



Report to Policy Committee

Author/Lead Officer of Report: Jo Pearce

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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:-					
Purpose of Report:					
<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

Lead Officer to complete:-		
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	SLB member who approved submission:	Ajman Ali
3	Committee Chair consulted:	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.	
	Lead Officer Name: Jo Pearce	Job Title: Service Manager – Business and Partnerships, Parks & Countryside.
Date: 23 rd 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.

Property	<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>
Licence Fee	To be determined via commissioning process
Licence length	To be negotiated subject to a maximum of 5 years
Permitted Use	As detailed in the Operational Requirements
Repairing obligations & Maintenance	<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>
Outgoings	<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>
Insurance	<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>
Other terms	As outlined in the Operational specification and as advised necessary by Legal Services.

