

Appendix A

Public Petitions and Questions –Charity Trustees Sub- Committee– 15th September 2023

N.B - Please note that a period of up to 30 minutes shall be allocated at meetings of Policy Committees and other appropriate bodies for members of the public to present ordinary petitions or to ask questions of Members and officers present.

Petitions Received from Members of the Public - 1

	Petitions	Response:
1.		

Questions Received from Members of the Public x 3

1.	Question from Friends of Hillsborough Park	Response:
	<ul style="list-style-type: none"> Over 2117 people oppose the Activity Hub scheme. In the face of such overwhelming opposition to the scheme why would the council continue with it? 	<ul style="list-style-type: none"> A decision was taken by the Cooperative Executive in April 2022 to go out to tender for a Sheffield Parks Tennis operator to develop and manage a new Activity Hub at Hillsborough Park, manage the existing 6 Parks Tennis sites, and manage 2 new Parks Tennis sites (when these are refurbished). This was referred to as the Tennis Hub and Spoke model. Included in this decision was a commitment from SCC to the Friends of Hillsborough Park to launch a specific online consultation to capture the feedback locally on potential site plans and the overall concept. It is clear that since this decision was taken the Activity Hub has divided opinion locally, but we do not believe the description ‘overwhelming opposition’ is accurate. This is because the council has carried out extensive consultation, both before and after the 2022 decision,

		<p>including sharing proposed designs and has received positive feedback.</p> <ul style="list-style-type: none">• The council has previously acknowledged the significance of the number of respondents to the petition 'not to reduce the current size of the Hillsborough Park MUGA'. It is acknowledged that the area of continuous open flat tarmac will be reduced, however the actual amount of free to use flat tarmac area will be only slightly less than it is currently.• The decision on 5th June 2023 at the Charity Trustee Subcommittee authorised the publication of open spaces notices. These notices gave residents the opportunity to oppose the scheme and provide reasons for that opposition. Following the publication of these notices, the Council received 80 responses from 77 people.• For balance, the council has highlighted throughout that they have undertaken several consultations related to the Activity Hub in the last 2 years, which has evidenced support for the Activity Hub in Hillsborough Park. Information about these consultations has been provided previously and in more detail within the addendum for the charity trustee sub-committee meeting in June 2023. As discussed at that committee, of the children and young people we spoke to in the most recent consultation, 81% stated that they would like to have a new multi-activity hub, compared with 7% who wanted to keep the tarmac sports area and tennis courts as they are.• The previous survey carried out by the council had 607 respondents. 77% were in favour of resurfacing and floodlit tennis courts, 80% were in favour of the
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		resurfaced and floodlit MUGA and 61% were in favour of the introduction of mini golf.
	<ul style="list-style-type: none"> Given the overwhelming public opposition does the council support it because it will create more physical activity? If so, how many hours of physical activity do people spend on the MUGA and tennis courts now and how does this compare to the projected hours of activity on the facilities post-development? 	<ul style="list-style-type: none"> As set out above, we do not believe the description ‘overwhelming opposition’ is accurate. The deteriorating conditions of the existing tennis and multi-use games area provision are not ‘city’ standard. The provision of an exciting and high-quality facility of this nature will raise the standard of the park, increase its attractiveness as a destination site and encourage and attract users of all ages and abilities from various communities to engage in sport and physical activities. Data and evaluation will form an important component of this project to capture benefits, outputs and outcomes particularly focused around a reduction in health inequalities. We know this because of our experience in developing leisure facilities and activities, for instance the All wheels pump track in Hillsborough Park has increased the numbers of people visiting this space. The social return on investment of the current parks tennis programme was valued by Sheffield Hallam University at over £191,000, this included; <ul style="list-style-type: none"> £51,000 Health Outcomes £95,000 personal wellbeing £45,000 community development The Council would expect this value and therefore benefits gained, to increase considerably with the introduction of the Activity Hub at Hillsborough Park and additional courts at Hollinsend and Ecclesfield Parks.

		<ul style="list-style-type: none">• We know from previous evidence such as Sport England’s 10 Principles of Active Design and the University of Sheffield’s IWUN (Improving Wellbeing through Urban Nature project), that to make a park a welcoming and active space for all ages and abilities, a number of key ingredients are required. These include refreshments, toilets, a range of sport and recreational facilities that attract a wide range of users, a good quality green space and a range of community and sports groups• Getting a good balance between increasing the site’s appeal is essential to increase usage. The focus of the investment in the Activity Hub will be in the provision of recreational facilities that encourage people and groups to visit and subsequently return to the park. This will increase their physical activity levels and improve their health and wellbeing. Quality welfare facilities (such as toilets) are essential to enable duration of visits to be extended.• The current facilities in Hillsborough Park provide access for people who are able to play informally within the space. The introduction of an increased informal alongside more formal activities with a range of managed spaces will enable people to have greater choice about physical activity opportunities. There is a wealth of emerging evidence through Sport England and more locally the National Centre for Sport and Exercise Medicines (Move More physical activity Plan) that sport alone is not a hook for everyone to be active. The recent Sport and Leisure strategy consultation highlighted the need for more high-quality doorstep community facilities and improved recreational facilities in green spaces.
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		<ul style="list-style-type: none"> MUGA usage observation data carried out in Spring 2023, alongside qualitative feedback from children and young people and the parks tennis (by site) performance data would be used as the baseline to measure attendance alongside wider health and wellbeing outcomes as the project progressed.
	<ul style="list-style-type: none"> Given the overwhelming public opposition does the council support it because it will create financial sustainability for parks tennis? If so, why is it not currently sustainable, is parks tennis currently a source of income or a cost to the council and what is written into the project proposal in terms of sustainability? Classing all financial information as commercially confidential will not convince the public that there is any potential benefit to offset the clear disadvantages of the scheme. 	<ul style="list-style-type: none"> As set out above, we do not believe the description 'overwhelming opposition' is accurate. The aim of the lease model is for the protection and sustainability of outdoor tennis provision in the city. As a result of the lease arrangements for tennis courts across the city, the Community Interest Company (Courtside) will undertake the management of these tennis courts. They will ensure they are kept fit for purpose and well maintained and will also undertake coaching and outreach sessions to positively engage people, and in particular children, in tennis. SCC will receive a concession fee over the length of the contract including a sinking fund contribution for the life cycle maintenance of the courts. Income will be apportioned to the relevant charity accounts or SCC as appropriate. For the tennis only (rather than activity hub) sites, as these will be providing tennis only facilities, and not additional activities and catering, it's likely that this amount will be nominal. The key gain for the charity sites and other sites, including the local residents, will be seen in the upkeep and maintenance of the tennis courts for the 25 year lease period. The existing Parks tennis contract has generated a small annual concession fee to the Council. We cannot say what that concession fee is because it is commercially confidential and is protected from disclosure under EIR and FOI and is also exempt information for the purposes of this meeting. However, we can confirm that

		<p>all of the concession fee goes to the sinking fund. Some of this fund has been spent on court maintenance.</p> <ul style="list-style-type: none"> • There is currently no separate sinking fund contribution. • Furthermore, the model is currently unsustainable since the contract with the current operator (Courtside CIC), which has been in place since 2017 has expired, for the purposes of carrying out this procurement. The council has granted an extension until a new contract can be awarded. If we do not award this contract, we will not have an operator for our courts. If we don't have an operator, there will be no income collected from some of the courts and this means that we cannot then provide the sinking fund, that will be used for future maintenance of courts. This means the responsibility for maintaining tennis courts will fall solely to the council. The council does not have any budget for this. This means the courts will fall into a poor state, as we saw before they were improved in 2017 with the investment from the Lawn Tennis Association. • Not all information has been classed as commercially sensitive. Some information cannot be released because it is owned by Courtside CIC. • The full details of the project proposals, including the 27-page operator's specification were included in the report to Charity Trustee Subcommittee on 5th June 2023.
	<ul style="list-style-type: none"> • Given that the overwhelming public opposition focussed particularly on the effect the proposal would have on those people and families affected by the cost of living crisis (and noting that an EIA has been completed), does the council support it because it will create better facilities for people who live in social deprivation? If so, what evidence does the council have to demonstrate that reducing free-to-use space and adding pay-to-use 	<ul style="list-style-type: none"> • As set out above, we do not believe the description 'overwhelming opposition' is accurate. • The Multi Use Games Area (MUGA) will remain free to use, the footprint will be smaller. The MUGA surface and layout will be improved so it can be used for more sports / games.

activities will be beneficial to those people and families affected by the cost of living crisis?

- The tennis courts in Hillsborough Park are currently pay to play and will remain so. (Current cost £5 per court, per hour at Hillsborough Park without a loyalty card.) The courts at Concord Park are always free to use and the courts at High Hazels, Ecclesfield and Hollinsend will be free to use during specified times).
- Some of the tennis courts e.g. High Hazels in Darnall Ward, Concord in Shiregreen & Brightside Ward and Hollinsend Park in Richmond Ward are in some of the highest Indices of Multiple Deprivation (IMD) areas in Sheffield. This is a key focus for the programme, ensuring that activity opportunities are not focused on the already active but those people who we should be working harder to engage. Tailored programmes including free tennis and schools outreach have been focused on these areas including High Hazels, Concord, Hillsborough and Graves.
- It is acknowledged that the area of continuous open flat tarmac will be reduced in the Activity hub in Hillsborough Park, however the actual amount of free to use flat tarmac area will be only slightly less than it is currently. The key difference is that the proposal would deliver three separate free-to-use but connected spaces that provide distinct areas with specific activity 'themes', including:
 - MUGA – with a focus on ballcourt games and play
 - Enlarged learn to ride area – with a focus on bikes, scooters, and skateboarding.
 - Inner activity space – with a focus on informal fitness including organised sessions, and for games such as table tennis.

		<ul style="list-style-type: none"> • The council has highlighted throughout this process, the importance of how spaces are designed to enable different types of users to feel confident to be active, including women and girls. Another aspect of having separate spaces for different types of activities is to reduce potential user conflict and safety issues. For example, having ball sports and bikes operating in the same space has the potential to present health and safety related concerns. • The changes to the MUGA area are not about losing free space, but about reconfiguration of the space to enable a wider range of people and groups to engage in sport and recreational activity. A dedicated MUGA space that meets Sport England design guidance is being proposed, and additional to this will be informal space that enables a range of concurrent activities including basketball hoop shooting and table tennis.
	<ul style="list-style-type: none"> • Given that the overwhelming public opposition also highlighted the effect the proposal would have on the disabled communities (and noting that an EIA has been completed) does the council support it because it will create more opportunities for physical activity for people with disabilities? If so, does the council have the support of those organisations which currently use the space – which include Cycling4All, Burton Street Foundation, Friends2Gether, Inspirations – and for these organisations is an Activity Hub preferable to the existing facilities? 	<ul style="list-style-type: none"> • As set out above, we do not believe the description ‘overwhelming opposition’ is accurate. • The MUGA will not be turned over to a single sport. The specification for the Activity Hub is proposed to include: Improvements to the tennis facilities, with LED lighting, introduction of a minimum of 2 covered Padel Tennis Courts, A full upgrade to the multi-use games area, resurfaced and redesigned for football, basketball, tennis, netball and other activities, designed within Lawn Tennis Association, Sport England and Football Foundation guidelines. Welfare facilities including an accessible toilet and catering facilities. Lighting and a staffed presence into the evenings and darker months are also seen as key benefits for a range of underrepresented groups including people with disabilities

		<ul style="list-style-type: none"> • Sheffield Cycling for All have said although their preferred option would still be to continue as they are on the existing MUGA area, subject to their hours of operation being unaffected, they can see a workable solution being found on the proposed extended learn to ride area, adjacent to the pump track. Path widening around the tennis court area would also need to be factored into the designs. • The space would be changed in a way that would enable more people to enjoy different activities. The hub would include space for multi-sports, fitness, padel tennis, tennis and mini golf as well as informal recreational and relaxation space including benches for people to sit and spectate/have refreshments • The addition of accessible toilets in this area of the park would mean that more park users will be able to stay in the park for longer, this is something that has been supported by a number of local stakeholders. • In addition, partners who work across the city and country supporting the engagement of underrepresented groups in sport and physical activity including British Cycling, Access Sports and the National Centre for Sports and Exercise Medicine have highlighted their support for the proposal. Details of this can be found within the September 2023 committee report.
	<p>6. Given the overwhelming public opposition which builds on the results of the Activity Hub survey where only 38% of respondents support a fully indoor space, does the council support it because it believes there is a need for more community space? If so, has the council determined that all other venues – HASA, the pavilion, the makers shed and Hillsborough sports centre are at capacity?</p>	<ul style="list-style-type: none"> • As set out above, we do not believe the description ‘overwhelming opposition’ is accurate. • This will not be a fully indoor space. The indoor space will complement the outdoor space and other venues in and near to the park. The council survey consultation which was carried out in 2022 had 607 responses to the question regarding an indoor activity hub. 63% of

		respondents were in favour (this includes 39% strongly in support and 24% in support) and 24% were against the proposal.
	<p>There is overwhelming opposition to the proposal for an Activity Hub. It was never based on local demand for new facilities, it is a waste of council resources, it is likely to produce worse outcomes than the current facilities, it will reduce public access space in the park, create unnecessary additional buildings and there is no evidence shared with the public to suggest that it will make parks tennis any more sustainable.</p> <p>Given that the council needs to make £48m of budget cuts this year, in the absence of any public support for the project we believe it will be a poor use of £363k of council funds and we therefore believe that the scheme should not go ahead.</p>	
	<p><u>Background To These Questions</u></p> <ol style="list-style-type: none"> 1. There is overwhelming opposition to the scheme <ol style="list-style-type: none"> a. 2117 people oppose the scheme on Change.Org b. only 412 people voted for a hub in the 2022 Hub questionnaire, 101 people voted against it and 94 were undecided c. only 19 people from 412 voted for opportunities to try new activities such as petanque, padel tennis or adventure golf in the 2021 Hillsborough Park Forward Plan consultation 2. We have seen no evidence to support the claim that there will be increased physical activity <ol style="list-style-type: none"> a. In a three month daily spot survey from March 2023 over six times as many people used the MUGA as used the tennis courts. Those people will not fit on a MUGA 1/3rd of its current size b. From the 2022 Hub questionnaire it looks like twice as many hours of physical activity are spent on the MUGA compared to the tennis courts. Furthermore in that questionnaire 346 had used the MUGA and only 260 had booked tennis. The current proposal, with a MUGA ¼ the size of the tennis/padel provision is likely to reduce physical activity c. The four tennis courts are currently (2022 Courtside data) used for 11% of their available time d. At least 15% of the space currently used for physical activity will be converted to café, kitchen, toilets and external seating 	

3. We have seen no evidence that park tennis is currently unsustainable or that this proposal will make it sustainable. The following questions need to be addressed.
 - a. Is parks tennis a current expense to the council or does it generate income?
 - b. What is the current contribution to the sinking fund over the last 7 years?
 - c. What is the projected annual contribution in £000s per annum built into the project proposal? This should be a fundamental part of the project proposal.
 - d. How does the £000s in improved sustainability compare to spending £363,000 of council funds on the project?
 - e. Has any court renovation in the last 7 years been funded by anyone other than the LTA?
 - f. Have other solutions for improving sustainability been considered – e.g. increasing fees, reducing block booking discounts, reducing the number of courts to maintain usage/increase occupancy/reduce costs?
 - g. 32 courts with 4 floodlit will need a sinking fund of £41,000 p.a. (LTA). Will it be possible to cover the sinking fund as well as making repayments to Prudential Borrowing, Key Fund (50% loan) and rent for Hillsborough Park?
 - h. Are payments for rent of the park and contribution to the sinking fund fixed amounts to be paid each year or a contribution from the Hub surplus?
4. Are councillors satisfied that this proposal will increase rather than decrease physical activity and improve health outcomes, particular amongst those people and families affected by the cost of living crisis?
 - a. The comments on the change.org petition specifically mention the availability of free space for children to enjoy and believe that those who cannot afford to pay will be disadvantaged. Is there any evidence that the proposal will improve outcomes for those people and families affected by the cost of living crisis?
 - b. Doesn't the greater use of the Playground, MUGA and All Wheel Track compared to the use of the tennis courts demonstrate that free-to-use space produces better physical outcomes than pay-to-use?

	<p>c. Given the wealth of opportunities for paid-for sporting activity currently available in the park and the surrounding area, where is the evidence that adding more paid-for activities and reducing space for free play, will achieve the desired outcomes?</p> <p>5. Are councillors satisfied that this proposal will increase rather than decrease physical activity and improve health outcomes, particularly for people with disabilities?</p> <p>a. The survey respondents specifically mention the availability of space for the integration of Cycling4All with other MUGA users. What evidence is there that the proposal will not disadvantage the disabled?</p> <p>b. What evidence is there that the new facilities will offer a better opportunity for disabled people to be integrated with other park users than the existing MUGA?</p> <p>c. Will mini-golf and a smaller MUGA be more advantageous to the disabled or give less opportunity for inclusive physical activity?</p> <p>6. How does the council justify the construction of more new buildings in a public green space?</p> <p>a. How does the council justify the increased carbon footprint of constructing new buildings</p> <p>b. What is the carbon footprint of running a second café in the park</p> <p>c. Does the projected increase in car parking revenue indicate that new facilities will encourage people to drive from other parts of the city and what is the carbon footprint of those additional journeys?</p>	
2.	Question from Andy Chaplin	
	<ul style="list-style-type: none"> Will the total income for the 8 spokes remain nominal with the hub & spoke model? 	<p>SCC will receive a concession fee over the length of the contract including a sinking fund contribution for the life cycle maintenance of the courts. Income will be apportioned to the relevant charity accounts or SCC parks budget as appropriate. For the tennis only (rather than activity hub) sites, as these will be providing tennis only facilities, and not additional activities and catering, it's likely that this amount will be nominal.</p>
	<ul style="list-style-type: none"> Is there a concession fee with the existing lease with Courtside CIC? 	<p>Yes, however, we cannot say what that concession fee is because it is commercially sensitive. As such we would not release it if a request was made under the Freedom of</p>

		Information Act or under the Environmental Information Regulations and it is also exempt information in the context of meetings such as this one. It cannot therefore be released in an open part of the meeting where the press and public are present including in response to a public question.
	<ul style="list-style-type: none"> Is the proposed “concession fee and contribution to a sinking fund” mainly due to the increased earnings of the hub? 	The income from the hub, in addition to that from tennis in all but Concord Park, will contribute to the concession fee and sinking fund and will allow the borrowing for the capital works to be repaid.
	<ul style="list-style-type: none"> Will the “concession fee and contribution to a sinking fund” be shown in the Hillsborough Park charitable accounts? 	Yes, any income that is generated in Hillsborough Park will be allocated to the Hillsborough Park business unit and to the relevant parks business units for Parks Tennis in other non-charitable parks.
	<ul style="list-style-type: none"> If all of the earnings from the hub are not being shown in the Hillsborough Park charitable accounts do the councillors, as Trustees, agree with that arrangement? 	This is not the case as answered above.
	In view of the potential for misrepresentation of the Hillsborough Park Charitable accounts I would ask the committee to defer a decision to dispose of charitable land in order to take legal advice.	<p>There is no misrepresentation of charitable accounts.</p> <p>At charitable parks across the city, any income received (from events or other activities) must be accounted for within the charity accounts. The charity accounts are produced each year and independently audited before being submitted to the charity commission for publication. For each charitable park in Sheffield, Sheffield City Council is the sole Trustee of the charity, acting through the Charity Trustee Sub Committee. The Trustees present their report together with the financial statements of the charity for the year end and the financial statements are prepared in accordance with the accounting policies that comply with the charity’s trust deed, the Charities Act 2011 and the requirements of the Statement of Recommended Practice, ‘Accounting and Reporting by</p>

		Charities' Financial Reporting Standard applicable in the UK and Republic of Ireland. The law requires the council to prepare financial statements which give a true and fair view of the state of affairs of the charity and of the income and expenditure for the year.
3.	Question from Friends of Graves Park	
	<p>Regarding the Tennis Courts Proposed Project: The Friends of Graves Park object to this 25 year disposal of the tennis courts to a private company, which is privatisation of charitable parkland, as it transforms publicly owned assets into privatised holdings, in Graves Park and the other charitable parks and would like to ask the following questions:</p> <p>1. Are the members of the Charity subcommittee aware that they are acting as trustees for those parks which are charitable and the consequent implications?</p>	<p>The tennis courts at Graves parks are not being disposed of to a private company and are not being transformed into privatised holdings as SCC as Charity Trustee will retain ownership of this land.</p> <p>Members of the Charity Trustee Sub-Committee are not individual trustees, rather they take decision on behalf of the Council as the charity trustee for each of the charities. However, yes, the elected members of the Charity Trustee Sub-Committee are aware of the requirements of that role.</p>
	<p>2. Is the Charity Subcommittee aware that there is no such company with the name of "Courtside CIC"? This displaying the calibre of attention to detail of the report in Agenda Item 8, is the Charity Subcommittee confident that there are no other fundamental errors in this report or in the planning of this proposed disposal?</p>	<p>Our use of the term Courtside CIC, references the company Courtside Hubs CIC, which is a Charitable Interest Company, the internet domain name is https://www.courtsidecic.co.uk/our-story. This refers to the registered company: Courtside Hubs CIC, company no. 9833819, registered office: Unit 20, Wheatley Business Park, Old London Rd, Oxford, OX33 1YW.</p> <p>The council will be entering into a contract with Courtside Hillsborough CIC to provide the Hillsborough Tennis Hub. This is a Private company limited by guarantee without share capital and a Community Interest Company (CIC), Incorporated on 14 February 2022: Company registration number 13912582.</p> <p>As Courtside Hillsborough CIC company was set up as a vehicle to deliver the Activity Hub and as a subsidiary of Courtside Hubs CIC the council asked for a Parent Company Guarantee from Courtside Hubs CIC.</p>

		<p>The Trading name(s) that will be used if this contract is awarded are Courtside (for Hillsborough Activity hub) and Premier Tennis (for tennis offer and activation at other sites).</p> <p>For ease, this report refers to Courtside CIC: This is not a fundamental error and the report is an accurate reflection of the company concerned but officers do appreciate it would have been clearer if we had referenced the complete name in each report for absolute clarity.</p> <p>As there has been significant time elapsed between the procurement process and award of the contract, officers will instruct further due diligence checks to be carried out before the contracts are signed.</p>
	<p>3. What is the correct name of the company concerned and why was this company chosen over the others?</p>	<p>Please see above for company details and below for the process undertaken to select the recommended provider.</p>
	<p>4. Which companies were approached in the selection process, how many companies were in this process and how many of these companies shared the same directors?</p>	<p>As set out in section 1.3 of the report to Charity Trustee Sub Committee 5th June 2023: As detailed and in accordance with the original report to Cooperative Executive in April 2022, and the Procurement Strategy, a tender opportunity was placed on the Government's Find a Tender Service on 15 September 2022 seeking proposals under the Concession Contracts Regulations 2016 from prospective operators to manage Sheffield's parks tennis programme and develop the site of the Activity Hub at Hillsborough Park including the tennis provision currently there and within the footprint of the existing site. A number of parties expressed an initial interest in the tender and all but one of these potential bidders decided not to submit a bid. On this basis we have worked with the one potential bidder through the Negotiated procedure. The other interested parties ruled themselves out on the basis of being specialist in some but not all of the requirements. Rigorous evaluation of the bid has been undertaken by an evaluation team represented across the Client</p>

		<p>area, Capital Delivery Service, Legal Services internal and external, Property Services, Commercial and Finance.</p> <p>Areas of the bid identified through evaluation and warranting further clarification and negotiation have been progressed through the designated process to satisfactory conclusions.</p>
	5. When did the council go through the selection process for this company?	15 September 2022
	6. Is the Charity Subcommittee aware that the notices for the disposals of these plots of Charitable land were posted at the beginning of the summer holidays and responses expected by 21st for disposal of parks and 28th August, a bank holiday, for the notices regarding Charitable land? Are they also aware that many of the Friends groups of the parks concerned were unaware that this privatisation concerned their parks? This being the case, does the Charity subcommittee accept that as a process of notification, this process is flawed, undemocratic and should therefore be redone?	<p>Friends of Groups were contacted by SCC Officers, by email in June 2023 to advise that the open space notices would include their parks.</p> <p>Officers are aware of the dates and do not believe this process is flawed. The dates are set out in the report and were published in accordance with the council's legal duties. The Committee can take these concerns in to account when making its decision today.</p>
	7. Is the Subcommittee aware and will the council acknowledge that the tennis hub deal is tied in with the Tramlines festival and that is why the dubious and illogical decision to continue to hold Tramlines in Hillsborough Park has been pushed through?	The tennis hub and Tramlines are not connected other than Tramlines has been consulted alongside other Hillsborough Park users. Please note the report to EDS committee 13/9 regarding Tramlines. A further report will be heard at CPL on 25/9.
	8. How does this proposal directly benefit the Graves Park Trust? If there is no significant benefit to the Graves Park Trust, how can the Charity Subcommittee agree to this proposal while maintaining the impartiality to act in the best interests of the Graves Park Trust, in its role as trustee?	<p>The proposal will continue to offer good quality tennis courts in Graves Park and will contribute to the charitable objects of</p> <p><i>(1) THE PROVISION AND MAINTENANCE OF A PARK AND RECREATION GROUND FOR USE BY THE PUBLIC WITH THE OBJECT OF IMPROVING THEIR CONDITIONS OF LIFE</i></p> <p>The aim of the lease model is for the protection and sustainability of outdoor tennis provision in the city. As a result of the lease arrangements for tennis courts across the city, the Community Interest Company (Courtside) will undertake the management of these tennis courts. They will ensure they are kept fit for purpose and well maintained and will also undertake</p>

		<p>coaching and outreach sessions to positively engage people, and in particular children, in tennis.</p> <p>SCC will receive a concession fee over the length of the contract including a sinking fund contribution for the life cycle maintenance of the courts. Income will be apportioned to the relevant charity accounts or SCC as appropriate. For Graves Park, as this will be providing tennis only facilities, and not additional activities and catering, it's likely that this amount will be nominal. The key gain for Graves Park, including the local residents, will be seen in the upkeep and maintenance of the tennis courts for the 25 year lease period</p>
	<p>9. Can the Charity Subcommittee confirm that the council has approached the Charity Commission to check that a scheme is not needed in the case of this disposal? If they have checked, on what date was this done? If they have not checked, why not?</p>	<ol style="list-style-type: none"> 1. Graves Park already has a scheme dated 2009 and an excerpt is appended to the report to this committee in appendix 1. The scheme does include specific provisions for disposal with the consent of the Charity Commission. However, the Council is not relying on the provisions of the scheme for this disposal. Rather, the Council had power to dispose of the tennis courts, without the need for consent of the Charity Commission under the Scheme, in reliance on section 6 of the Trusts of Land and Appointment of Trustees Act 1996 (TLATA). 2. The scheme does not prevent disposal via s6 and case law (<i>Dewar v Sheffield City Council & anr [2019] WTLR 495</i>) has confirmed that the <i>consent of the Charity Commission is not required where disposing of the land will not impact on the purpose for which the land is required to be used or how the charity furthers its purpose. For example, where only a small portion of the land is to be disposed of.</i> 3. The Council has followed the requirements of sections 117-121 of the Charities Act 2011 as stipulated by the Charity Commission.

<p>10. In the face of such overwhelming opposition to the scheme why would the council continue with it, especially after the understanding that all that is legal is not right, as proved by the Lowcock report over which they have lost so much public trust?</p>	<p>Same answer given to FOHP: All legal compliance and financial due diligence has been carried out.</p> <p>As set out in the response to the previous set of questions, we do not believe the description ‘overwhelming opposition’ is accurate.</p> <ul style="list-style-type: none"> • A decision was taken by Cooperative Executive in April 2022 to go out to tender for a Sheffield Parks Tennis operator to develop and manage a new Activity Hub at Hillsborough Park, manage the existing 6 Parks Tennis sites, and manage 2 new Parks Tennis sites (when these are refurbished). This was referred to as the Tennis Hub and Spoke model. • Included in this decision was a commitment from SCC to the Friends of Hillsborough Park to launch a specific online consultation to capture the feedback locally on potential site plans and the overall concept. • It is clear that since this decision was taken the Activity Hub has divided opinion locally, but we do not believe the description ‘overwhelming opposition’ is accurate. This is because the council has carried out extensive consultation, both before and after the 2022 decision, including sharing proposed designs and has received positive feedback. • The council has previously acknowledged the significance of the number of respondents to the petition ‘not to reduce the current size of the Hillsborough Park MUGA’. It is acknowledged that the area of continuous open flat tarmac will be reduced, however the actual amount of free to use flat tarmac area will be only slightly less than it is currently.
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		<ul style="list-style-type: none"> • The decision on 5th June 2023 at the Charity Trustee Subcommittee authorised the publication of open spaces notices. These notices gave residents the opportunity to oppose the scheme and provide reasons for that opposition. Following the publication of these notices, the Council received 80 responses from 77 people. • For balance, the council has highlighted throughout that they have undertaken several consultations related to the Activity Hub in the last 2 years, which has evidenced support for the Activity Hub in Hillsborough Park. Information about these consultations has been provided previously and in more detail within the addendum for the charity trustee sub-committee meeting in June 2023. As discussed at that committee, of the children and young people we spoke to in the most recent consultation, 81% stated that they would like to have a new multi-activity hub, compared with 7% who wanted to keep the tarmac sports area and tennis courts as they are. • The previous survey carried out by the council had 607 respondents. 77% were in favour of resurfacing and floodlit tennis courts, 80% were in favour of the resurfaced and floodlit MUGA and 61% were in favour of the introduction of mini golf.
	<p>Taking into account the answers to all the above questions and the information above that has now been shared with the Charity Subcommittee and Sheffield City Council as an organisation, as we have now drawn your attention to these matters, anyone who subsequently proceeds with this proposal does so in full knowledge of its inherent inaccuracies.</p> <p>Further Questions regarding Graves Park:</p>	

<p>1. What is the Charity Subcommittee’s response regarding the charitable land in Graves Park that is currently still waiting to be restored to parkland? This land is the old Norton Nurseries site, two parts of which are already restored (by Friends of Graves Park) and open to the public. The Friends have been waiting for permission to start the next section for the past 8 years. The Friends already have a scheme for this work and have already agreed to fund the restoration. Can you give us a time scale of when that permission will be forthcoming? Could it be possibly in the next 12 months? (Please note this is a revision of a question asked in 2022, also in previous years and we are still waiting for a satisfactory answer. Please also note that the Parks department are currently using this as a depot and waste collection site for 36 parks and open spaces, even though Freedom of Information responses deny that it is a depot and that on at least 2 occasions in the past this was stated to be derelict and surplus to requirements and then the council tried to sell it off, which is why the Friends of Graves Park are keen to restore it to parkland.)</p>	<p>We believe the answer given in 2022 remains accurate and relevant.</p>
<p>2. As the councillors must be aware, once a proper scheme is put together, applying for funding and grants for a project can go ahead, so, is it possible for the Charity Subcommittee to encourage the council officers to work with the Friends of Graves Park to put together a business plan to restore the Rose Garden Café back to its former glory as a matter of urgency, so that the Friends can pursue applying for funding?</p>	<p>The council is committed to working with the FOGP and other stakeholders in developing the options for RGC. An update to Committee is being planned and will be presented as soon as it is practicable to do so.</p>