

## Charity Trustee Sub-Committee Decision Report

<b>Title of Report:</b>	Endcliffe Park - Ice Cream Operator Licence 2025
<b>Date of Decision:</b>	25 <sup>th</sup> November 2024
<b>Report To:</b>	Charity Trustee Sub-Committee
<b>Report Of:</b>	Ajman Ali, Executive Director; Neighbourhood Services
<b>Report Author:</b>	Ruth Bell, Head of Parks & Countryside / Jo Pearce, Service Manager-Business and Partnerships.

**Executive Summary:** This report sets out the tendering process for an ice cream operator for Endcliffe Park, including a summary of the response to the tender and recommendations for entering into a licence with a new operator.

**Name of charity and (if registered) charity number:** Endcliffe Park (1112149)

**Charitable Objects:** Public walks and pleasure grounds



### **Committee remit:**

This report is to be considered by the Charity Trustee Sub-Committee as its remit includes:

The Charity Trustee Sub Committee shall take all decisions of the council's 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for reasons of duration, area of the asset impacted, or other restriction, including that permission may be granted or withdrawn for the regular or excessive use of an area of charitable land for recreational, business or other purposes by a single person or organisation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? [Yes]**

Appendix 1 is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).”

### **Recommendations:**

The Charity Trustee Sub-Committee is recommended to:

1. Note the contents of this report.
2. Approve the grant of a 7-year licence to the selected operator for ice cream provision in Endcliffe Park with a condition that an E-Power Zero Emission Vehicle is used by the end of Year 2 of the licence period.
3. Delegate authority to Property Services and Parks and Countryside to issue a licence on the terms proposed.

**Financial Implications:** [Yes] Approved by: Kerry Darlow

**Legal Implications:** [Yes] Approved by: Leonie Wallace

**Equality and Inclusion Implications:** [Yes] Approved by: Ed Sexton  
Initial Equalities Impact Assessment completed with EIA number: 2791

**Climate Change Implications:** [Yes] Approved by: Laura Ellendale

**Background Papers:** [ENDCLIFFE Form 2 - Charity Trustee Sub-Committee Decision Report - Ice Cream Tender - V13.8.24.docx](#)

**Appendices:** Appendix 1 - Summary of proposals received

## 1. Background to the issue

- 1.1 At the meeting held on the 9<sup>th</sup> September 2024, the Charity Trustee Sub-Committee approved officers to go out to the market to procure an ice cream operator for Endcliffe Park and asked that a subsequent report be brought back to this committee with recommendations for consideration.
- 1.2 A tendering process has subsequently been undertaken and this report sets out the recommendations from that tender.

## 2. Proposal

- 2.1 The interest received is detailed in Appendix 1 together with an assessment and rationale for the selection of the operator.
- 2.2 It is proposed to grant a 7-year licence to the selected party.
- 2.3 The selected operator has confirmed that all its vans are Euro 6 rated and that it would look to procure an additional E-Power Zero Emission Vehicle for this park if successful with this offer. It is understood that there is a current waiting period of 12 months from the date of order to the vehicle being delivered.

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

- 3.1 The charitable object of *Endcliffe Park* is: *'the provision of 'Public walks and pleasure grounds.'*
- 3.2 The provision of an ice cream offer within the park provides a rental income which contributes towards the budget to provide management and maintenance of the park, and subsequently enabling the charity to meet its object.

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

- 4.1 As outlined in the report taken to Charity Sub Committee on the 9<sup>th</sup> of September 2024, due to the nature of this proposal, there has been no formal community or partnership engagement. However, anecdotal feedback shows that the current ice cream offer is well used and has become an expectation of visitors to the park.

## 5. What alternative options did we consider?

Alternative Option 1 – Do nothing

There is the option to not offer a license to any of the operators who have bid. This would mean there would be no provision for this type of offer within the park and would impact on the rental income for the charity which contributes directly to the management and maintenance of the park. This would have a detrimental impact on the quality of the visitor experience. This option has therefore been rejected.

Alternative Option 2 – Select the operator who offered less than the highest bidding operator.

There's a possibility that zero emissions from the Ice Cream vans could be achieved sooner should the recommended operator not be awarded the licences, however the recommended operator does indicate a strong conviction to moving towards zero emissions and this would be achieved within a managed time period, and in line with the 2030 City goals. This would mean accepting an offer which would not be the best financial deal for the charity. This option has therefore been rejected.

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

- 6.1 As outlined in the report taken to the Charity Sub Committee on the 9<sup>th</sup> of September, there are no direct equality implications arising from this proposal. However, in broad terms, any measure that might reduce emissions and improve air quality is consistent with tackling health inequalities and impacts relating to other factors (e.g. age).

## **7. Financial and Commercial Implications**

- 7.1 Of the 5 bids received, 3 of the operators were known to the council as they had previously held licences for ice cream operations. In assessing these proposals, the following criteria were considered:
- Level of fee income receivable and ability to meet and pay the proposed Licence Fee.
  - How the operator would work with Sheffield City Council to achieving net zero by 2030.

## **8. Legal Implications**

- 8.1 When making any decision the trustee has a duty to ensure that the decision is in the best interests of the charity and should not allow any extraneous reasons, including Council policies or plans take precedence over that duty.

- 8.1 The grant of a licence is not classed as a disposal in the charity legislation nor by the Charity Commission. There is therefore no requirement to comply with the restrictions on disposal set out in the Charities Act 2011.
- 8.2 It is for the Committee acting for the Trustee to decide if the grant of the licence is in the best interests of the charity, if it fulfils the charity's object and if the deal proposed with the preferred bidder is the best that can reasonably be achieved.

## **9. Climate and Environmental Implications**

- 9.1 Within the last tender process, Euro 6 compliance was implicit which went some way towards a more sustainable approach. However, Ice Cream vans need to keep their engines running in order to power the freezers which store their produce. This results in vehicle emissions in Endcliffe Park, and also near to the children's play area which is not ideal.
- 9.2 Over recent years and as advances in technology have allowed a better understanding of the impact of diesel engines and black carbon in particular, the ice cream van sector has moved to reduce or eliminate idling altogether by means of solar refrigeration and the use of electric vehicles.
- 9.3 To support Sheffield's commitments to reduce city and Council emissions to net zero by 2030, we invited proposals for Ice Cream concessions for Endcliffe Park which evidence minimal negative environmental impact.
- 9.4 Officers have discussed options with the existing Ice Cream Van operators for a sustainable and environmentally friendly future. The approval at the 9<sup>th</sup> of September Charity Trustee Sub Committee to offer a longer tenure, would support operators in moving towards greener solutions.
- 9.5 This proposal aligns with the 10 Point Plan for Climate Action, Our Council and The Way We Travel decarbonisation route maps and other work being undertaken in relation to electric vehicle charging infrastructure.

## **10. Other implications**

10.1 There are no other implications arising from this report.

## **11. Reasons for decision**

- 11.1 The selling of ice cream contributes to the objects of the Endcliffe Park charity, providing amenities within recreation and pleasure grounds for use by the public. It has also become an expected part of visitors' park experience.
- 11.2 Generating an income allows the council as sole trustee to support the management and maintenance of the park and in turn contribute to the charity objects.
- 11.3 The offer from the selected operator is financially better than the other bids. Based on our knowledge of this operator and payment history we have no concerns over its ability to meet the level of fees proposed or the terms of the licence.

This page is intentionally left blank