way of a lease and this has confirmed that in principle this is possible notwithstanding the ruling in Rye v Rye.

However, as there is a joint use by both the charity and the Council of the depot, this matter is not as straightforward as seeking an order for a disposal and we still need to understand what the best legal structure is, and if that is different to the existing arrangement of the Council use by licence. However, before the trustee makes a decision, consideration needs to be made regarding all the options that may be available and ultimately which is considered to be in the best interests of the charity. We fully recognise the issue of potential conflicts of interest and these can be managed for future decisions.

The trustee will keep the Commission and other interested parties informed of developments and where necessary work with the Commission to ensure that any decision is made in accordance with the relevant laws and regulations and necessary orders obtained.

## **Next steps**

### Norton Nurseries land

For the avoidance of doubt and in answer to the Commission's questions

1. As you will be aware the Graves Park Scheme unified two existing charitable trusts of land being Graves Park, and Norton Nurseries. In addition, the Council agreed to allocate 121,000 m<sup>2</sup> of new land, from its general holding, to the Graves Park/Norton Nurseries charities. These charities, including the new land, were amalgamated by the Scheme. The land that the Council allocated to the Scheme contained land from the Norton Nurseries trust that prior to 2009 had been used as a depot for both Graves Park and other Council functions. That arrangement did not change and continued after the transfer. That use of the land is still partly for Graves Park and partly for Council uses. The proportion used is roughly 60% to Graves Park and 40% other uses. It is not been possible to establish when the depot was established at its current location or any minutes or decision records that inform why the decision was taken.
2. The arrangement in practical terms works satisfactorily for both the charity and the Council and the Trustee are not aware of any conflicts of interest that have arisen since 2009 as no decision has been made since that date, so as far as the Trustee are aware

there are no minutes of any decisions by the Trustee regarding the operational use of the depot land.

3. As previously advised the Charity receives an annual subsidy by way of grant from the Council which exceeds an element for use and occupation of the depot land that is used for Council purposes.
4. Failing to regularise the use of the depot at the time of transfer in 2009 was an oversight and has previously been recognised. The Trustee recognises that the position needs to be regularised. The intention as a matter of priority is to resume direct consultation with the Commission on how this can be achieved.

#### Disposal of Tennis Courts

5. Income generated will be applied to the Charity and the delivery of tennis at Graves Park.
6. The Trustee has complied with all the requirements of ss 117 to 121 of the Charities Act 2011.

Yours sincerely

**SHEFFIELD CITY COUNCIL**

Enquiries to:  
Enc.

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## Report to Policy Committee

**Author/Lead Officer of Report:** Rebecca Nixon,  
Capital Delivery Service

**Tel:** 0114 27 35628

**Report of:** *Ajman Ali, Executive Director of Neighbourhoods*

**Report to:** *Charity Trustee Sub-Committee*

**Date of Decision:** *4<sup>th</sup> March 2024*

**Subject:** *Rose Garden Café Progress Update, Graves Park*

Type of Equality Impact Assessment (EIA) undertaken	Initial <input type="checkbox"/>	Full <input checked="" type="checkbox"/>
EIA reference number: 2368		
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 checked="" type="checkbox"/>	No <input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

### Purpose of Report:

To provide an update on the progress made by officers and the Rose Garden Café Partnership on the following recommendations approved by the Charity Trustee Sub-Committee on October 18<sup>th</sup> 2023:

1. The proposal for Sheffield City Council, in partnership with stakeholders, to develop a strategy for the restoration of the Rose Garden Café building (options 2A and 2B), pausing work on a replacement building approach (design options 3 and 4) and a limited works approach (design options 1 and 5).
2. That the Rose Garden Café Partnership, once established, creates an action plan to develop the strategy for restoration, which will include defining the following:
  - A framework for a proportionate public consultation on the Rose Garden Café.
  - Establish funding sources to meet the structural remediation and building refurbishment works.
  - Agree a strategy for public communication.

and then proceeding to carry out the agreed consultation and implement the agreed public communication strategy in order to inform the strategy for restoration that will be brought back to the Committee in due course.

This is the second progress report provided since October 2023 committee approval and provides an update on progress made from 20 December 2023 to 16 February 2024.

**Recommendations:**

The Charity Trustee Sub-Committee is asked to:

1. Note the progress made towards the actions agreed in the October 2023 report.
2. Agree to receive a further report following the local elections on progress towards the recommendations agreed in the October 2023 report.
3. Note that further updates and decisions will be taken to the appropriate Committee as required.

Lead Officer to complete:-		
	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: <i>Jonny McQuillin</i>
		Legal: <i>Tarmina Saville</i>
		Equalities & Consultation: <i>Louise Nunn</i>
		Climate: Consultation at a future date
	<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	<b>SLB member who approved submission:</b>	<i>Ajman Ali, Executive Director of Operational Services</i>
3	<b>Committee Chair consulted:</b>	<i>Councillor Ian Auckland</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.	
	<b>Lead Officer Name:</b> <i>Rebecca Nixon</i>	<b>Job Title:</b> <i>Project Manager, Capital Delivery Service</i>
	<b>Date:</b> <i>22<sup>nd</sup> February 2024</i>	



## 1. PROPOSAL

### **Background**

Sections 1.1 and 1.2 are as per the previous progress update provided on [22 January 2024](#) and are only included for completeness.

#### 1.1 Project timeline summary

In Spring 2022, Sheffield City Council developed a brief for the enhancement of the café provision in Graves Park under the 'Better Parks' programme. The initial Commissioning Brief and Fee Proposal set the following project objectives:

Objective 1 - 'improve facilities for the city'.

Objective 2 - 'maximise revenue for each facility'.

An initial site visit by the design team in May 2022 identified structural and safety concerns and the café was temporarily closed on the 27 July 2022. Propping of the building through significant internal and external scaffolding was installed to mitigate any risk of structural failure and the café reopened w/c 19 December 2022 with reduced seating capacity.

Following Charity Sub-Committee approval in October 2022, a feasibility study was commissioned with the following aims:

- To understand the condition of the existing building and level of repair and refurbishment works required.
- To understand the various options for the café building (restoration, refurbishment, replacement) providing initial costs and scope of works for each option.
- To provide options that respond to the Better Parks Brief and meet the level of service noted in the Better Parks vision statement.

The feasibility report presented design options 1 – 5 with associated feasibility cost estimates based on the commissioned surveys, summarised in the table below.

<b>Approach</b>	<b>Design Option</b>	<b>Proposed Works</b>	<b>Cost Estimate</b>
<b>Existing building restored</b>	2A	Structural stabilisation of the existing building and full refurbishment	£1,790,000
	2B	Structural stabilisation of the existing building with light touch refurbishment to café interiors only	£911,000
<b>Existing building replaced</b>	3	Demolition of the existing building and provision of Modern Methods of Construction facility	£1,480,000
	4	Demolition of the existing building and provision of a traditional build facility	£1,560,000

<b>Limited works</b>	1	Site safely secured and café building closed	£95,000
	5	Demolition of the existing building and site clearance only	£137,000

The options were further appraised to understand viability and how each of the options met the charity objectives. Many factors were considered including community value, funding sources and delivery options. The appraisal highlighted that some of the design options were either unviable (primarily due to funding limitations or delivery challenges) or did not meet the project objectives. Therefore, the October 2023 committee report recommended that the options with a limited works or replacement building approach be paused and a restoration approach pursued. See section 1.3 for the full recommendations approved by Committee. Please also refer to the Charity Trustee Sub-Committee reports dated [25 October 2022](#) and [18 October 2023](#) for further project context.

## 1.2 Approved recommendations

The following recommendations were approved by the Charity Trustee Sub-Committee on October 18<sup>th</sup> 2023;

1. The proposal for Sheffield City Council, in partnership with stakeholders, to develop a strategy for the restoration of the Rose Garden Café building (options 2A and 2B), pausing work on a replacement building approach (design options 3 and 4) and a limited works approach (design options 1 and 5).
2. That the Rose Garden Café Partnership, once established, creates an action plan to develop the strategy for restoration, which will include defining the following:
  - A framework for a proportionate public consultation on the Rose Garden Café.
  - Establish funding sources to meet the structural remediation and building refurbishment works.
  - Agree a strategy for public communication.

### **Progress update**

The following sections 1.3 – 1.7 are an update from council officers working with representatives of the Rose Garden Café Partnership (Friends of Graves Park, Save the Rose Garden Café Campaign and Sheffield City Council) of the progress made towards the approved recommendations from 20 December 2023 to 16 February 2024. Please see the previous committee report ([22 January 2024](#)) for the progress update provided from 18 October 2023 to 20 December 2023.

### 1.3 **Establishing the Rose Garden Café Partnership**

Please see previous committee report for background information.

#### 1.3.1 Chair appointment

The Partnership received three expressions of interest for the role of chair and one application. The application was reviewed by the Partnership using the agreed process including criteria for shortlisting. The applicant met the criteria for shortlisting and was invited to meet the partnership on January 12<sup>th</sup>. The meeting confirmed that the applicant met the eligibility requirements set out in the advert. In the meeting the applicant asked if remuneration could be provided for the role.

In the first Partnership workshop SCC committed to providing reasonable remuneration for a chair if required and it was later agreed by the partnership that the role would firstly be advertised as voluntary. Following the clarification from the only applicant, it was agreed that reasonable and evidenced out of pocket expenses could be provided. To ensure fairness to all potential applicants, the offer of remuneration was clarified within the chair application pack (via the [SCC Rose Garden Café page](#)) and the chair application deadline extended for a further two weeks to 6 February. No further applications were received, and the partners have therefore offered the position to the applicant, Chris Hallam who will be joining the next Partnership meeting on 1<sup>st</sup> of March.

#### 1.3.2 Terms of Reference

The partners are currently drafting the Terms of Reference for the Rose Garden Café Partnership which will supersede the Memorandum of Understanding.

#### 1.3.3 The role of the Partnership

When considering the funding and delivery route for the restoration and refurbishment of the café (please see section 1.5), the partners discussed and agreed the role of the partnership. It has been agreed that the Partnership is not a legal entity and will act as an advisory body to SCC. SCC remain the accountable body for the Rose Garden Café and the delivery of the restoration and refurbishment. Within the Partnership decisions are arrived at collectively between the parties, and recommendations made to SCC. The Terms of Reference which are currently being drafted will set out this decision-making process. The role of the Partnership is to develop the project strategy, contributing and securing skills, resources, and funds, and to hold SCC accountable for the successful delivery of the project. The Partnership looked towards similar groups including the Sheffield Street Tree Partnership (STTP) and the General Cemetery Oversight and Advisory Group (GCOAG) who have a similar approach with SCC retaining liability and the groups not legal entities.

### 1.4 **A framework for a proportionate public consultation on the Rose Garden Café**

#### 1.4.1 Engagement strategy

On February 2<sup>nd</sup> the Partnership met and discussed the engagement strategy for the restoration and refurbishment of the Rose Garden Café. The

engagement strategy, which is a live document and can be found in the appendix, sets out to do the following.

- Summarise key SCC engagement principles and guidance.
- Provides engagement principles beyond local authority guidance.
- Understand who to engage with and why.
- Understand existing/ongoing engagement and themes to build on.
- Set objectives for engagement.
- Establish what the Partnership are engaging on, why and what people are able to influence.
- Establish how the Partnership will engage – what is the approach and involvement methods?
- Understand draft timeline, resources and budget required to undertake the engagement.
- Provide aspirational examples of engagement.

#### 1.4.2 Consultation proposal

The Partnership are exploring and developing two key consultation methods, a survey and an interactive ideas board in the café, with the aim of ensuring equal opportunities and accessibility to the consultation.

#### 1.4.3 Consultation methods - survey

The survey is currently being developed by the partnership. The survey has three sections – the first set of questions helps to understand if the survey is reaching a diverse demographic representative of the city. The second set of questions looks to understand how the building can better support community and the creation of connections, exploring the types of activities and facilities that can be provided. The third section focusses on understanding the community's prioritisation of design aspirations for the restoration and refurbishment. This section uses design themes adapted from the 'Explore Design: Community Buildings' resource created by the Glass-House Community Led Design and Wright and Wright Architects, on behalf of the Empowering Design Practices research team and can be found [here](#). The current design themes are access, park context and history, interior design, community and enterprise, heritage and identity, maintenance, sustainability and security.

#### 1.4.4 Consultation methods – interactive ideas board in café

The initial proposal is to have interactive boards in the café with key questions and simple cartoons designed by young people for young people. The Partnership is looking to work with a group of young people from a local school to design the boards and the intention for this method is to engage with a broad range of people visiting the café (with a focus on young people) in an interesting and creative way.

#### 1.4.5 Other proposed engagement methods

In the reason for signing petition comments many people shared memories of visiting the café and park. These memories help understand who and how the building is used and could inform future use of the building. It is therefore proposed to have a dedicated page on the Rose Garden Café Have Your Say site for sharing memories, as well as providing a means to do so in the café itself.

#### 1.4.6 Next steps

The Partnership will complete the consultation design and then launch the consultation which will run for a minimum of 4 weeks. The Partnership will then collect the data/feedback, interpret, and collate the information and share with the public. The consultation results will help form the design brief for the restoration and refurbishment of the café and will be shared with the design team once appointed.

### 1.5 **Establish funding sources to meet the structural remediation and building refurbishment works**

#### 1.5.1 Funding strategy

On February 2<sup>nd</sup> and February 16<sup>th</sup> the Partnership met and had a dedicated agenda item to discuss and develop the funding strategy. An initial funding strategy document has been drafted to collate the initial cost plan estimates, funding sources, external grant funding opportunities and delivery routes. This document is a live document, updated as required and will be shared with the committee at the next progress update.

#### 1.5.2 Essential Compliance and Maintenance Fund

As per previous progress report, it has been agreed that this fund can be used for any essential feasibility, structural design and costing work needed to enable robust external funding bids to be submitted, subject to the funding limits agreed – which is the critical next step in the ultimate goal of the Rose Garden Café re-provision. It is recognised that applications for external grants have requirements which may require further work to be undertaken. The Essential Compliance and Maintenance Fund can only be used for works linked to structural defects and needs to meet the criteria approved at the Strategy and Resources Committee described in section 4.2.2. This fund will be used to pay the structural engineer fee, please see section 1.7 for further details of the structural engineer appointment.

#### 1.5.4 Next steps

The partners will continue to establish and progress funding sources to understand timelines, requirements, and risks for each funding source in parallel to undertaking the consultation. SCC will establish how funds are transferred and managed.

### 1.6 **Agree a strategy for public communication**

#### Shared comms

Each meeting the Partnership agrees a shared communication that partners can choose to share via their existing channels. The dedicated Rose Garden Café SCC page is updated with key updates and press releases are published for key milestones. Since October 2023 the following SCC press release has been issued - [‘Steps taken to establish the Rose Garden Café Partnership’](#) The next press release will be to mark the appointment of the chair and note key progress. The Partnership has discussed that there needs to be more ways to regularly update the public on the restoration and refurbishment progress, as

well as having a unified comms and have agreed to have an update board in the café and use the Have Your Say page under construction.

## **1.7 Appointment of structural engineer to develop structural design**

### **1.7.1 Background**

At the initial workshop, a session to discuss the key priorities for the partnership over the coming months was held. One of the priority items highlighted by Friends of Graves Park was to agree the reason for the lean in the front wall. The previous progress report noted that the Partnership had agreed that the next step to progress this item would be the appointment of a structural engineer on the Conservation Accredited Register of Engineers (CARE) or with relevant heritage experience to progress the structural design.

### **1.7.2 Brief co-created and issued via SCC delivery partner**

SCC presented several routes to appointing a structural engineer and it was agreed by the Partnership that the preference was to appoint via SCC's delivery partner, RLB. It was also agreed by the Partnership that the independence of the information provided via this route would not be questioned if the Partnership were a part of co-creating the brief. Therefore, the Partnership co-created a brief for the structural engineer (please see appendix for brief). The purpose of the appointment is to develop a structural design solution for the café which addresses the structural deterioration of the building and where possible, retaining/refurbishing the front façade and existing structure is the preferred solution. The brief was issued to the delivery partner along with all supporting information including surveys, existing drawings (current and historic), Capital Delivery Service reports, propping calcs, FoGP commissioned survey and architectural proposals. Two quotes have been requested to ensure value. The delivery partner has provided an update that two structural engineering firms have confirmed they want to be involved in the project and are now preparing a fee and timeline.

### **1.7.3 Next steps**

Once the fee proposals and timeline are received these will be reviewed and an engineer appointed to undertake the work. The work provided alongside the consultation results will enable the initial cost plan to be finalised and the Partnership can then submit funding applications.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

2.1 The proposal to pursue a restoration approach in Partnership with stakeholders is still felt to be in the best interests of the Graves Park Charitable Trust for the reasons outlined in the October 2023 Charity Trustee Sub-Committee Report. The learnings from this project will contribute towards the accommodation review of community buildings.

## **3. HAS THERE BEEN ANY CONSULTATION?**

3.1 There has not been any public consultation specifically regarding this report.

### 3.2 Ongoing Consultation

The Save the Rose Garden Café Campaign and Friends of Graves Park continue to inform and consult their members via their existing channels.

### 3.3 Proposed Consultation

As per section 1.4, a proportionate public consultation is currently being designed and will be undertaken by the Partnership to provide different ways for the public to engage and participate in the future of the café. The proposed consultation is to build on the themes established in the STRGCC petition and help the Partnership understand community objectives for the Rose Garden Café beyond structural and repair works, whether that be establishing user experiences or highlighting which design aspects of the restoration and refurbishment are most important to park and café users. Consultation will be in accordance with the Equality Act 2010, the Sheffield City Council Involvement Guide and Sheffield City Council Consultation Principles, including that consultation should be proportionate, inclusive and accessible. Consultation will be city wide as Graves Park is a designated destination site. Please see section 1.4 and the appendices for further information.

## 4. **RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### 4.1 Equality Implications

4.1.1 The initial Equality Impact Assessment conducted for the October 2023 report is being updated to include ongoing considerations for the public consultation. The EIA remains a live document and will be reviewed and updated as required to ensure a full and current picture of the equalities implications of this work.

### 4.2 Financial and Commercial Implications

4.2.1 There are no new financial or commercial implications in this report.

### 4.2.2 Essential Compliance and Maintenance Fund

As per the October 2023 committee report, the structural defects of the Rose Garden Café have been assessed and meet the prioritisation criteria set out and approved at the Finance Committee in March 2023 for accessing the fund. For the Rose Garden Café, the fund can be used for financing structural stabilisation works but cannot be used for refurbishment works looking to improve the facility. The amount allocated from the fund for the Rose Garden Café will need to be reviewed alongside other Council assets that meet the criteria. As a restoration approach progresses, the scope and cost of the proposed structural stabilisation works (costed at £635,000 by SCC) will develop in detail and accuracy and this will also inform the amount asked from the fund.

### 4.3 Legal Implications

4.3.1 As a report updating on progress, there are no direct legal implications from this report.

#### 4.3.2 Memorandum of Understanding

As per the previous report, the partners have co-created and signed a Memorandum of Understanding (MOU). The MOU sets the terms and understanding between key partners; Sheffield City Council, Friends of Graves Park and Save the Rose Garden Café Campaign ahead of the Rose Garden Café Partnership (and associated Terms of Reference) being finalised. It is drafted as a statement of intent as to how the parties will work together and the processes and not to create legal obligations (see 4.3.3). The MOU is to be superseded by the Terms of Reference that are being drafted by the Partnership setting out the commitment, resources, and other considerations that each of the parties will bring.

#### 4.3.3 The Rose Garden Café Partnership

The October 2023 committee report recommended to members that the Council works in partnership with stakeholders to develop a strategy for restoration – referred to in places as the Rose Garden Café Partnership. The intention is that this approach will enable a collaboration of skills, resources and funds. However, it is not intended to form a legal partnership and the Rose Garden Café Partnership will not be a legal entity in its own right. This has been discussed with the partners and it has been agreed that the Partnership will act as an advisory body to SCC, with SCC retaining liability and accountability for the building and delivery of the works. This will be included in the Terms of Reference.

#### 4.4 Climate Implications

There are no direct climate implications arising from this report.

### **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 This report was produced to provide an update on progress made towards the recommendations made in the Rose Garden Café October 18<sup>th</sup> 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.



# Engagement Strategy

## Rose Garden Café Partnership

21 February 2024

Purpose of issue: Draft for Committee Report



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# Introduction

## Engagement Summary

The Rose Garden Café Partnership is committed to engaging with the park and café's current and future visitors and as such we intend to consult widely and continuously as the restoration and refurbishment efforts mature.

We recognise the statutory obligations of SCC in any engagement, and we are fully in support of the phases of consultation set out in this plan.

We have already reviewed the hugely helpful comments from the Save the Rose Garden Campaign feedback and the passionate voices of the Friends of Graves Park. We now look forward to the results of the next part of the consultation process to give us further insight into the Rose Garden Cafe and its place in our lives.

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# Purpose of Engagement Strategy Document

## Contents

- Summarising SCC engagement principles and guidance
- Provide engagement principles beyond local authority guidance
- Understand who to engage with and why
- Understand existing/ongoing engagement and themes to build on
- Set our objectives for engagement
- Establish what we are engaging on, why and what people are able to influence?
- Establish how we will engage – what is our approach and what are the involvement methods?
- What is the timeline, resources and budget required to undertake the engagement?
- Provide aspirational examples of engagement

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# SCC Engagement Principles

## Ensuring SCC meet public obligations

Key engagement principles are signposted throughout the document in this column

### Consultation Principles



**Why consult?** When making decisions about our services and the [City](#) we need to ensure we seek the views of the people of Sheffield and our stakeholders, especially those who may be directly affected. Carrying out effective consultation has a number of benefits including helping us to plan and deliver services that make best use of our resources and ensuring decisions reflect the needs and priorities of the City.

You will need a clear plan of **how**, with **who** and **when** you will carry out your consultation. This document is not a "how to" guide but should help you think about some key principles.

#### How?

You need to be aware of any **statutory requirements**, for example these can be in terms of the people you need to speak to or the timescales for your consultation. If you are carrying out consultation around budget proposals you will need to look at our [Budget Consultation Guidance](#).

Remember consultation is not a public vote; it is a way of gathering people's views and ideas. Consultation must be **meaningful**, you and the people you want to talk to need to have a clear understanding of why you want to involve them and what they can influence. You need to be open and honest and set clear expectations. You also need to allow people to say if they agree or disagree with the proposals and make alternative suggestions.

Your consultation should be **proportionate** in terms of the potential impact of the issue, the people you need to try and speak to (you should seek the views of a proportionate number of people who are directly affected), the timescales and also the range and scope of the approaches you use, including the questions you ask – you should only ask questions that you need to know the answers to! Depending on the scale and nature of the consultation you may also need to carry out an [Equality Impact Assessment](#).

Could you **co-ordinate** your activity with an event or consultation that is already taking place? You can find out about community events via the [Local Area Partnerships](#).

When deciding your **approach** you should consider a range of involvement methods e.g. drop in sessions / interviews / online surveys / focus groups and select those that are most appropriate for the issue you are consulting on and the groups you want to speak to; our [Involvement Guide](#) provides some useful tips and guidance. The amount of time and resources available are also likely to be a consideration and you may need to use different approaches for different groups. You also need to decide the best ways to **let people know** about the consultation and give them plenty of notice.

We carry out lots of research about the City and its people, so it's worth checking with the [Performance & Research Team](#) to see if they have any useful **information** about the people you want to talk to e.g. [demographics](#). You also need to find out if there have been any recent consultation activities which are of interest.

Allow time to review the responses you have received to see if there are any **gaps** in terms of the people you wanted to speak to e.g. you may find a low response rate from under 25's. This will give you time to plan some more targeted work with this groups. You can use our [Equalities Monitoring Form](#) to see which groups you have spoken with and to identify anyone you may have missed.

Letting people know what has happened is an important part of any consultation; you need to plan how you will **feedback** the outcome of the consultation and the most appropriate way to do so, both to those who have taken part and to wider groups if necessary, importantly you also need to ensure information is fed back to those making the decisions and is included in any relevant reports.

#### Who?

You need to identify who you need to talk to; this includes thinking about **people** who are directly affected and those that could potentially be affected both now and in the future.

**Inclusive**, any information provided should use plain language, be clearly presented and easy to understand and access. If **requested** it should be made available in a range of formats e.g. audio / easy read / large print / translated. Any venues need to be **accessible** and you need to be aware if any out of pocket expenses will need to be reimbursed. The [Equality Hub Network](#) can be a useful way to engage with people who have [Protected Characteristics](#) e.g. age, disability, race, sexual orientation as identified in the [2010 Equality Act](#).

Any consultation activity involving the **Voluntary & Community Sector** needs to meet the standards outlined in the [Sheffield Compact](#), which is a written agreement between Sheffield Council, the NHS and the Third Sector.

#### When?

Your consultation needs to be **timely** both in terms of when decisions will be made (don't leave it too late!) and the time you need to consult properly. Involve people **early** on in the process. This should be a minimum of 4 weeks and ideally 6 weeks but for some issues there may be a longer statutory requirement. Findings also need to be reported back in time for them to be considered before any decisions need to be made.

We reserve the right to exclude any consultation responses which we feel could cause offensive to others. The Council has a [Hate Crime Policy](#) and where appropriate we will refer incidents onto the Police. For any further advice and guidance please speak to a [member of staff within your Portfolio](#) who can provide support in terms of consultation and engagement.

### GUIDANCE

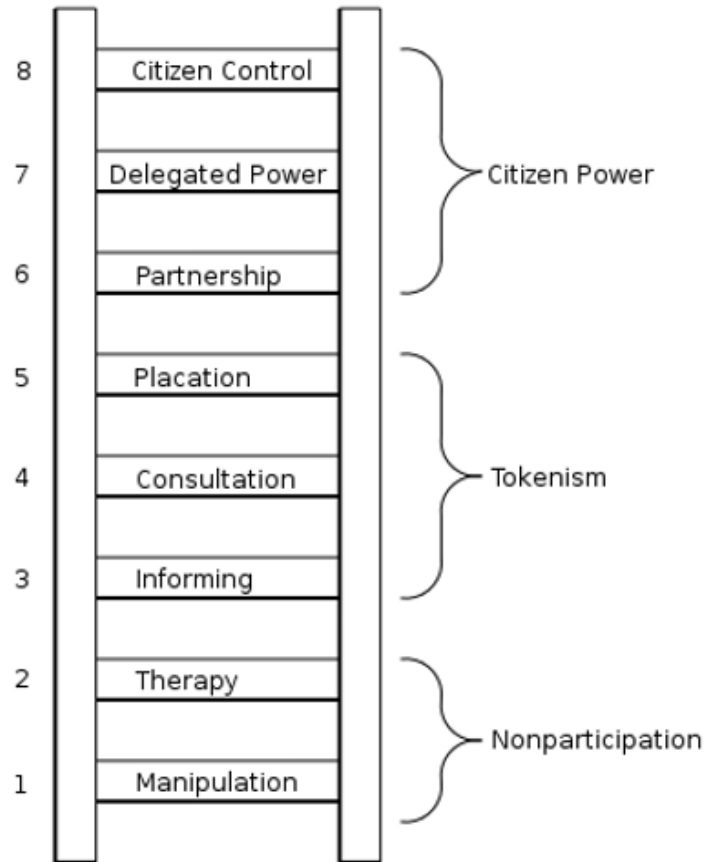
## Engagement and the Equality Duty: A Guide for Public Authorities

England (and non-devolved public authorities in Scotland and Wales)

# Engagement Principles

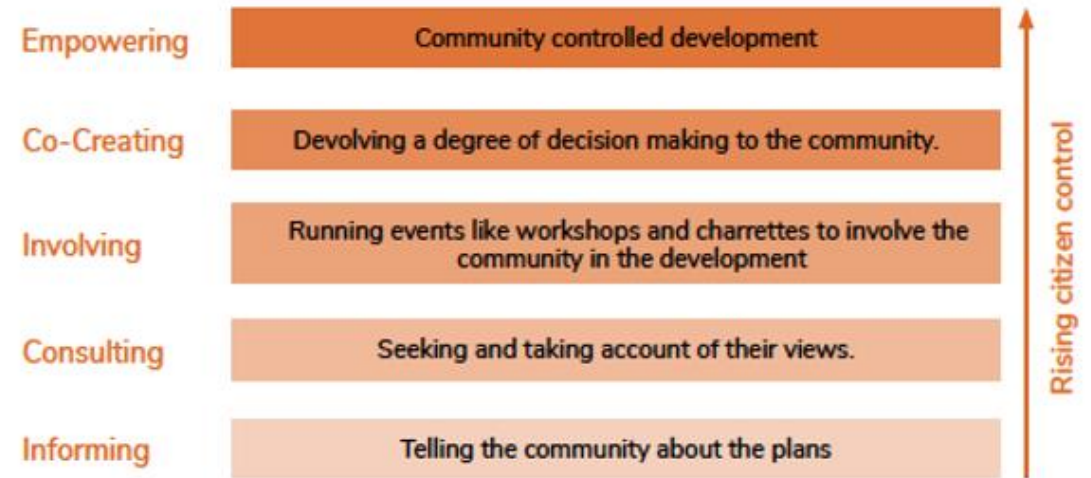
Industry wide

Page 61



Sherry Arnstein's **Ladder of Citizen Participation** which emerged from a piece she wrote about the planning system in the US back in **1969**.

## The Ladder of Participation



The **Ladder of Participation** by the Quality of Life Foundation with Urbed **2021** offers an interesting and challenging new take on Arnstein's ladder looking at the top rung of the ladder 'citizen control' through the **lens of improving people's quality of life**.

# Who? Identify and understand

Who are we engaging with?

We acknowledge that the partnership is not representative of Graves Park Ward, the City or the people who visit the café, we need to engage with a representative demographic.

Page 62



**People who use the park and café** (now and in the future). Graves Park is a destination park and people from across Sheffield visit the Park.



area	Graves Park
code	E36006640
African	226
White	15724
Asian	387
mixed	286
migrants	1475
Bad health	633
Higher	2936
intermediate	3662
skilled	2381
semi_unskilled	1809

Graves Park Ward Census Data 2022

## Engagement principles

SCC Consultation Principles:

You need to identify who you need to talk to; this includes thinking about **people who are directly affected** and those that could **potentially be affected both now and in the future.**

**Inclusive**, any information provided should use plain language, be clearly presented and easy to understand and access. If requested it should be made available in a range of formats e.g. audio / easy read / large print / translated. Any venues need to be **accessible** and you need to be aware if any out of pocket expenses will need to be reimbursed. The [Equality Hub Network](#) can be a useful way to **engage with people who have Protected Characteristics** e.g. age, disability, race, sexual orientation as identified in the [2010 Equality Act](#).

# Who? Identify and understand

## Petition - reason for signing comments

change.org

Start a petition My petitions Browse Subscription

Log in

Petition details Comments

### Make the council repair, not demolish, Rose Garden Cafe, Graves Park.



Started 29 July 2022  
Petition to [Sheffield City Council](#)

10,149 Signatures 15,000 Next Goal

Support now

#### Sign this petition

First name

Last name

Email

#### Themes for further engagement

Compatible approach	Primary message of reason for signing	Count	
Restoration only	Architectural merit	101	20%
	Local heritage	71	14%
	Icon/ landmark	39	8%
	Social heritage / value - memories across generations etc.	88	17%
	Restoration approach preferred over replacement of existing building (climate/sustainable approach)	35	7%
Restoration or replacement	Café facility / community amenity / park asset	118	23%
Other	Complaint about Council activities	26	5%
	Other	26	5%
	No comment / void	7	1%
<b>Total</b>		<b>511</b>	

Word mentions	Count	
Heritage	42	out of 529
Memories	35	
Historic/historical	26	
Icon/iconic	30	
Landmark	10	
Architecture/Architectural	4	
Lovely building	13	
beautiful building	28	
Community	56	

Officer analysis of reason for signing comments from petition

## Who? Identify and understand

The Rose Garden Café Partnership's aspirations for the restoration and refurbishment

Each person then shared their aspirations for the Rose Garden Café, completing the statement 'I'd like to see...'

The Rose Garden Café is fully restored to its former glory, with a fully operational café inside.	Full structural stabilisation and refurbishment of the café at less than the £1.79m independent quotes.
For the front wall to be made safe and a business plan and strategy to be produced.	A cost-effective solution, developed in partnership to suit the needs for the future of the users of the Graves Park community.
The café restored and refurbished by the partnership utilising all the shared funds.	A high quality, accessible café / facility for the community.
Refurbishment; carbon neutral; accessibility; improved offer; maintained / sustainable for coming decades.	Complete restoration in a timely manner. With a budget identified immediately. Working with the volunteers.
A café which serves the community standing for the next 100 years. Full refurbishment inside and out.	Sympathetic restoration, incorporates modern requirements of a park café!
For the reason for the lean to be clarified by council officers.	People using it again, inside – warm and dry.
Number 1 Café on TripAdvisor! Bright, light inside space with more function and options e.g. breakout space for groups and meetings.	The Rose Garden Café building better supporting the creation of community and connections



# Why? Setting objectives for engagement

Why are we engaging and what are the objectives?

Page 65

develop a shared vision & design brief

Create a safe space to unearth and explore diverse views and opinions

informing people about the aims, parameters and progress of a project

identify & activate collaborators & partners

gathering information & local knowledge about the context

exploring local needs, opportunities & aspirations

mobilise support & funding

mobilise partners & leaders to the long term curation, management and maintenance of spaces being created

unearthing user experience & specialist knowledge

## Engagement principles

SCC Consultation Principles:

Remember consultation is not a public vote; it is a **way of gathering people's views and ideas.**

Consultation must be **meaningful**, you and the people you want to talk to need to have a clear understanding of **why you want to involve them** and **what they can influence.** You need to be open and honest and set clear expectations. You also need to allow people to say if they agree or disagree with the proposals and make alternative suggestions.

## What?

What are we engaging on, why and what can they influence?

informing people about the aims, parameters and progress of a project

unearthing user experience



exploring local needs, opportunities & aspirations



develop a shared vision & design brief



**What?** Ask people to share memories of visiting the café

**Why?** To understand how and when the building is used and by who

**What can they influence?** Inform design proposals and future use/tenure of the building

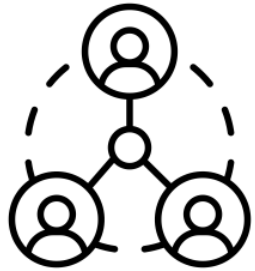
**What?** Ask people to tell us about their visits to the park and café and what types of activities and facilities they would like to be provided by the building. Ask people to prioritise design aspirations for the restoration and refurbishment under 8 themes.

**Why?** understand how the building can better support creating a community and connections, and how we can balance and prioritise functional, heritage, aesthetic and sustainable retrofit aspirations.

**What can they influence?** Inform design proposals and future use/tenure of the building

## How? Participation and co-creation

What is our approach and involvement methods?



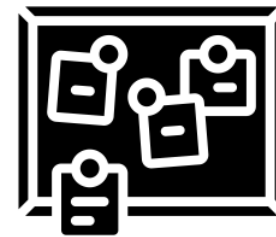
Rose Garden Café  
Partnership



The **petition** - build on the themes of the petition and widen participation



**Survey**  
Online and paper copies



**Presence in the café**  
Interactive ideas board at Café

## Engagement principles

SCC Consultation Principles:

Provide **equal opportunities and accessibility** throughout the process.

When deciding your approach you should consider a **range of involvement methods** e.g. drop in sessions / interviews / online surveys / focus groups and select those that are most appropriate for the issue you are consulting on and the group/s you want to speak to, our [Involvement Guide](#) provides some useful tips and guidance

You can **encourage a broad range of people to participate** if you are committed and you take the time and effort to plan

# Method 1

## Survey (online and paper copies)

**What?** Ask people to tell us about their visits to the park and café and what types of activities and facilities they would like to be provided by the Rose Garden Café building.

**Why?** understand how the Rose Garden Café building can better support creating a community and connections.

**What?** Ask people to prioritise design aspirations for the restoration and refurbishment under 8 themes.

**Why?** understand how we can balance and prioritise functional, heritage, aesthetic and sustainable retrofit aspirations.

**Page 68**  
**What can they influence?** Inform design proposals and future use/tenure of the building

**How? The survey will be accessible in a variety of ways.**

- Online via the Rose Garden Café HaveYourSay page
- Paper copies will be available at local GP reception, dentists, vets and in the café and animal farm
- QR code on posters to link back to HaveYourSay

Ask local stakeholders & networks to promote and share the survey, including: Local Ward Councillors, Local Area Committee, local Schools and on facebook groups?

### **Budget?**

Cost of printing?

### **Who takes responsibility?**

Developing questions: ?

Distributing and collecting paper copies: ?

Who updates Have Your Say?



**What?** Ask people how they would like the spaces and facilities to be improved and what elements of the restoration and refurbishment are important to them

**Why?** Understand how we can balance and prioritise functional, heritage, aesthetic and sustainable retrofit aspirations. With a limited budget we need to make choices about how we restore and refurbish the café.

exploring local needs, opportunities & aspirations

develop a shared vision & design brief

informing people about the aims, parameters and progress of a project

## Method 2

### Interactive Ideas Board at the Café

**What?** Young people to define

**Why?** Enable a range of café users to engage with a focus on young people.

**What can they influence?** Inform design proposals and future use/tenure of the building

#### How?

Could we involve a group of art students at Newfield (Gertie has contacts) or Meadowhead to design a large whiteboard/s with key questions/simple cartoons to ask questions of the public that they can draw and/or write onto board? Café staff could record via photographs each day and then wipe clean...

Something like this involves café users, teenagers and hopefully children in a fun, interactive way. If the teenagers design these we will also have an understanding of their areas of interest.

#### Budget?

Fair exchange principles – what could we offer the art students in return?

Board that can be wiped clean

Pens

#### Who takes responsibility?

Facilitating art students: ?

Collecting responses: ?

Sharing via Have Your Say: ?



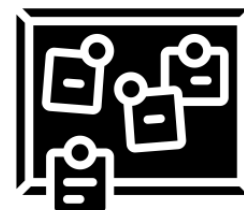
## Engagement principles

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exploring local needs, opportunities & aspirations

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## Method 3

### Sharing Memories

**What?** Ask people to share memories of visiting the café

**Why?** To understand how and when the building is used and by who

**What can they influence?** Inform design proposals and future use/tenure of the building

**How?** Through community conversations

**Online** – via Rose Garden Café Have Your Say page

**In person** – host event at the café / park?

**Budget?**

**Who takes responsibility?**

Who updates Have Your Say?

Who hosts event?

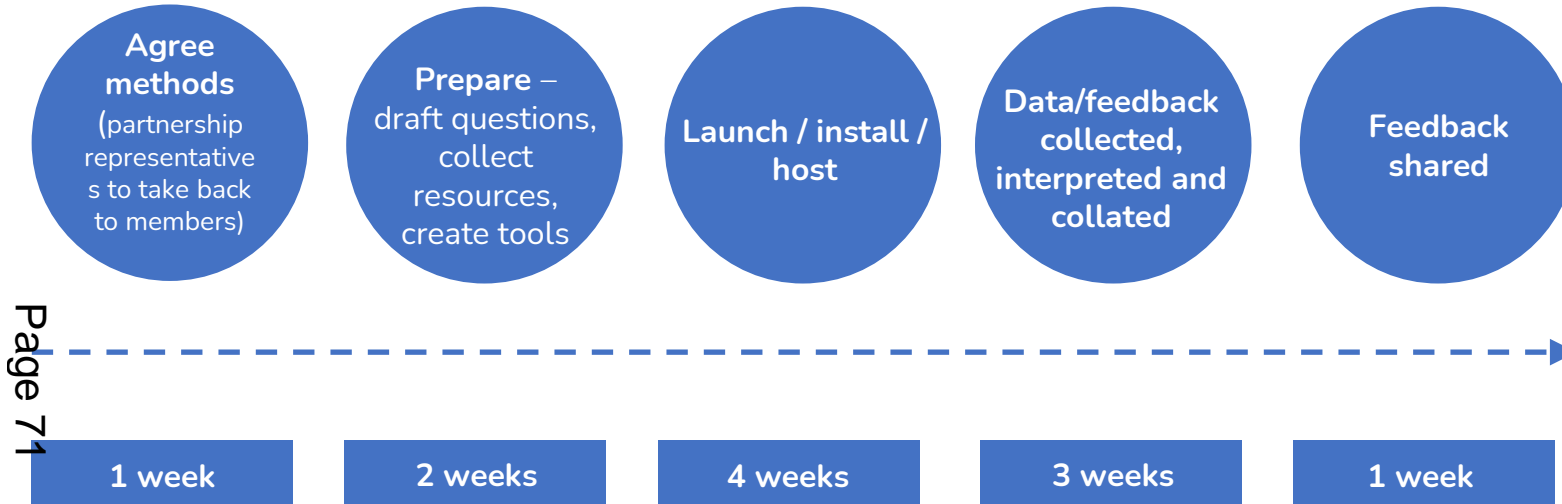


exploring local  
needs,  
opportunities &  
aspirations

develop a shared  
vision & design  
brief

# How and When?

Process and timeline (draft)



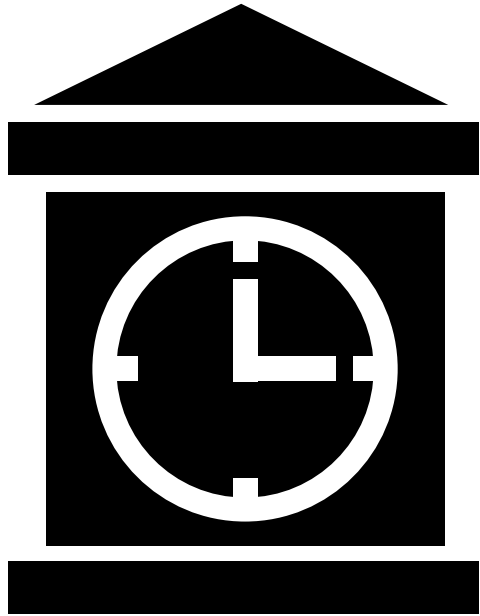
Page 71

## Engagement principles

SCC Consultation Principles:

Your consultation needs to be **timely** both in terms of when decisions will be made (don't leave it too late!) and the time you need to consult properly. Involve people early on in the process. This **should be a minimum of 4 weeks and ideally 6 weeks** but for some issues there may be a longer statutory requirement. **Findings also need to be reported back in time for them to be considered before any decisions need to be made.**

The amount of time and resources available are also likely to be a consideration and you may need to use different approaches for different groups. You also need to decide the best ways to **let people know** about the consultation and give them plenty of notice. Allow time to review the responses you have received to see if there are any **gaps** in terms of the people you wanted to speak to e.g. you may find a low response rate from under 25's. Letting people know what has happened is an important part of any consultation; you need to plan how you will **feedback** the outcome of the consultation and the most appropriate way to do so, both to those who have taken part and to wider groups if necessary, importantly you also need to ensure information is fed back to those making the decisions and is included in any relevant reports.



**Rose Garden Café  
Partnership**



## **Rose Garden Café Restoration and Refurbishment Scope of Work for Appointment of Structural Engineer**

### **Project Overview**

The Rose Garden Café is a single storey café building located within the boundary of Graves Park. The café was closed in July 2022 following a structural survey highlighting concerns about the building's structural stability. Following extensive temporary propping to the façade internally and externally the café reopened in December 2022 and is currently operating a takeaway service.

Following committee approval in October 2023, Sheffield City Council have been working in partnership with local stakeholders (Friends of Graves Park and Save the Rose Garden Café Campaign) to restore and refurbish the café. The Rose Garden Café Partnership has recommended that SCC appoint a structural engineer that is either on the Conservation Accredited Register of Engineers (CARE) or has relevant heritage experience to develop the structural design for the Rose Garden Café and the brief for this appointment has been co-created with the Partnership. The objective of this brief is to identify appropriate remediation works to address the structural issues and allow for the building be returned to full use.

Further project background can be found on the [Rose Garden Café SCC page](#) and in the attached zip folder containing existing drawings, surveys, commissioned design reports and pro-bono architectural design work undertaken for the building.

The purpose of this appointment is to develop a structural design solution for the café which addresses the structural deterioration of the building (as identified in the attached surveys and reports). Where possible, retaining/refurbishing the front façade and existing structure is the preferred solution. Information provided should be suitable for co-ordination with other design disciplines (once appointed).

The attached 'Rose Garden Café Front Wall File Note' summarises key information from existing commissioned surveys and a summary of the design options presented for its structural remediation, which vary from additional structural support to rebuilding the wall. The design options table details an initial list of pros and cons for each of the proposed solutions, which should inform the development of the structural design.

The public engagement which is currently being designed by the partnership will also inform the client brief for the works. The majority proportion of funding for the restoration will come from external grants and therefore finding a solution that is cost effective is crucial. Once a structural strategy for the front wall is agreed, the initial cost plan will be finalised, enabling external funding applications to be made.

### **Proposed Scope of Works:**

- An initial meeting with representatives of the Rose Garden Café Partnership (to include agreement of programme for works and site access arrangements).
- Review all existing commissioned information (please see file note for list of surveys and reports for review).
- Review of the sketch architectural proposals for the front wall provided pro-bono by Chris Hill Architects.
- Site visit to the Rose Garden Café.

- Advise of any further investigative works which may be required to further establish the current structural condition of the building, and/or to inform the development of a structural design for remediation works.
- Identify any localised opening up/intrusive investigations to the front wall required in order to determine exact build-up of wall.
- Produce a brief report, to include:
  1. *Summary of existing structural condition of the Rose Garden Café*
  2. *Review and commentary of structural queries raised in the “Rose Garden Café Front Wall File Note”.*
  3. *Review and commentary on proposed design solutions from Chris Hill Architects*
  4. *Provide a structural design solution (or options where appropriate) to remediate the structural issues highlighted.*
  5. *Advice on buildability/implementation of the proposed design approach (with due consideration to existing propping arrangements.)*
  6. *Provision of design information to support development of the initial cost plan.*
- A meeting to present findings to the Rose Garden Café Partnership.



## Report to Policy Committee

**Author/Lead Officer of Report: Jo Pearce**

**Tel: 07971 073915**

**Report of:** Executive Director of Neighbourhood Services

**Report to:** Charity Trustee Sub Committee

**Date of Decision:** 4th March 2024

**Subject:** Norton Nurseries, Glass Houses – Commissioning of Food Growing Operator

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	X	No		
If YES, what EIA reference number has it been given?		2616			
Has appropriate consultation taken place?	Yes	X	No		
Has a Climate Impact Assessment (CIA) been undertaken?	Yes		No	X	
A climate impact assessment will be undertaken if this decision is approved and will form part of the procurement process.					
Does the report contain confidential or exempt information?	Yes		No	X	
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-					
<b>Purpose of Report:</b>					
<p>The Charity Trustee Sub Committee is asked to consider the contents of this report and approve the commissioning of a suitable operator to carry out food growing activity within the Glass Houses at Norton Nurseries, Graves Park. The committee is asked to note the requirements that need to be met prior to the grant of this Licence agreement and concession agreement (as detailed in the Legal Implications section of this report).</p>					

**Recommendations:**

The Charity Trustee Sub Committee is asked to:

1. Approve the proposed commissioning of an operator to deliver food growing within the glass houses at Norton Nurseries for up to 5 years.
2. Delegate 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.

**Background Papers:**

None

<b>Lead Officer to complete:-</b>		
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, where required.	Finance: Adrian Hart
		Legal: David Sellars and Rahana Khalid
		Equalities & Consultation: Ed Sexton
		Climate: None.
<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	<b>SLB member who approved submission:</b>	Ajman Ali
3	<b>Committee Chair consulted:</b>	Cllr Ian Auckland
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.	
	<b>Lead Officer Name:</b> Jo Pearce	<b>Job Title:</b> Service Manager – Business and Partnerships, Parks & Countryside.
<b>Date:</b> 23 <sup>rd</sup> February 2024		

## 1. BACKGROUND

- 1.1 Graves Park is a charity, and the sole Trustee is Sheffield City Council. governed by a scheme made by the Charity Commission on 12 March 2009.
- 1.2 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 Chariry Trustee Sub-Committee.
- 1.3 In making this decision, the Chairty Trustee Sub-Committee is discharging its duty in respect of these requirements.
- 1.4 The object of the charity is the provision and maintenance of a park and recreation ground for use by the public with the object of improving their conditions of life.
- 1.5 Sheffield City Councils Parks and Countryside Service, (“P&C”) consider that for the reasons set out in this report it would be in the interests of the Charity to commission an operator to work with them to bring the glass houses within Norton Nursery back into use. The broad aims of this partnership would be to:
  - 1.5.1 Contribute to outcomes within Sheffield’s Food Strategy: Fairer, Healthier, Greener – A Food Strategy for Sheffield
  - 1.5.2 Bring investment into the site to improve the facilities.
  - 1.5.3 Provide managed public/community access into the glass houses
- 1.6 Currently the glass houses are an underused resource that is at risk of further deterioration. The proposal would be a catalyst for finding solutions to this issue and create a potential opportunity for a community organisation or social enterprise to develop a plan that makes best use of the facilities to enable fairer access to affordable food.
- 1.7 The successful operator will be selected on the basis that they can best deliver the following outcomes:

- Bring investment into the glass houses and Norton Nursery at no cost to the Graves Park charity.
- Contribute to the development of low carbon food infrastructure in the city and support the greener outcomes as outlined within the Food Strategy.
- Provide social benefits to the local community and people of Sheffield, supporting educational and recreational opportunities associated with the work in the glass houses.

1.8 The selected operator will be expected to meet the operational requirements as outlined within Appendix A. This will be assessed during the scoping process and will ensure the safety and protection of all users within the Norton Nursery site.

## **2 HOW DOES THIS DECISION CONTRIBUTE?**

2.1 The glass houses in Norton Nursery, Graves Park are in a poor state of repair (missing glass panes, gutters clogged with moss, growing beds falling apart), but are structurally sound. The proposal to commission an operator to use the space has mutual benefits in that it provides the operator with access to a large usable space in a glass house, while the Graves Park Charity benefits from improvement to the space at no cost.

2.2 The Graves Park Charity does not currently have the funds available to undertake a full-scale refurbishment of the glass houses and there is currently no business case to provide a return on this investment for the charity. In the proposed arrangement, the selected operator will be responsible for the maintenance and improvement of the space at the same time as contributing to outcomes identified in the Food Strategy to the benefit of Sheffield.

2.3 The benefit to the Charity is not just the improvement of its facilities. The object of the charity is the provision and maintenance of a park and recreation ground for the use by the public with the object of improving their conditions of life. Re-opening the glass houses for food growing would contribute to outcomes within Sheffield's Food Strategy: Fairer, Healthier, Greener – A Food Strategy for Sheffield :

- ❖ Sustainable food production:
  - food being produced and transported in a way that minimises damage to the environment.
  - Artificial chemical inputs being reduced, and supply chains shortened through a focus on diets based around seasonal and locally grown produce.
  - Minimise waste at all stages of the food system and surplus redistribution initiatives are recognised for the role they play in both environmental sustainability and social justice.
  - Nutrient-recovery being promoted through a programme of food waste and composting.

- Community food-growing spaces being commonplace, particularly in areas with high levels of deprivation.
- ❖ Fairer:
  - everyone can access food that is safe, affordable, nutritious, culturally appropriate and that benefits their health and wellbeing. Targeted provision of training, skills and “good” jobs in food production provide a route out of poverty in addition to supporting a more local food system.
  - People are engaged in their local food system and are working together to change this for the better.
  - Community growing in the city expands the availability of healthy affordable food and this, alongside surplus redistribution schemes, supports local food security. Examples for this pilot might include:
    - Produce being sold in the café/farm shop at Graves and/or other outlets in the city
    - Volunteering and skills opportunities, especially targeting disadvantaged communities
    - Developing links with or supporting other community food projects in the city
    - Redistribution of surplus or use of some produce in affordable food schemes
- ❖ Healthier:
  - people can access food that makes them well instead of sick and are protected from harmful commercial influences.
  - A wide range of initiatives exist in communities that harness the broad contribution that food makes to our physical, social and emotional wellbeing.
- ❖ Economic benefits
  - A more localised food system that brings resilience and security but also economic benefits through creation of local business and job opportunities. Examples for this pilot might include:
    - source of training, volunteering and employment including development of new learning pathways regarding agroecological farming
    - creation/expansion of local food enterprises and job opportunities

and, thereby, help to improve the lives of the public through that contribution.

- 2.4 There are no other sites in Sheffield that provide specialised horticultural infrastructure, the size of which provides scope for a range of activities that would expand the capacity and reach of Sheffield’s local food system.

### **3 HAS THERE BEEN ANY CONSULTATION?**

- 3.1 The Council has consulted with ShefFood, Sheffield's Food Partnership, to consider an approach that will best deliver outcomes within the Food Strategy, and in line with the charitable purposes of Graves Park.
- 3.2 ShefFood is a cross-sector partnership of organisations across the city formed of local public agencies, businesses, individuals, academic and community organisations committed to working together to create a more sustainable food system for Sheffield.
- 3.3 Throughout 2023, ShefFood hosted a series of public working group meetings on the subject of food growing, composting and the skills needed to produce food. These events have been well attended by community organisations, members of the public, students and Council officers. The outcomes of the working groups was a commitment from all attendees to find collaborative ways to transform the Sheffield's food system into one that responds to social, economic and environmental challenges. Identification of suitable space for food growing has been highlighted as a key priority for Sheffield City Council.
- 3.4 Local Friends Groups including the Friends of Woodseats Playground and Friends of Graves Park have been made aware of the proposal and are supportive of bringing the glass houses back into use.

### **4. RISK ANALYSIS AND IMPLICATIONS OF THE REPORT**

#### **4.1 Equality Implications**

- 4.1.1 The proposal will support ambitions as outlined in the City Food strategy which focuses on ensuring all people across the city have access to food that is safe, affordable, nutritious, culturally appropriate and that benefits their health and wellbeing.
- 4.1.2 Targeted provision of training, skills and "good" jobs in food production provide a route out of poverty in addition to supporting a more local food system.
- 4.1.3 The proposal would support the voluntary sector with increased involvement of volunteering/voluntary groups. It is anticipated that there would be volunteering and skills opportunities, especially targeting disadvantaged communities.

#### **4.2 Financial and Commercial Implications**

- 4.2.1 As outlined previously, although in a relatively poor state of report, the glass houses are structurally sound.
- 4.2.2 Initial feasibility of the works required to handover the glass houses in a safe condition, would suggest a likely set up of cost of around £5k-10k, this would



include some minor repair works to some of the glass panes, drain repairs and moss clearing. The Council are considering ways that this initial upfront cost can be covered to support the viability of the project, potentially through funding. This is in progress and will be clarified at the point of commission. If funding cannot be identified then these works will need to be carried out and funded by the operator.

4.2.3 All additional infrastructure investment required to bring the glass houses back into use would be met by the operator, assessed and evaluated as part of the process.

4.2.4 With regards insurance, the main building structure will continue to be the Council's responsibility. However, the operator will need appropriate levels of insurance to cover their operations.

### 4.3 Legal Implications

4.3.1 This report seeks approval to commission a suitable operator to carry out food growing activity within the Glass Houses at Norton Nurseries, Graves Park for a period of up to 5 years, including a licence to occupy (which is covered in paragraphs 4.3.4 to 4.3.6 below).

4.3.2 The Council is able to commission the proposed contract by virtue of section 1 of the Localism Act 2011, which provides the Council with a 'general power of competence' enabling it to do anything that an individual can do as long as the proposed action is not specifically prohibited.

4.3.3 The Council would need to ensure the proposed contract award complies with the Council's Contract Standing Orders, and all applicable legislation and regulations including but not limited to the procurement regulations, UK GDPR, the Data Protection Act 2018 and the Equality Act 201

4.3.4 The main proposed license terms are set out at Appendix B to this report. The licence will be drafted in such terms as not to allow exclusive possession of the glasshouses and thus not create a lease.

4.3.5 A licence to occupy is not a disposal for the purposes of Charities Legislation. It will therefore not be necessary to comply with the requirements of ss117 to 121 of the Charities Act 2011. However, the charity should achieve the best value it reasonably can in all the circumstances.

4.3.6 A charity has a duty to act in the best interests of the charity and its beneficiaries and not those of the Council. Therefore, any decision should be made with a view to furthering the charitable purposes.

### 4.4 Other Implications

4.4.1 There are no further implications from this report.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 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.
- 5.2 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.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 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.
  - Bring much needed investment to the glass houses to reduce the risk of them falling in to a worse state of repair.

## **Appendix A – Operational Requirements**

### **Access**

Access should be from Norton Lane and if travelling on foot, and staff and volunteers must keep to the designated pedestrian walkways on site. If coming on foot from the park, they must make sure that they close both sets of gates behind them and follow pedestrian walkways.

Any vehicles must obey the one-way system in the nursery, drive at 5mph or less and only park in agreed spaces. Please bear in mind that the busiest times of the day on-site are 07:00 – 08:30 and additional vehicle movements should be kept to a minimum at this time. Parking will be set out in a designated location with a maximum of 5 vehicles to be parked at any time.

Staff and volunteers must not access site outside of the following hours (unless with previous written arrangement with Graves Park Manager or Graves Park Working Team Leader):

### **April – September**

07.30 – 17.00 Monday – Thursday,

07.30 – 15.00 Friday – Sunday

### **October – March**

07.30 – 15.00 Monday – Sunday

Deliveries must be instructed to wait at the gate until a member of the group allows them through the barrier onto site. Deliveries must NOT be scheduled when there is no member of the group on site to meet them to off-load.

### **Inductions**

All members of the group requiring access to site (staff or paid volunteers) must have a site induction with either the Graves Park Manager, Graves Park Working Team Leader or an authorised representative from the group that has had the site induction. Induction forms must be signed and kept on-site at all times.

Staff and volunteers should sign in and out of site and a designated staff member must be responsible for this register in case of an emergency (eg. Fire/evacuation).

Staff and volunteers must wear hi-viz at all times on site. If possible they should wear branded hi-viz or a form of ID/logo so that they can be easily identified by Parks staff members

No more than 30 staff and volunteers should be on-site at any one time

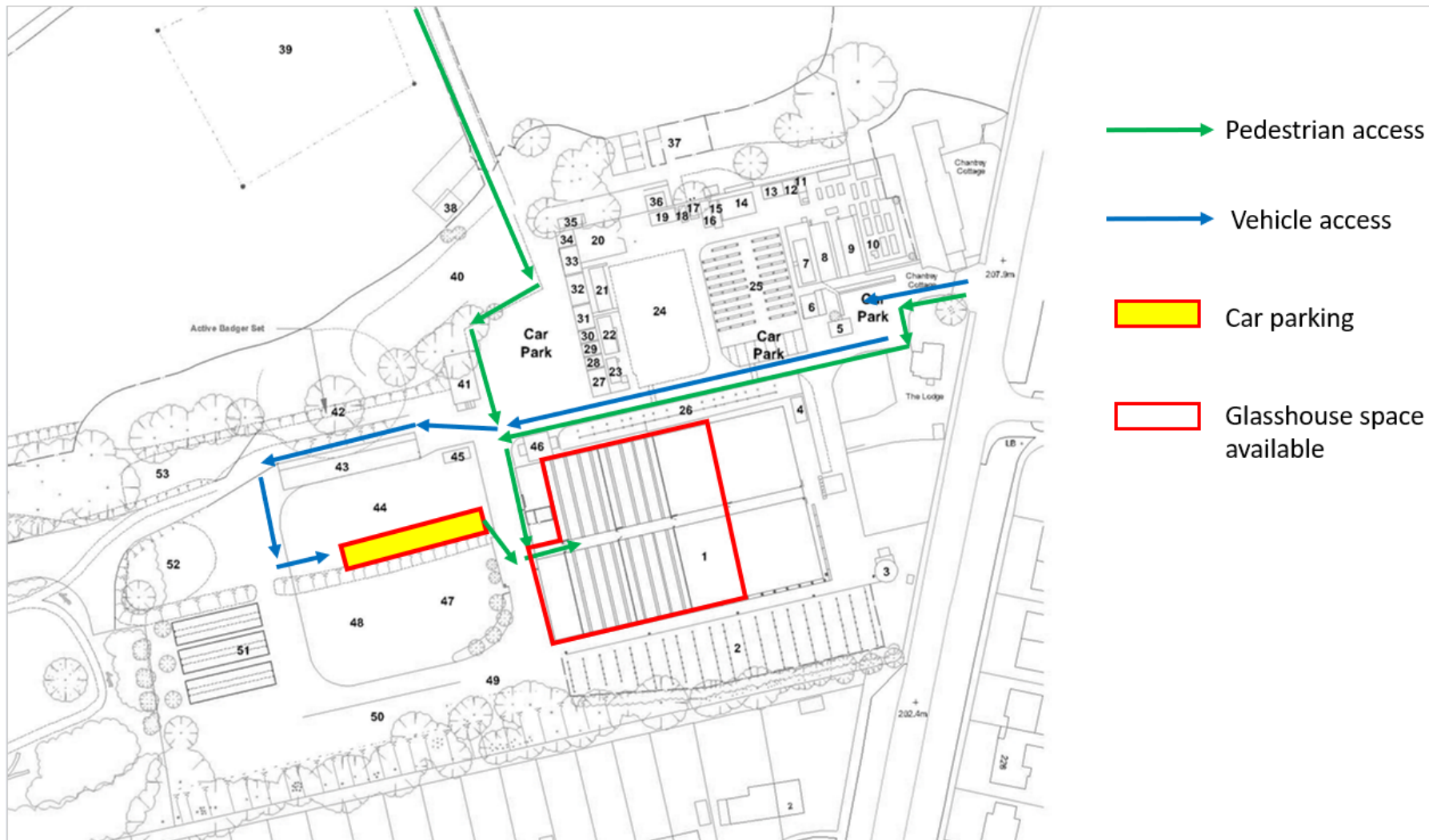
Two designated members of staff should be listed as points of contact for the group on-site who must be contactable at all reasonable times. For all day to day matters, they should liaise directly with either the Graves Park Manager, or the Graves Park Working Team Leader.

The operator will be responsible for the health and safety of their staff and volunteers at all times while on the site, should have a qualified first aider on site, and must have their own insurance to operate in the space.

**Appendix B PROPOSED LICENCE**

The Proposed terms of the Licence are as set out below.

<b>Property</b>	<p>All that area defined by the Graves Park Manager of space within the Glass Houses for the Permitted Use and a right of access on foot and by vehicle over the land as identified on the plan to be attached to this Licence.</p> <p>Parking will be set out in a designated location with a maximum of 5 vehicles to be parked at any time.</p>
<b>Licence Fee</b>	To be determined via commissioning process
<b>Licence length</b>	To be negotiated subject to a maximum of 5 years
<b>Permitted Use</b>	As detailed in the Operational Requirements
<b>Repairing obligations &amp; Maintenance</b>	<p>Licensee to keep the premises in a clean and tidy condition.</p> <p>Licensee to be responsible for all repairs and maintenance associated with the area the subject of the Licence.</p> <p>To notify to the Council any disrepair in respect of the Glass Houses for which the Council is responsible immediately.</p>
<b>Outgoings</b>	<p>The Licencee to be responsible for all costs associated with their use of electricity, gas (if applicable), water, etc.</p> <p>The Licencee to arrange for the installation of a water sub-meter.</p>
<b>Insurance</b>	<p>The Licensee to be responsible for its own contents, including fixtures and fittings, employer's liability, public liability associated with its use and to indemnify the Council.</p> <p>The Council will be responsible for buildings insurance.</p>
<b>Other terms</b>	As outlined in the Operational specification and as advised necessary by Legal Services.





## Report to Policy Committee

**Author/Lead Officer of Report: Lisa Firth**

**Tel: 07867 158407**

**Report of:** Director of Parks, Leisure and Libraries

**Report to:** Charity Trustee Sub-Committee

**Date of Decision:** 4<sup>th</sup> March 2024

**Subject:** Tramlines Festival

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	X	No		
If YES, what EIA reference number has it been given?    2101					
Has appropriate consultation taken place?	Yes		No	X	
Has a Climate Impact Assessment (CIA) been undertaken?	Yes		No	X	
Does the report contain confidential or exempt information?	Yes	X	No		
<p>If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-</p> <p><b>Appendix 3 to this report is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended): information relating to the financial or business affairs of any particular person (including the authority holding that information).</b></p>					

**Purpose of Report:**  
 The Charity Trustee Sub-Committee is asked to consider the contents of this and previous reports and 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.

**Recommendations:**

The Charity Trustee Sub-Committee is asked to:

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.

**Background Papers:** Briefing to Communities, Parks and Leisure Policy Committee – Tramlines Festival, 25<sup>th</sup> September 2023; pages 79-92.

[\(Public Pack\)Agenda Document for Communities, Parks and Leisure Policy Committee, 25/09/2023 14:00 \(sheffield.gov.uk\)](#)

<b>Lead Officer to complete: -</b>		
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, where required.	Finance: Adrian Hart
		Legal: Robert Parkin/Rita Collins
		Equalities & Consultation: Ed Sexton
		Climate: Kathryn Warrington
<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	<b>SLB member who approved submission:</b>	Ajman Ali
3	<b>Committee Chair consulted:</b>	Cllr Ian Auckland
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.	
	<b>Lead Officer Name:</b> Lisa Firth	<b>Job Title:</b> Director of Parks, Leisure and Libraries
	<b>Date:</b> 23 <sup>rd</sup> February 2024	



## 1. BACKGROUND

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

1.2 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.

1.3 Maintenance of Hillsborough Park is the responsibility of the Council's Parks and Countryside service (P&C). Management and administrative decisions which are not decisions of the Council as Trustee, may be made, in accordance with the Council constitution delegations, by the Executive Director of Neighbourhoods, the Director of Parks, Leisure and Libraries, or the Head of Parks and Countryside.

The charitable objects of the Hillsborough Park charity are:

- the provision and maintenance of a public park and recreation ground in Sheffield for the use of members of the public resorting thereto with the object of improving their conditions of life.
- for use by the people of Sheffield for the purpose of being used as public walks and pleasure grounds.

1.4 In 2018, Tramlines Events Limited (TEL) was granted a premises licence to hold the event known as the Tramlines Festival (the Event) in Hillsborough Park (the land). The premises licence grants permission to carry out licensable activity on the land, conferred under the Licensing Act of 2003. The premises licence is ongoing until it is revoked by the Council following a formal legal process. There is a standard licence application fee of £70 for large scale events and a multiplier fee is added dependent on the scale of the event. The multiplier for the Event is £8,000 and so TEL pays a total of £8,070 for its premises licence each year. This fee must be retained by the Council's licensing service.

1.5 A premises licence does not give an automatic right to occupy and use the land. The right to occupy and use the land is granted further to a different type of

licence known as a licence to occupy. Under this licence to occupy, the Council, acting in its capacity as charity trustee (as Licensor) will grant TEL (the Licensee) the right to occupy Hillsborough Park for a period and for a specific purpose (i.e. for staging the Event). In return TEL will pay the Hillsborough Park Charity a licence fee. For ease, this report refers to the licence to occupy as the 'the licence agreement'.

- 1.6 The licence agreement covers standard terms and conditions such as, licensee obligations (including ground protection, health and safety, security and reinstatement of the site), liability, termination, force majeure and fees. The licence agreement sets out various rights for the Council should TEL breach any terms of the licence and vice versa.
- 1.7 The current licence agreement was granted in 2018. Following a review that started in 2022, coupled with the issues experienced with adverse weather in 2023, a comprehensive review of this licence agreement has taken place.
- 1.8 This review included strengthening clauses and processes for protecting the park in the event of severe weather (or other force majeure) and how decisions around cancelling the event will be taken and by whom. Further details on these commitments are set out in Appendix 1.
- 1.9 The revised licence agreement includes a new fee schedule (set out in closed Appendix 3) for the next 5 events in Hillsborough Park (from 2024).
- 1.10 The last published fee paid by TEL for hire of Hillsborough Park was £33,500 in 2021. The new fee has been negotiated on a commercial basis and in consideration of other similar events. In recent months, we have benchmarked our music event charging structure at a local and national level. In 2023, the LGA ran a nationwide local authority event staging fee benchmarking survey, to allow authorities to compare their staging fees for music event promoters. We used this survey and confidential discussions with other event promoters and considered them in conjunction with the experiences of the Council's Major Events team, and we now have a stronger and more robust understanding of what the competitive market will stand. This understanding gives the reassurance that the TEL fee gives us the best market value. We are confident we have set our fees for Tramlines (and other events) at the right level to gain best value for the Hillsborough Park Charity.
- 1.11 The cost of running the park is funded by the Hillsborough Park Charity. The charity's annual revenue expenditure is generally greater than the income it receives, and the variance is borne by the Council by way of a grant to the charity. The charity's annual expenditure will remain higher than income, despite the increase in the fee received from TEL.
- 1.12 TEL has requested that the Hillsborough Park Charity Trustees allocate a portion of the increased fee to improve, replace, or install equipment or facilities to improve the park for the benefit of park users that would not have otherwise been possible through general management and maintenance revenue grants. The allocation will amount to £10,000 and will be referenced in the Hillsborough Park Charity annual accounts.

- 1.13 TEL will offer its customers an option to make a voluntary contribution on top of the cost of their festival ticket, to be donated to the Hillsborough Park Charity and used solely for improvements to Hillsborough Park (not regular maintenance). This donation is in addition to the agreed license fee to be paid by TEL.
- 1.14 TEL will donate £500 per annum to Friends Groups working in Hillsborough Park or the Walled Garden of Hillsborough Park to help volunteers to continue their valuable work in the park.
- 1.15 The Council cannot disclose (in the public report) the fee paid by TEL to the Hillsborough Park Charity because this has been deemed commercially sensitive information by the Information Commissioners Office on 31<sup>st</sup> January 2023.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 Events are important for building Sheffield's brand and reputation. They enhance the city's image, show the world what Sheffield does well and bring in audiences that might not otherwise experience Sheffield. Events are animators of destination attractiveness but more fundamentally they are key marketing propositions in the promotion of places e.g., for our city break campaigns. They provide much needed positive media profile, as seen with the recent press coverage and community enthusiasm for the MOBO awards and fringe events which were hosted in Sheffield in February 2024.
- 2.2 Tramlines Festival is one of the UK's longest running, city-based music festivals and a highlight in Sheffield's year-round calendar of events. It has been held successfully in Hillsborough Park five times since 2018 (except for 2020 during the coronavirus pandemic). In 2021, it was part of the Government's Events Research Programme, allowing a full capacity audience to attend the event in Hillsborough Park and contribute to research which helped other events to go ahead safely across the UK.
- 2.3 If Tramlines wasn't held in Hillsborough Park, it would move out of Sheffield and would relocate to another site in another city. The rationale for hosting Tramlines in Hillsborough Park was set out in the report to the Communities, Parks and Leisure Policy committee in September 2023. Hillsborough Park is the only city park with the capacity to host an event of this size and nature. The reasons for this are threefold; a) the main field can host an audience of around 35,000. b) transport links; the park's proximity to both the Supertram network and several bus routes and the fact attendees can walk into the city centre (3 miles) at the end of each show day and c) the park's proximity to wrap around facilities such as Hillsborough Athletics & Sports Arena (which is now used to support a festival stage) and Sheffield Wednesday Football Club; both of which play key parts in the viability of Tramlines and access to emergency facilities.
- 2.4 The Tramlines Local Resident Ticket Scheme was open to 3900 households in 2023, up from 1500 in 2021. In 2023, 1614 free or discounted tickets were distributed, an increase of 16% from 2022, at a cost of £171,440 to the festival. Since it's move to Hillsborough Park, TEL has donated over £560,000 worth of tickets to Hillsborough residents.

- 2.5 Of the customers who attended the 2023 event, over the 3 days, 16.5% had an address registered in the S6 area; this is in addition to those who received tickets through the resident's scheme, meaning over 8,000 people attended from the Hillsborough area.
- 2.6 Since 2018 TEL has made a conscious effort to ensure the festival adds benefit to the wider Sheffield community, including:
- Fundraised over £210,000 for local Sheffield charities.
  - Donated over 500 free tickets to key workers, charities, and carers.
  - Hosted 68 work placements for local university students.
  - Offered 226 paid local emerging artists slots.
- 2.7 The introduction of the Tramlines Trust in 2022 has allowed smaller, grass roots organisations to receive funding from the festival. Since 2022, the trust has awarded grants of over £61,800 to a total of 69 Sheffield and South Yorkshire organisations.

### **How does the event contribute to the Hillsborough Park trust?**

- 2.8 It is acknowledged that running the Tramlines event involves closure of parts of the park for a period before, during and after the event. The map in Appendix 2 shows which areas of the park are closed. However, there are several benefits to the Hillsborough Park charity of hosting the event. These include the licence fee, the donations, and optional uplifted donations, which will fund improvements to the park. More generally, the publicity of the Tramlines event and opportunity of those attending to visit the park will introduce many new people to the park, and promote its enjoyment for recreation, walks, and enjoyment beyond the event itself.
- 2.9 Years of austerity have resulted in cuts to the Council's general revenue funding, and this has in turn resulted in budget reductions for services such as Parks & Countryside. Certainty of income for the charity is now more important than ever and fees from events held in parks, such as Tramlines, provide additional security for the park charity. This will enable the council to continue to provide a high-quality City Park and maintain Green Flag accreditation.

### **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 There has not been any consultation specifically regarding this report and the Tramlines income.
- 3.2 Each year, TEL undertake consultation both with park stakeholder groups and individual residents (using face to face drop-in sessions and via Tramlines on-line resident survey). The Friends of (volunteers) Hillsborough Park, people from across Sheffield, festival goers and strategic partners are all invited.
- 3.3 The drop-in sessions are held twice a year in the Autumn (de brief from that year's festival) and in the Spring (planning for the upcoming festival)

3.4 The November 23 drop in had 39 attendees (held at HASA), several general issues were raised (parking, noise, ASB, this year of course damage to the park). In general, all felt the session was worthwhile and in the main positive. There is normally a higher turnout of attendees for the spring drop-in session.

#### **4. RISK ANALYSIS AND IMPLICATIONS OF THE REPORT**

##### 4.1 Equality Implications

4.1.1 There are no equality implications from this briefing report. The price per ticket is not impacted by the amount of fee that Tramlines pay for their licence. They have a 4-year budget cycle that takes account of this.

##### 4.2 Financial and Commercial Implications

4.2.1 The cost of running the park is funded by the Hillsborough Park Charity. Annual revenue expenditure is generally greater than income and any deficit is borne by the Council by way of a grant to the charity. In the 2021/22 accounts for the Hillsborough Park Charity, the revenue grant to the Hillsborough Park Charity was £224,092 and in the 2022/23 accounts for the Hillsborough Park Charity, the revenue grant to the Hillsborough Park Charity was £174,933.

4.2.2 The increased fee will generate additional income for the Hillsborough Park Charity. Providing there is little change in the level of expenditure, then the grant contribution from Sheffield City Council for the maintenance will be reduced, by the level of additional fee income achieved (subject to Trustees agreeing to a restricted sum of £10,000 for improvements noted in paragraphs 1.13 and 1.14).

##### 4.3 Legal Implications

4.3.1 The land that is to be used for the Tramlines Festival event is held on charitable trust by the Council. As such the Trustees have a general obligation to achieve the best value that can be reasonably obtained under the licence agreement. The transaction proposed is by way of a licence and as such does not constitute a property transaction, nor does it engage the requirements relevant to disposals of land under sections 117 to 121 of the Charities Act 2011. It is noted that the Tramlines Festival event fits within the objects of the charitable trust that affects the land to be used and occupied.

4.3.2 In January 2023, following a Freedom of Information request, the Information Commissioner's Office agreed that disclosure of TEL's fee information was commercially sensitive. This was decided to protect the Council's and TEL's commercial interests.

4.3.3 The proposed licence agreement contains adequate provisions to mitigate against any potential loss or reputational risk to the Council, including but not limited to: licensee obligations to protect the site and to use it only in accordance with the conditions of use imposed by the Council, to indemnify the Council against certain risks, to hold adequate insurance and to act on the advice of the

Safety Advisory Groups and Emergency Services where applicable and reasonable to do so.

4.3.4 The licence agreement is for a rolling period with the ability for the Council or TEL to be able to terminate on notice.

#### 4.4 Climate

4.4.1 Tramlines sustainability achievements in 2023 include:

- Fuelling their generators with renewable diesel (HVO), a fossil-free alternative to mineral diesel which drives down greenhouse gas emissions by 90%.
- Using low consumption/hybrid generators where back of house power is required.
- Diverting all waste away from landfill towards recycling or energy production.
- Actively seeking out local suppliers and staff to reduce the impact of personnel and infrastructure transport.
- Offering a range of lower-impact vegan and vegetarian food options both front and back of house.
- Strongly discouraging driving to the festival in pre-event communications. (Responses from the post-show survey show that 55% of customers walked or used public transport when travelling to the festival).

### 5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 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.

5.2 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%.

5.3 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.

### 6. **REASONS FOR RECOMMENDATIONS**

6.1 The licence agreement provides protection for the Hillsborough Park Charity and considers the best interests of the park.

6.2 The fee schedule provides best value and income certainty for the Hillsborough Park Charity.

6.3 Sheffield will continue to benefit from the social, cultural and economic benefits derived from hosting Tramlines.

## **Appendix 1** **Tramlines Licence Agreement**

In September 2023, a report to Community Parks and Leisure Policy Committee set out the Council's commitment to learn lessons from the 2023 Tramlines festival and the significant impact the severe weather had on the park and park users. This led to several questions from Hillsborough residents, the Friends of Hillsborough Park, Hillsborough Park users and others who have an interest in Tramlines and Hillsborough Park.

Improvements have been made to the pathways that were particularly impacted and plans are underway to further improve drainage in the park. All work to restore the park has been funded by Tramlines, as have the improvements to pathways. The drainage work will be funded by Tramlines and SCC.

The revised licence agreement considers the events of 2023 and the lessons learned and revised Heads of Terms have been agreed.

### **Heads of Terms**

**Licensee obligations:** including but not limited to producing an event plan to cover health and safety, security, site protection (including an obligation to repair).

**Term:** The term of this Agreement shall commence from the date of signature and continue indefinitely unless terminated by written notice. The Agreement will govern the 2024 event.

**The event fee:** The Event Fee will be set by the Licensor for a period of 5 (five) years. The Licensor shall review the event fee every 3 years and will set the event fee for the subsequent five years following that review. In the event of an increase in the event fee, the Licensor will give the Licensee 2 years' written notice, following which the Licensee can either continue or terminate the License by giving notice.

**Additional income and fee stipulations:** The Licensor will apportion £10k of the annual fee received from the Licensee as a restricted donation to the Hillsborough Park Charity. This donation will be used to improve, replace, or install equipment or facilities to improve the park for the benefit of park users.

The Licensee will offer their customers an option to make a voluntary contribution to the Hillsborough Park Charity and the Licensor will assign this income as a restricted donation to improve, replace, or install equipment or facilities to improve the park for the benefit of park users.

The Licensee will donate a minimum £500 per annum to the Friends of Hillsborough Park (or other volunteer group working in Hillsborough Park) to help volunteers to continue their valuable work in the park.

**Termination on Notice:** The Council and TEL have a right to terminate the licence agreement at any time on written notice. If either party terminates between the end of an Event and 30<sup>th</sup> September in the same year, TEL are entitled to hold 2 further Tramlines Festivals. If either party terminates after 30<sup>th</sup> September and before the next

Tramlines Festival, then TEL are entitled to hold the next scheduled Festival and a further 2 Festivals.

The licence agreement can also be terminated immediately where there has been a 'material' breach. Whilst the drafting of the definition of material breach is being negotiated between the parties, it has been agreed in principle that any breach of the: Event Safety Management Plan or Premises Licence, duty to procure and maintain appropriate insurance, prevention of bribery obligations, payment obligations (i.e. payment of event fee of sliding scale of cancellation fees), duty to provide appropriate termination notice, duty to protect the park and administer the Ground Protection Plan, duty to repair any damage, duty to remedy any breaches in the appropriate timescales are considered material breaches.

**Cancellation or Postponement of an Event:** TEL have the discretion to cancel an Event for specific reasons (i.e. the Event is no longer commercially or operationally viable or on the advice of the Safety Advisory Group). In doing so, TEL will be liable to pay a sliding scale of fees depending on the amount of notice provided on cancellation/postponement. (Note this cancellation or postponement does not relate to cancelling an event that is already in progress or cancelling an event due to Force Majeure).

<b>Period of notice before cancellation</b>	<b>% of Event Fee in respect of cancelled Event payable</b>
7 - 12 months before the first day of the Hire Period for the relevant Event	25%
5 - 6 months before the first day of the Hire Period for the relevant Event	50%
4 months or less before the first day of the Hire Period for the relevant Event	100%

**Liability:** TEL are liable for any direct losses suffered by the Council arising because of any negligence or wilful default by TEL or any breach of the licence by TEL. This liability is capped at TEL's insurance cover or the event fee for the year in which the liability arises (whichever is greater). We are also seeking to limit SCC's liability under the licence agreement to a commercially reasonable amount.

**Protection for Hillsborough Park:** As part of their event planning guidance, Tramlines will submit an Event Plan which will include a ground protection plan. This document will contain an overview of their plan in the 2 months prior to the event, including the provision for high footfall areas and what resource will be in place. This must be approved by the council.

1. Meeting 2 months prior to review submission of the ground protection plan outlining current provision on hold / standby for the event (including utilising long term weather forecasts).



2. Meeting 1 Month prior to discuss actions from previous meeting and next steps.
3. Meeting 2 weeks prior to event to discuss if the full ground protection plan is needed.
4. Meeting 1 week prior to event to discuss if the full ground protection plan is needed.
5. Meeting Thursday of the event to assess ground condition and any further work required to open.
6. Meeting Friday 8am to review ground condition and any further work required to open.
7. Meeting Saturday 8am to review ground condition and any further work required to open.
8. Meeting Sunday 8am to review ground condition and any further work required to open.

All meetings will be minuted with decisions justified and subsequently shared with all parties.

It should be noted that the event planning guide considers not only severe wet weather, but other extreme weather such as heatwaves. The guide also includes references to procedures in the event of force majeure and considers the current UK terrorism threat level.

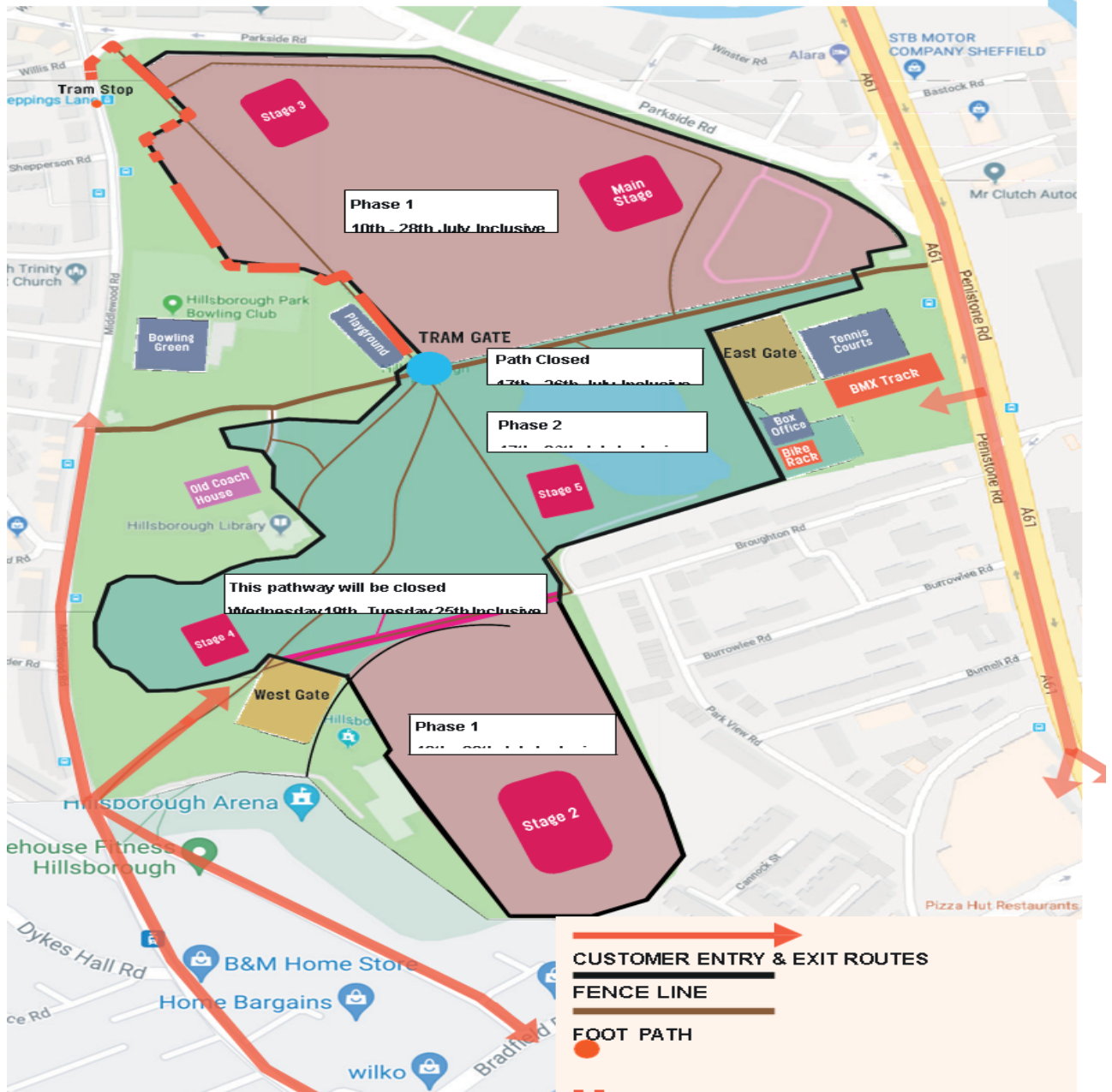
**Cancelling the Event due to severe weather:** The decision to cancel the event due to severe weather, in the week prior to, or during the festival weekend, is the responsibility of Tramlines. However, this decision (as set out in points 5,6,7 and 8 of the Ground Protection process) will be taken in full consultation with, and following the advice of, the Council's designated officers, Sheffield's Safety Advisory Group representatives and Tramlines' Health and Safety representatives. The decision will consider the health and safety of all festival personnel, the weather outlook according to the UK Met Office Forecast and Met Office Weather warnings.

**Condition of Site:** In respect of each Event, the Licensee shall agree in writing with the Licensor the condition of the Site at the commencement of the Build Period ("Schedule of Condition") and at the end of the Strike Period (by reference to the Schedule of Condition) for the purposes of ascertaining whether any damage has occurred since the start of the Build Period and whether any repair works may need to be carried out by the Licensee. Following the inspection of the Site at the end of the Strike Period, the Licensor shall evaluate the cost, if any, of reinstating and restoring the Site to its previous condition in accordance with the agreed Schedule of Condition, and shall within 14 days of the inspection provide the Licensee with a written report of its findings together with the costs of reinstatement of the Site into the condition it was in prior to such damage by reference to the Schedule of Condition ("Repair Costs") including all relevant quotes which have been obtained by the Licensor.

**Other Large-Scale Events in the Park:** SCC may hold no more than 1 other event in a 5-year period and not more than 2 in 10 years. Large scale events are defined as around 40,000 capacity event with a single stage and with one headline act and no more than 4 support artists. No more than 2 show days will be allowed (plus set up and take down).

## Appendix 2

# TRAMLINES PARK ACCESS MAP 2023



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**Report to Policy Committee**

**Author/Lead Officer of Report: Jo Pearce**

**Tel: 07971 073915**

**Report of:** Director of Parks, Leisure and Libraries

**Report to:** Charity Trustee Sub-Committee

**Date of Decision:** 4<sup>th</sup> March 2024

**Subject:** Weston Park – Festive Event

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	X	No		
If YES, what EIA reference number has it been given? 2615					
Has appropriate consultation taken place?	Yes	X	No		
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	X	No		
Does the report contain confidential or exempt information?	Yes	X	No		
<p>If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-</p> <p><i>Appendix B is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).</i></p>					
<p><b>Purpose of Report:</b></p> <ol style="list-style-type: none"> <li>1. To set out a potential opportunity for a festive event to be held in Weston Park and seek approval of the Charity Trustee to the holding of such an event.</li> <li>2. To seeks the approval of the Charity Trustee (subject to satisfactory negotiation) 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.</li> </ol>					

**Recommendations:**

The Charity Trustee Sub-Committee are recommended to:

1. Note the contents of the report.
2. Agree 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.

**Background Papers:**

None

<b>Lead Officer to complete:-</b>							
1	<table border="1"> <tr> <td rowspan="4">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, where required.</td> <td>Finance: Adrian Hart</td> </tr> <tr> <td>Legal: David Sellars</td> </tr> <tr> <td>Equalities &amp; Consultation: Ed Sexton</td> </tr> <tr> <td>Climate:</td> </tr> </table>	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, where required.	Finance: Adrian Hart	Legal: David Sellars	Equalities & Consultation: Ed Sexton	Climate:	
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	Legal: David Sellars						
	Equalities & Consultation: Ed Sexton						
	Climate:						
	<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	<table border="1"> <tr> <td><b>SLB member who approved submission:</b></td> <td>Ajman Ali</td> </tr> </table>	<b>SLB member who approved submission:</b>	Ajman Ali				
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3	<table border="1"> <tr> <td><b>Committee Chair consulted:</b></td> <td>Cllr Ian Auckland</td> </tr> </table>	<b>Committee Chair consulted:</b>	Cllr Ian Auckland				
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4	<table border="1"> <tr> <td colspan="2">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.</td> </tr> <tr> <td><b>Lead Officer Name:</b> Jo Pearce</td> <td><b>Job Title:</b> Service Manager – Business and Partnerships</td> </tr> <tr> <td colspan="2"><b>Date:</b> 23 February 2024</td> </tr> </table>	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.		<b>Lead Officer Name:</b> Jo Pearce	<b>Job Title:</b> Service Manager – Business and Partnerships	<b>Date:</b> 23 February 2024	
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.							
<b>Lead Officer Name:</b> Jo Pearce	<b>Job Title:</b> Service Manager – Business and Partnerships						
<b>Date:</b> 23 February 2024							

## **1. PROPOSAL**

- 1.1 Sheffield City Council has been approached by an Events Company who may wish to deliver their Festive Light Trail in Weston Park over the festive period in 2024.
- 1.2 Officers wish to explore the feasibility of this proposal and, subject to satisfactory due diligence on their proposal inclusive of their being a satisfactory financial return to the charity, grant a license to the operator for a 1-year trial. Details of the proposal can be found in Appendix B (Closed).
- 1.3 The proposal includes access to Weston Park from mid-November 24 to early January 2025 inclusive of set up and set down. The proposal would require partial park closure in the early evening during this period for the safety and security of infrastructure, visitors and staff. During the day the park would remain fully open with infrastructure fenced to retain full public access. At the end of the event period the operator would be required to reinstate the Park to the satisfaction of the Council.
- 1.4 Sheffield's name has been synonymous with events for many years. The city has an annual calendar which delivers a wide range of events from community park events to international sporting events. The Council's vision is to encourage the people of Sheffield to attend and attract visitors from outside the region to the city and increase Sheffield's profile.
- 1.5 As part of Sheffield's Green and Open Spaces Strategy (2010-2030) the Council is focused on realizing the economic value our spaces can contribute. We have seen with the delivery of a range of events across our parks, woodlands and green spaces, the contribution these make from a vibrancy, cultural, participation and financial perspective.
- 1.6 Over the festive period there are a range of events and activities for people across Sheffield to enjoy, many of these events are in the city centre or are private/charity led. There is commercial interest in having access to parks to deliver events of this nature and it is felt that this specific proposal would be suitable for Weston Park, which has spring/summer events such as the May Fayre but does not currently host a festive event.
- 1.7 As this kind of event is felt to be appropriate for Weston Park and in line with the charitable objectives, should this specific proposal not meet requirements, officers would also wish to explore other opportunities of a similar nature.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 The provision of festive animation for families to enjoy over this period is seen as fulfilling the objects of the trust as it provides facilities for recreation for the public to enjoy and enhances the current leisure offer in the park.
- 2.2 The proposed event also contributes to the provision and maintenance of the park because it will generate income from a license fee and contribute to running

costs of the park which will be retained by the Charity and used for the furtherance of the objects of the Charity. The delivery of appropriate income generating activity within Council sites also aligns with the objectives of the Better Parks Initiative<sup>1</sup> and the agreed partnership principles and supports the ambitions as outlined in the Draft Council Plan (2024-2028), specifically keeping parks financially sustainable, as well as the Green and Open Spaces Strategy (2010-2030) and realizing the economic value of our spaces.

2.3 In addition to direct contribution, it is anticipated that the wider benefits of delivering an event of this nature would be seen, thereby improving the lives of the people of Sheffield and the surrounding area;

- Towards the local economy – an estimate £2mill contribution to the local economy in one year and availability of seasonal employment and trading opportunities for local businesses
- Fundraising and charity: an estimated £60k raised for local causes annually

### **3 HAS THERE BEEN ANY CONSULTATION?**

3.1 Officers are in regular dialogue with Local Councillors, the Friends of Group and other key stakeholders and will continue to involve them in discussions as things progress.

3.2 The Parks and Countryside Team are working closely with the Council's Events team to consider the opportunities and consider the feasibility activities/events proposed. Due to size and scale, larger events are not possible in many of our parks. Many sites already have destination events being held within them, so consideration and attention has been given to this. For example, Art in the Gardens and Illuminate the Gardens in the Botanical Gardens, Sheffield Fake Festival in Endcliffe Park, the Sheffield Fayre in Norfolk Heritage Park and Graves Park Country Show (formerly Highland Fling).

### **4. RISK ANALYSIS AND IMPLICATIONS OF THE REPORT**

#### **4.1 Equality Implications**

4.1.1 This event doesn't take place currently in Sheffield and has seen numbers of around 100,000 in the other cities it is delivered in. We'd expect to see similar numbers of visitors in Sheffield.

4.1.2 This is a festive event which is likely to appeal to families including visitors from within Sheffield and out of the city. It is an event which will appeal to all ages.

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<sup>1</sup> Better Parks is the Councils Parks & Countryside approach, which was approved by Cabinet in 2018. It seeks to sustain and improve our parks and green spaces by increasing commercial interest and income. Its vision is to deliver better services for Sheffield's parks and green spaces by growing economically viable ventures. For example, more and better catering opportunities, increased social value initiatives through complementary sponsorship and new franchises.



4.1.3 The events company ensures that the event is fully accessible and suitable for wheelchairs, mobility scooters and buggies, with wheelchairs available to borrow on site.

#### 4.2 Financial and Commercial Implications

4.2.1 It is proposed to offer a license agreement for the land at Weston Park for a period of up to 10 weeks in 2024-2025. The proposed licence fee will generate income for the Charity<sup>2</sup>. However, the Council's revenue funding contribution to the charitable accounts may need to be reduced accordingly.

4.2.2 Consistently with the objects of the Weston Park charitable trust, the aim of the Parks and Countryside Service is to deliver good quality green spaces and make sure we have facilities that people expect from a city like Sheffield. However, the costs of doing this continue to increase more than ever since the Covid pandemic with the number of people using our green spaces being at an all-time high. To ensure we can deliver the right service in the right place (in a city that experiences health and wellbeing inequalities) we endeavour to raise income where it is possible to add to our funding streams. As a very large number of our sites do not have the opportunity to raise income, we apply our revenue funding where it is most needed and use income to top this up.

4.2.3 Maintaining parks is not a statutory duty which means local government funding for management and maintenance of green spaces is optional. As the sole funder of the day-to-day running costs of our parks, despite the brilliant work of volunteers and Friends' groups across the city, the council's resources are vital to the future upkeep and development of the city's green spaces. The council's budget has faced unprecedented cuts over recent years of austerity, with continuing and growing pressures anticipated in the years to come.

4.2.4 Income is therefore playing an ever more significant role within budgets. Any increase in income plays a dual role; it has the potential to support improvements within a park that might otherwise have been unaffordable and allows the council's revenue contribution to be decreased without a subsequent reduction in service.

4.2.5 Sheffield has more than 800 green spaces including 83 parks, more than 150 children's playgrounds, 181 woodlands, and 262 Nature Conservation sites. Most of our money pays for our staff or contractors who look after these green spaces for the community, and the running costs of buildings, offices, vehicles and other facilities. Income from events helps to offset these costs and support the council to deliver our services with support from Friends' groups and volunteers.

4.2.6 If we didn't reduce the revenue grant to parks that receive income, like Weston Park, we would have to reduce the amount of money we spend on other parks

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<sup>2</sup> At charitable parks across the city, any income received (from events or other activities) must be accounted for within the charity accounts.

that can't generate as much income, such as High Hazels Park in Darnall or other non-charity parks, like Parson Cross or Handsworth.

4.2.7 Therefore, we must look to allocate the revenue grant appropriately and proportionately to make sure we have parks of a high quality across the city for everyone to enjoy.

4.2.8 Nonetheless, income from an event of this kind has a benefit for the charity. All income generated by the license will be retained by the Charity and used for the purpose of the Charity in accordance with its charitable objects. The amount of the fee that goes into the charitable accounts cannot be reduced by the Council, which provides the charity with greater security of income.

4.2.9 There will be no cost to the charity in delivering this activity.

#### 4.3 Legal Implications

4.3.1 Weston Park is held on charitable trust by the Charity and administered by the City Council as sole trustee, with this committee acting as sole corporate Charity Trustee and management provided by Parks & Countryside Services. The charitable trust is registered with the Charity Commission as The Weston Park Trust (Charity Registration Number 1112685).

4.3.2 The following Charity objects apply :

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.

4.3.3 The granting of a licence to occupy is not a disposal of land and only creates a personal right for the licensee to deliver the event and no more. Consequently, the requirements of ss 117 to 121 of the Charities Act 2011 do not apply to the granting of a licence to occupy. However, any licence fee will be required to achieve the best value reasonably obtainable.

4.3.4 Any decision must be in the best interests of the charity and not the council and therefore any decision taken must be solely with a view to furthering the charitable objects and no other. It is considered that the event proposed does fall within the charitable objects as set out above.

4.4 Other implications

4.4.1 None other than those identified within this report.

**5. ALTERNATIVE OPTIONS CONSIDERED**

5.1 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.

**6. REASONS FOR RECOMMENDATIONS**

6.1 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

Appendix A – Site Plan – Weston Park

Please note the area is subject to agreement with the operator – plan in Appendix B below suggests likely trail route.



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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