

Charity Trustee Sub-Committee Decision Report

Title of Report: Update on Charitable Site Operations in Parks and Countryside

Date of Decision: 25th November 2024

Report To: Charity Trustee Sub-Committee

Report Of: Ajman Ali, Executive Director – Neighbourhoods

Report Author: Ruth Bell, Head of Parks and Countryside

Executive Summary: This report updates the Charity Trustee Sub Committee on the charitable green spaces in Sheffield and how the operational functions are carried out for each site.

Name of charity and (if registered) charity number: This update refers to all registered charitable green spaces in Sheffield.



Committee remit:

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

The Charity Trustee Sub Committee shall take all decisions of the council's charitable trustee, including but not limited to

- Disposals of and other dealings with charitable land
- Matters about which the Charity Commission must be contacted
- Matters of which charitable trustees should be aware in accordance with Charity Commission guidance
- Use of charitable assets by the Council for purposes that do not directly meet the charitable aims
- Any other matter that has a significant impact on the use of a charitable asset for the charitable purposes for reasons of duration, area of the asset impacted, or other restriction, including that permission may be granted or withdrawn for the regular or excessive use of an area of charitable land for recreational, business or other purposes by a single person or organisation
- Matters relating to land that is not itself charitable and other incidental matters which depend on or are directly related to a decision that must be made by the charity trustees subcommittee

Does the report contain confidential or exempt information? No

Recommendations:

The Charity Trustee Sub-Committee is recommended to:

1. Note the contents of this report.
2. Support the continued work to further review operations in support of the maintenance of charitable green spaces in Sheffield

Financial Implications: No – Approved by

Legal Implications: No – Approved by David Sellars

Equality and Inclusion Implications: No – Approved by Ed Sexton

Climate Change Implications: No

Background Papers: None

Appendices: Appendix A – Parks Charitable Sites

1. Background to the issue

1.1 As Committee will be aware, an area of Norton Nurseries has for some time now been used as a Council site for the housing of plant and materials related to the maintenance and upkeep of Graves Park and other land. While it is permitted to use Graves Park land for the Park's wider maintenance it is not permitted to use it for other sites without some form of agreement in place between the charity and the Council. This arrangement is in the process of being regulated. The ongoing dialogue between the trustee and the Charity Commission regarding the need to put in place formal arrangements at Norton Nurseries has prompted us to begin to review arrangements at other charitable green spaces across the city.

1.2 There are 17 registered charitable sites in Sheffield:

- Blackamoor
- Charnock Green
- Chelsea Park
- Earl Marshall Recreation Ground
- Endcliffe Park
- Firth Park
- Glen Howe Park
- Graves Park
- High Hazels
- Hillsborough Park
- Norfolk Park
- Phillimore Park
- Richmond Park
- Ripon St
- Sutherland Rd
- Weston Park
- Wincobank

1.3 The arrangements at Graves Park are the subject of a separate report and are therefore not dealt with here.

1.4 To ensure that the arrangements in each charitable site are correct and all in the best interest of each individual charity, we have begun to review how the management of each site is undertaken. A number of factors are being considered at this stage: whether there is an operational base at the site, where vehicles and machinery is housed, where welfare facilities are located, and whether the operational team that manage the site also manage other sites (the answer here in the majority of cases will be yes, as very few sites in Sheffield have a team that don't manage multiple green spaces).

2. Proposal

- 2.1 There are currently no formal arrangements in place whereby Sheffield City Council pays a rent or licence fee to a charitable site for use of an operational area within the green space or where a charity pays Sheffield City Council for use of another site as an operational area.
- 2.2 Details of all sites are contained at Appendix A.
- 2.3 Charitable sites that are serviced almost entirely from the site
 - 2.3.1 There are four charitable sites that have 'self-contained' operational bases within the site (Firth Park, High Hazels, Hillsborough Park, and Norfolk Park). On these sites the equipment, plant and staff welfare are delivered from within the site. There are often small elements of the operational work that necessitates links with other sites – waste for example is often not disposed of onsite and the extremely large vehicles such as tractors are stored in only two places in the city.
 - 2.3.2 All of those sites house teams who support multiple sites (the vast majority of which are not charitable) and often housing sites too. Details have not yet been gathered on proportions, staffing allocations or land valuations.
- 2.4 Charitable sites that are serviced in part from the site
 - 2.4.1 There are two charitable sites (Weston and Endcliffe) that have some facilities on site (usually staff welfare and equipment storage) with other elements (for example vehicle storage) housed on other sites.
 - 2.4.2 As with other sites, the teams who operate from these bases service multiple sites and the equipment that is stored on the charitable site is used across multiple sites. Details have not yet been gathered on proportions, staffing allocations or land valuations.
- 2.5 Charitable sites that are serviced entirely from elsewhere
 - 2.5.1 There are nine charitable sites (Charnock Green, Chelsea Park, Earl Marshall Rec, Glen Howe Park, Phillimore Park, Richmond Park, Ripon St, Sutherland Rd, Wincobank) that do not have any facilities within the site. All welfare, plant and equipment storage are housed elsewhere in the city (on a non-charitable site).
 - 2.5.2 Details have not yet been gathered on proportions, staffing allocations or land valuations.
- 2.6 Other arrangements

2.6.1 One site (Blackamoor) is leased to the Sheffield & Rotherham Wildlife Trust so is not being reviewed within this work.

2.7 Next steps

2.7.1 On a site-by-site basis the arrangements will be formally reviewed. This will include gathering information about what other sites are managed by which teams, what proportions of use apply, and if required any land valuations. Decisions about any potential licences or formal arrangements will be brought back to Charity Trustee Sub Committee.

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

3.1 In order to deliver the objects of each charity it is necessary to maintain and manage the green space necessitating the use of plant, equipment and staff. To securely house plant and equipment and provide appropriate welfare facilities for the green space teams an operational base is required.

3.2 Establishing what the current situation is at each site and understanding what the implications are for each charity is essential because it will allow the trustee to make a decision regarding how the use and occupation should continue. Any decision made must consider what option is in the best interests of each charity.

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

4.1 No specific engagement has been undertaken regarding this work to date. The requirements to carry out this piece of work understanding the current situation was agreed at an earlier Charity Trustee Sub Committee. Community and partner engagement will be carried out when it becomes possible through fully understanding the situation and the need to consider options.

5. What alternative options did we consider?

Alternative Option 1:

Do Nothing

This option was rejected as there was the potential that the trustee has in effect, been acting in breach of trust. It is essential that before any decision is made in respect of any of the sites referred to above the necessary due diligence is undertaken in order to fully inform the trustee so that they can make a decision that is in the best interest of the charity.

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

- 6.1 This is an update report with no proposal for change contained within it. The provision of operational bases for the continued maintenance and management of charitable sites would be expected to have positive equality of opportunity impacts. The green spaces will remain safe, welcoming, and accessible for those who use them.

7. Financial and Commercial Implications

- 7.1 There are no financial or commercial implications arising from this report. Once the arrangements have been reviewed and from that there are financial implications, these will be brought to this committee before being committed to.

8. Legal Implications

- 8.1 There are no direct legal implications arising from this report. In the event there are further reports brought to committee any legal implications arising will be reported in the usual manner.

9. Climate and Environmental Implications

- 9.1 There are no climate or environmental implications arising from this report.

10. Other implications

- 10.1 There are no other implications arising from this report.

11. Reasons for decision

- 11.1 It has been confirmed by the Charity Commission that the trustee has been acting in breach of trust by not having a formal arrangement in place to regulate the use of Norton Nurseries as an operational base for non-charitable sites. This has prompted us to begin investigating whether similar arrangements exist elsewhere in other charitable sites. This update sets out the work that has been completed to date and sets out what the next stages will be.