

Charity Trustee Sub-Committee

Meeting held 21 March 2023

**PRESENT:** Councillors Bryan Lodge (Chair), Richard Williams (Deputy Chair), Douglas Johnson (Group Spokesperson), Dawn Dale and Julie Grocutt

**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 appendices 3, 4, 8, 10 and 11 to item 7 on the agenda were not available to the public or press because they contained exempt information. If Members wished to discuss the information in the appendices, 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 26 January, 2023 were approved as a correct record.

**5. PUBLIC QUESTIONS AND PETITIONS**

5.1 The Policy Committee received one petition from members of the public.

The Policy Committee received a petition 'Save Hillsborough Park's free-to-use MUGA (Multi-Use Games Area). Andy Chaplin attended the meeting and presented the petition to the committee.

The petitioner explained that a briefing note had been sent to committee members prior to the meeting.

The Chair thanked the petitioner for bringing the petition.

5.2 The Committee received five questions from members of the public.

Question from: Friends of Hillsborough Park

1. Is the Committee comfortable in approving a scheme which will reduce access to the current free-to-use MUGA which is currently well used by Cycling4All and the casual users who play on it throughout the year
2. Given the issues highlighted in the FoHP briefing does this Committee believe Hillsborough Park would be the optimal location for an Activity Hub
3. Is there evidence that there will be an increase in physical activity or is there the likelihood that a smaller MUGA and more pay-to-use space will lead to less activity
4. Does the Committee have access to and have confidence in the financial viability of the scheme. (Is there more scrutiny of projects after the experience of the Fargate container scheme?)
5. Is the Committee content that a procurement process for a major development is based on the proposal from a current supplier
6. Is the Committee satisfied that The Report to the Cooperative Executive Committee was an accurate description of the situation and that it gave an opportunity for adequate scrutiny
7. Is the Committee satisfied that the consultation with the public in April 2022 and the conclusions drawn from the 20921 Hillsborough Forward plan and the 2018 Better Parks consultation .....
8. Is the Committee therefore confident that it can award a contract and any associated disposal of land which may be necessary, and any consents or approvals required.

The Chair thanked the questioner for bringing these questions to the committee and explained that the responses would be covered as part of the officers' report to committee during item 6. A full written response would also be provided.

Question from Cycling4all

1. Sheffield Cycling 4 All would like to register our concern that the provider has not put forward a workable solution which will enable us to continue to offer our current level of activities and services.  
We are one of the UK's leading inclusive cycling hubs and the only one in the Sheffield region. We have been operating from the park for over 14 years and welcome 100 people every week to our cycling sessions for disabled people and people with long term health conditions.  
Is the Committee comfortable with approving a contract which will negatively impact the level and quality of service we are able to offer – as well as put us in conflict with other casual users of the MUGA due to its much-reduced size?
2. The report submitted to the Charity trustee Sub-Committee currently states that the provider must:  
“Ensure the activity hub enables the services and operations offered by Cycling for All, which currently provides their main service offer from the existing multi-use games area space.”

Will the Committee seek assurance that it is written into the contract that the provider is required to enable our current level of services and operations?

The Chair thanked the questioner for bringing these questions to the committee and explained that the responses would be covered as part of the officers' report to committee during item 6. A full written response would also be provided.

Question from Andy Kershaw

David Hartlebury attended the committee meeting and asked the question on Mr Kershaw's behalf.

I was more than astonished to find no mention of the Rose Garden café in the latest set of accounts <http://democracy.sheffield.gov.uk/documents/s58386/Graves%20Park%20Accounts%202022%20-%20Draft%202.pdf> submitted for Graves Park by SCC as sole corporate trustee of the park and to that end I'd like to table the following questions for the meeting next week.

1. Why is there no mention in either financial activity (income or expenditure) or actual work (maintenance or repairs) to the Rose Garden Cafe building in the latest set of accounts submitted to the Charity Commission by SCC as sole corporate trustee of Graves Park
2. The Council appears to regard the building as 'invisible' in these accounts and its duties and responsibilities to and for the building are omitted from any reference in the report
3. Given 1 & 2 above, does the council accept that the Graves Park accounts and the Report of the Trustee are misleading and erroneous in this regard?
4. Given that this is a 100 year old building should a reference to the Council's role as trustee in relation to the Rose Garden Cafe be included in the accounts since the Animal Farm and other buildings is mentioned?
5. Will the accounts and the annual report of SCC as sole corporate trustee of Graves park now be amended to include its duties and responsibilities to and for this building be included in the accounts and its annual trustees report?

The Chair thanked the questioner for attending and explained that the Café was run by a third party operator. Only income from rent was included in the accounts shown on p247 of the agenda pack. The cost of running the park was funded by Sheffield City Council. Annual revenue expenditure was generally greater than income and any variance was borne by the Council by way of a grant to the charity. The period covered by the accounts was 1/04/2021 – 31/03/2022. The building was closed in July 2022 so outside of the accounting period. There was however a post balance sheet event note on p251 of the agenda pack to acknowledge the situation and net book

value of the café building.

Income from the Rose Garden Cafe was shown in the accounts; included in charitable activities. Expenditure on maintenance was not included in the report as to date this had been funded through the Facilities Management budget (as with the majority of buildings managed within Parks).

Question from Andy Kershaw

1. What is the sources of the items (p247 public agenda pack) entitled Rents 153,068 109,377

The Chair explained that income from rents shown in the Graves Park Accounts is from:

- Ice Cream Partnership
- Rose Garden Café
- Sheffield Inclusion Centre
- Rides
- Events (Fair ground and race for life)
- Service Tenancies
- The Old School House.

The increase in income from 20/21 to 21/22 was largely due to rides and events after activities resumed post Covid.

Question from the Friends of Hillsborough Park

1. Why is the £420,000 of capital expenditure on paths in Hillsborough Park not included in the accounts?
2. Is £33,500 the total Tramlines fee and if not why does it not show in the Charitable accounts?
3. On what basis are some costs and expenses excluded from the charitable accounts and is this acceptable practice for a registered charity?

The Chair answered each question as follows;

1. The capital expenditure on Hillsborough Paths totalled £436,131. Of this, £1,675 was incurred in 21/22 and was included in the restricted balance of £69,807 in the Statement of financial activities – Income and Endowments from Donations and legacies. The remaining £434,456 spend was incurred in 2022/23 and would therefore appear in the next year's accounts.
2. The amount of £33,500 was the 2021/22 site fee (rent), for the tramlines event. The income remained with the charity site to fund additional improvement work on footpaths and drainage.
3. The accounts had been prepared in accordance with the requirements of the Statement of Recommended Practice, 'Accounting and Reporting by Charities' which provides that the statement of financial activities should include all income, gains,

expenditure and losses recognised for the reporting period (2021/22).

## **6. PARKS TENNIS PROCUREMENT AND HILLSBOROUGH ACTIVITY HUB**

6.1 The Director of Parks, Leisure and Libraries submitted a report to the committee to report back with recommendations on the contract award following the conclusion of the procurement for a preferred provider to manage Sheffield's parks tennis programme, which in addition to the existing tennis court management includes the addition of an Activity Hub to the model, to provide additional financial security to the programme and further increase health and wellbeing outcomes.

The report sought approval for any associated disposals of land which may be necessary, and for officers to be authorised to obtain any consents or approvals required and to be further authorised to publish any notices required under the Local Government Act 1972 and the Charities Act 2011.

Approval was also requested for the proposed City Council funding contribution of up to £180,000 (of prudential borrowing) towards the development of the Activity Hub at Hillsborough Park; and the allocation of Section 106 funds of up to £183,000 for the development of the multi-use games facilities at Hillsborough Park, as described in the report.

Discussion took place around the following areas;

- The designs contained in the proposal and whether these were final.
- The scope of the original consultation and involving the Youth Engagement Team prior to the decision being taken
- How Cycling4all would be impacted by the changes
- Any risks to the funding should the decision be delayed

The Chair proposed that the Parks Tennis Procurement and Hillsborough Activity Hub report be deferred to a later meeting in order to give further consideration to these issues.

6.2 **RESOLVED:** That the Charity Trustee 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.

NOTE: The result of the vote on the resolution was FOR - 4 Members; AGAINST - 0 Members; ABSTENTIONS – 1 Member.

6.3 **Reasons for Decision**

6.3.1 To allow further work to be carried out, including additional briefings with

committee members.

#### 6.4 **Alternatives Considered and Rejected**

6.4.1 Not applicable

### 7. **CHARITY ACCOUNTS**

7.1 The committee considered a report of the Director of Finance and Commercial Services to present the 2021/22 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.

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

- notes the 2021/22 Sheffield City Council Charity Accounts and outcome of the external auditor's independent examination undertaken by Rogers Spencer Ltd Chartered Accountants.
- approves the 2021/22 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 bear the name of Cllr Dale to replace Cllr Rooney as member of the committee.

#### 7.3 **Reasons for Decision**

The Trustees of the Charity Accounts included in this report 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.

#### 7.4 **Alternatives Considered and Rejected**

No further options have been considered but rejected in the course of developing this report.