



Report to Policy Committee

Author/Lead Officer of Report: Ruth Bell, Head of Parks & Countryside / Catherine McDougall, Graves Park Manager

Tel: 0114 2500 500

Report of: *Executive Director of Neighbourhoods*

Report to: *Charity Trustee Sub-Committee*

Date of Decision: *16th July 2024*

Subject: *Lease of cricket ground and pavilion, Graves Park Sheffield.*

Type of Equality Impact Assessment (EIA) undertaken	Initial <input checked="" type="checkbox"/>	Full <input type="checkbox"/>
Insert EIA reference number and attach EIA	2746	
Has appropriate consultation/engagement taken place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Appendices 1 and 2 are not for publication because they contain exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).

Purpose of Report:

This report seeks the approval of the Charity Trustee Sub Committee acting as Charity Trustee of Graves Park (Registered Charity number 510841) (“the Charity”) to the grant of a 5-year lease in respect of the Property (as defined at paragraph 1.4 of this report and referred to in the plan attached hereto) to Allama Iqbal cricket club on the terms set out in the Appendices to this report.

Recommendations:

1. On consideration of this report and the commercial terms and advice set out in attached exempt Appendices, confirm that the Trustees are satisfied that the proposed terms promote the objectives of the Charity and the lease is in the best interest of the Charity.
2. Approve the lease based on the terms set out in this report.

Background Papers:

N/A

Lead Officer to complete:-									
1	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">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.</td> <td>Finance: Adrian Hart</td> </tr> <tr> <td></td> <td>Legal: Leonie Wallace</td> </tr> <tr> <td></td> <td>Equalities & Consultation: Ed Sexton</td> </tr> <tr> <td></td> <td>Climate: N/A</td> </tr> </table>	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.	Finance: Adrian Hart		Legal: Leonie Wallace		Equalities & Consultation: Ed Sexton		Climate: N/A
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	<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>								
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Date: 3 rd July 2024									

1. PROPOSAL

- 1.1 Graves Park is a charity and the sole Trustee is Sheffield City Council. 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:
- 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.
 - 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 Trustee Sub-Committee.
 - In making this decision, the Charity Trustee Sub-Committee is discharging its duty in respect of these requirements.
- 1.2 Graves Park is held on charitable trust by the Charity and administered by the City Council as sole trustee, with this committee acting as sole corporate Charity Trustee and management provided by Parks & Countryside Services. The charitable trust is registered with the Charity Commission as Graves Park (Charity Registration Number 510841).
- 1.3 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.
- 1.4 Graves Park is registered at HM Land Registry and the southern side of the park is shown edged red on the copy title plan attached to this report. The Property lies within a section of the park that was donated by alderman J.G Graves in 1925.
- 1.5 The Property comprises a cricket ground, incorporating cricket square and outfield together with adjacent pavilion being a single storey building of approximately 10m x 5m dimensions containing changing rooms, showers, toilets and kitchenette. There is also a 10' shipping container used for storage of grounds maintenance equipment.
- 1.6 The Property was previously occupied by Norton Woodseats Cricket Club for many years on a historic agreement until they vacated in 2023.
- 1.7 When the tenure of Norton Woodseats cricket club ended, officers endeavoured to obtain a new club to use the existing facilities in the

park. Allama Iqbal cricket club was identified as a club that would benefit from the use of the facilities.

- 1.8 A temporary license agreement was set up for Allama Iqbal to use the facility to enable them to participate in the county cricket league.
- 1.9 In recent months discussions have taken place with Allama Iqbal over a lease agreement. Terms have been provisionally negotiated for a 5-year lease. The proposed terms are set out under Appendix 1.
- 1.10 A 5-year lease is being requested instead of a 1-year or 3-year lease to allow the club to establish itself in the park, to obtain grant funding to make sustained improvements to the wicket and outfield over successive seasons, and to widen community participation in cricket in the park at no cost to the Graves Park Charity.
- 1.11 A 5-year lease would allow the club to access significant grant funding from the English Cricket Board and other grant funders as they would be able to prove that they could make a longer-term investment in the existing facilities. It will give the club time to assess the current condition of the building and pitch, decide what improvements will make the biggest difference to the provision of cricket in the park, and then write grant applications, obtain funding, and deliver improvements to the existing facilities.
- 1.12 The purpose of this lease is not for the club to install or create a new facility and will specifically prohibit any new building in the park or external alterations to the Property (ground or pavilion) without the Trustees prior consent.
- 1.13 It will also give the club longer-term security of playing location. This will allow the club to significantly engage and establish themselves as part of the local community, building and developing relationships and widening participation in cricket in the park.
- 1.14 Public access would be maintained in the park across the outfield during periods when cricket matches are not in progress. There would be no prohibition of access on paths through the park between the welfare container and pitch at any time.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The provision of cricket facilities in the park is seen as fulfilling the charitable objects, since it provides facilities for recreational and leisure time in a place where the public can socialise, play sport and enjoy the outdoor space.
- 2.2 The proposed lease contributes to the charitable objects of the park as follows:

- (a) It will provide a cricket facility for a club that promotes opportunities in the sport for often under-represented communities.
- (b) It will encourage investment and community pride in the facility.
- (c) It will reduce maintenance costs in the park and generate rental income for the Graves Park Charity which will be retained by the Charity and used for the purposes of the objectives of the Charity.

2.3 The provision and use of the cricket facilities meets the objects of the charity specifically:

- To provide a park and recreation ground for use by the public with the object of improving their conditions of life.

2.4 Allama Iqbal was selected as the club to replace Norton Woodseats Cricket Club as they are a local club based in Netheredge and Sharrow area of Sheffield. The club has teams at U11, U13, U15 and U18 levels with both boys and girls playing in the Ben Jessop Junior Cricket League. The members are predominantly from a diverse community that needed support to find a more permanent home for the club. That is linked with the English Cricket Board (ECB) 12 Point south Asian cricket plan and more recently with the Independent Commission for Equity in Cricket (ICEC) report. The club are compliant with all ECB safeguarding policies, are working through club mark, run all stars cricket 5-8s, under 9s, under 11s and under 13s. As well as a senior side, they also have girls representing open teams and also support the Sheffield Super Kings and Queens teams. The club is open to all members of the public that would like to play cricket.

2.5 Regular use and maintenance of cricket facilities in the park aligns with the objectives of the Better Parks and the agreed partnership principles and supports the ambitions as outlined in the Council Plan (2024-2028), specifically keeping parks financially sustainable, and contributes to the following strategic outcomes:

- Great neighbourhoods that people are happy to call home: Ensure more parks and green spaces are high quality and maintained
- Parks and green spaces should be safe, welcoming and fit for purpose. We will work towards all parks reaching the Sheffield Standard, of being Safe, Clean, Welcoming and Accessible, by 2030. We will work with communities to keep parks and green spaces financially and ecologically sustainable for the long term, conserving their heritage, and championing, caring for and protecting Sheffield's ecology and biodiversity.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 As there is no material change to the provision of facilities in Graves Park, public consultation has not been undertaken. There have been

discussions and briefings with locally elected councillors who are supportive of the proposal. The Friends of Graves Park have been made aware of the proposal and have provided feedback and questions which are addressed in this report

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 The objects of the Charity are to provide the park and its facilities to all members of the public without restriction to or distinction between any person's characteristics. Nevertheless, the EIA identifies that the lease represents positive equality impacts on grounds of Race, Age, Health and other protected characteristics/ equality interests.
- 4.1.2 Overall, this proposal will have a positive impact that will continue to benefit users of Graves Park and wider community by encouraging more people to get active and play cricket in the park.
- 4.1.3 The provision of sports facilities in a park is important to improving the conditions of life of the people of Sheffield. It provides an opportunity to engage in a healthy pastime and interact with other park users. It encourages users to stay longer in the outdoors, brings new users to the park and develops community connections needed to get more people active, promoting health and wellbeing.

4.2 Financial and Commercial Implications

- 4.2.1 The proposed lease will generate a rental income for the Graves Park Charity. All rental income generated by the lease of the Property will be retained by the Charity and used for the purpose of the Charity in accordance with its charitable objects.
- 4.2.2 Allama Iqbal cricket club will be responsible for the management of maintenance of the property, therefore reducing costs to the Charity.
- 4.2.3 Further financial information is contained in the Designated Advisor's Report at Closed Appendix 2.

4.3 Legal Implications

- 4.3.1 The Property lies within a section of the park that was acquired by the Council under a Conveyance dated 2 December 1925 and held on trust by the Council for the charitable objects set out above.
- 4.3.2 The Trust Land forms part of the land comprised in the Conveyance and the Council as charity trustee must comply with the restrictions on any disposition contained in the relevant provisions of the Charities Act 2011. These contain a general obligation to achieve the best price that can be reasonably obtained on any disposal but also contains several specific obligations as detailed below.

- 4.3.3 Section 119 of the Charities Act 2011 contains an obligation to obtain and consider a written report on the proposed disposal from a qualified surveyor instructed by the charity trustee and acting exclusively for the Charity. A report compliant with the requirements of section 119 has been obtained and is attached to this report at Appendix 2.
- 4.3.4 As the Trust Land is held by the Charity for a specified purpose (known as designated land), there are additional requirements that must be complied with in relation to the proposed disposal:
- (a) pursuant to section 121 of the Charities Act 2011 to give public notice of the proposed disposal for at least one month and to take into consideration any representations made within this notice period; and
 - (b) where there is no express power within the governing document of the Charity the charity trustee does not have the necessary powers to dispose of the Trust Land without obtaining an order or scheme from the Charity Commission authorising the disposal.
- 4.3.5 The Conveyance does not contain an express power allowing the charity trustee to dispose of the whole or any part of the land held on trust for the objects of the Charity. In previous disposals of land held on charitable trust by the Council it has in the appropriate circumstances relied on the power of sale contained in section 6 of the Trusts of Land and Appointment of Trustees Act 1996 which can be applied where the extent of the disposal is in proportion to the overall size of Trust so small that it will have no impact on the charity's ability to further its objects. Legal Services' advice is that this power can be relied on in the proposed disposal of the Trust Land.

4.4 Climate Implications

- 4.4.1 There are no climate implications arising from this report

4.4 Other Implications

- 4.4.1 None beyond those identified in this report

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1
1. There is an option to do nothing which would risk the property falling into disrepair. Doing nothing would not further the Charity's objectives and an opportunity to enhance and improve the facilities at Graves Park would be missed.
 2. An alternative option would be to provide another short-term license for the cricket club to occupy the Property for the duration of the cricket season only. However, Allama Iqbal cricket club wish to invest in the

facilities at Graves Park. and to secure grant funding, they need a lease.

3. A 1-year lease would allow the club to potentially obtain funding from the English Cricket Board for minor improvements. However, by the time the funding would be secured, it would not provide any benefit to the club as they would not have any guarantee of an extension to the use of the facility. It would also mean that due to the uncertainty of the future of the club, they would find it harder to recruit new members to play cricket in the park.

4. A 3-year lease would allow the club time to obtain grant funding from the English Cricket Board and other grant funders for minor improvements and for the club to benefit from this investment in future years. However, it would not allow the club time to develop a longer-term investment plan into the facility. It would give the club short-term security of playing location to allow them to recruit new members to play cricket in the park but would not allow them time to significantly engage and develop relationships with the local community and build grass-roots participation.

For these reasons, a 5-year lease is recommended.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The proposal to grant a 5-year lease of the Property:
- Secures an increased income stream by way of rent and a reduction of running costs for the Charity.
 - Enhances the provision of recreational facilities in the park as a valuable asset for use by the community in line with the charitable objects.
 - Complies with the statutory provisions contained within the Act and further with the requirements of the Charity Commission.
 - Allows security of tenure which the club can use to secure grant funding to improve the facilities in Graves Park.
 - Provides a “home ground” cricket facility for a local club that encourages development of grass roots sports in the community.

APPENDICES

1. Heads of Terms
2. Designated Adviser’s Report
3. Plans

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