

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 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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