

Charity Trustee Sub-Committee Decision Report

Title of Report: Update on potential alternatives to the use of Norton Nurseries as an operational base for Parks and Countryside services

Date of Decision: 25th November 2024

Report To: Charity Trustee Sub-Committee

Report Of: Ajman Ali, Executive Director – Neighbourhoods

Report Author: Ruth Bell, Head of Parks and Countryside

Executive Summary: This report updates the Charity Trustee Sub Committee on the progress made in identifying suitable alternatives to replace Norton Nurseries as an operational base to support the management and maintenance of local green spaces, including the Graves Park charity.

Name of charity and (if registered) charity number: Graves Park (Registered Charity number 510841)

Charitable Objects: Graves Park: The provision and maintenance of a park and recreation ground for use by the public with the object of improving their conditions of life.



Committee remit: This report is to be considered by the Charity Trustee Sub-Committee as its remit includes taking 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for reasons of duration, area of the asset impacted, or other restriction, including that permission may be granted or withdrawn for the regular or excessive use of an area of charitable land for recreational, business or other purposes by a single person or organisation
- Matters relating to land that is not itself charitable and other incidental matters which depend on or are directly related to a decision that must be made by the charity trustees subcommittee

Does the report contain confidential or exempt information? No

Recommendations:

The Charity Trustee Sub-Committee is recommended to:

1. Note the contents of this report.
2. Support the continued work to identify further options which will be brought back to this committee for consideration.

Financial Implications: No – Approved by Adrian Hart

Legal Implications: No – Approved by David Sellars

Equality and Inclusion Implications: No – Approved by Ed Sexton

Climate Change Implications: No

Background Papers: None

Appendices: Appendix A – Potential Sites for Consideration

1. Background to the issue

- 1.1 Graves Park is a charity, and the sole Trustee is Sheffield City Council, with this committee acting as sole corporate Charity Trustee and management provided by Parks and Countryside Services. The charitable trust is registered with the Charity Commission as Graves Park (Charity Registration Number 510841).
- 1.2 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.
- 1.3 The council has for several years been engaged in correspondence with the Charity Commission regarding several matters regarding the Graves Park Charity. This correspondence has been by letter or email and has previously been shared with this committee.
- 1.4 This correspondence was in part regarding the section of the Graves Park charity known as Norton Nurseries. The Charity Commission has asked for confirmation of how, and for what purpose, the Council is using Norton Nurseries and this information was provided to the Charity Commission in the Council's correspondence dated 5th March 2024, 19th July, and 27th September of this year.
- 1.5 The Charity Commission further advised that because the Trustee and the Council have not regularised any arrangements for the use of Norton Nurseries (in terms of setting up an agreement between the Council and the Trustees for the use of the park's charitable land) the Trustee has, in effect, been acting in breach of the Graves Park Charity 2009 Scheme and the Charities Act 2011.
- 1.6 A separate report will be submitted to the Charity Trustee Sub Committee to consider how these arrangements can be regularised in order to meet the requirements of the Graves Park Charity 2009 Scheme and the Charities Act 2011.
- 1.7 At the Charity Trustee Sub Committee meeting on 16th July 2024, the committee asked officers to explore any feasible sites that might be used as an operational base to replace Norton Nurseries in order that the charitable land can be restored to park land.
- 1.7 This report provides an update on the work carried out to date.

2. Proposal

- 2.1 The operational base currently located at Norton Nurseries supports the management and maintenance of a number of green spaces in the local area including parks, some Sheffield City Council social housing public realm as well as the Graves Park charitable site.

- 2.2 Notwithstanding the need to regularise this arrangement, in practical terms, it has worked satisfactorily for both the Graves Park charity and the Council. The charity does not own any plant or equipment of its own for the maintenance and upkeep of the park. The provision of the space by the charity to store Council equipment is compensated for by the Charity not having to invest in the provision and maintenance of equipment and the cost of Council officer time to use and maintain the equipment.
- 2.3 Work has been undertaken to review what options are available to the Council as alternatives to using Norton Nurseries.
- 2.4 There are several requirements of the operational base, including:
- Secure parking for vehicles including up to 10 vans, up to 20 ride-on mowers, 5 tractors, 3 compact tractors and 1 lorry grab and 1 cut and collect forager.
 - Secure storage for vehicle and machinery attachments.
 - Secure storage for c3500 litres of diesel (to DSEAR requirements).
 - Secure storage space for chemicals.
 - Storage for approximately 8 shipping containers for hand tools and power equipment.
 - Storage for trees ahead of planting.
 - Storage for deliveries.
 - Refuse area.
 - Space for green waste composting or removal
 - Welfare cabin and facilities for employees.
- 2.5 Existing depot estate
- 2.5.1 Sheffield City Council operates a small number of depots across the city. The estate is not significant, is heavily used, and is subject to a current review which will result in consolidation and reduction. Parks and Countryside currently operate out of a number of these.
- 2.5.2 The requirements for the entire Norton Nurseries operational base are significant and there is not enough capacity within any one depot to house the base in its entirety. As part of this review, we have therefore considered splitting operations alongside relocating to a single existing depot.
- 2.6 Larger sites suitable for entire operational base (or a large proportion of the base).
- 2.6.1 A number of sites were identified as potentially large enough to be used as an alternative to Norton Nurseries. Each option was assessed for feasibility of space and also its proximity to Graves Park and the surrounding areas. Unfortunately, none of the larger sites were suitable. The reasons for discounting the sites included the site being

allocated in the Council's draft local plan as a potential housing site or the site already being leased.

2.6.2 A list of these sites are included in Appendix A.

2.7 Alternative areas within Graves Park

We considered whether there are alternative areas within Graves Park that could be used as an operational base, allowing Norton Nurseries to be returned to park land. Given the ways in which Graves Park is used and the typography of the park, most of the site is not appropriate. We did however consider whether part of the Graves Park pavilion could be used for staff welfare and an office, and the pavilion car park used to store some of the plant and equipment.

2.7.2 In order to utilise another part of Graves Park as an operational base (or part of one) land that is currently utilised in some way as part of the park (either as active green space, car parking, or as a building used by the community) would need to be fenced and separated from the rest of the park. with no public access. As this option would restrict public access to the park, it is not recommended that this is a suitable alternative option.

2.8 Strategic Partner facilities

2.8.1 Some sites that are operated by our strategic partners have been considered. This work is ongoing and will be reported back to the next meeting of this Committee.

2.9 Private Land

2.9.1 We have explored whether there are any sites that could be leased or purchased by the Graves Park Charity and / or by Sheffield City Council as an alternative operational base. At the time of investigating, there were no suitable sites in an appropriate location. There were sites near Meadowhall for example, but that location would not be operationally possible for the maintenance and management of sites near Graves Park. It is important to note that this information was gathered at a point in time and that land to lease or purchase is likely to change. This option will continue to be explored.

2.10 Norton Nurseries Operational Base

2.10.1 One of the options that is being explored is the feasibility of retaining operations in Norton Nurseries, but on a smaller scale, allowing some of the site to be returned to park land. The exact configurations and the implications (such as whether this would allow the Friends of Graves Park to restore the third section of the site as they wish) has not yet been established. This option requires an alternate site or multiple sites to be created and operational functions to be divided. This option will continue to be explored.

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

- 3.1 Removing the operational resources that are used for management and maintenance of green spaces outside of Graves Park from Norton Nurseries would allow the site to be restored to park land and allow the park to fulfil its charitable objectives of the provision and maintenance of a park and recreation ground for use by the public with the object of improving their conditions of life.
- 3.2 Exploring options for alternative operational bases will allow the Trustee to decide on behalf of the charity as to which option is in the best interest of the charity.

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

- 4.1 No specific engagement has been undertaken regarding this work to date. The requirements to carry out this piece of work establishing and assessing options was set out in correspondence with the Charity Commission recently and in correspondence with the Friends of Graves Park. Community and partner engagement will be carried out when options become more refined.

5. What alternative options did we consider?

Alternative Option 1:

Do Nothing

This option was rejected because it would ignore the requests of the Friends of Graves Park to restore the Norton Nurseries to park land and would prevent the Trustee from fully discharging its duty to act in the best interests of the Graves Park charity.

Alternative Option 2:

Offer options to the Trustee for consideration and allow Trustee to fully discharge its duty to act in the best interests of the Graves Park charity.

This option has been recommended and work is ongoing to establish what the options are for the operational base to support the management and maintenance of green spaces including Graves Park and this will then be put to the trustee.

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

- 6.1 This is an update report with no proposal for change contained within it. These will be considered in any recommendations subsequently presented to this Committee.

7. Financial and Commercial Implications

- 7.1 There are no financial or commercial implications arising from this report. When the financial implications are known, these will be considered in any recommendations subsequently presented to this Committee.

8. Legal Implications

- 8.1 There are no legal implications arising from this report. These will be considered in any recommendations subsequently presented to this Committee.

9. Climate and Environmental Implications

- 9.1 There are no climate or environmental implications arising from this report. These will be considered in any recommendations subsequently presented to this Committee.

10. Other implications

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

11. Reasons for decision

- 11.1 The recommendations in this report acknowledge the work to date to explore any feasible sites that might be used as an operational base to replace Norton Nurseries in order that the charitable land can be restored to park land.

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