

Charity Trustee Sub-Committee Decision Report

Title of Report:	Lease of property at High Hazels Park forming part of Tinsley Golf Course,
Date of Decision:	25 th November 2024
Report To:	Charity Trustee Sub-Committee
Report Of:	Ajman Ali, Executive Director of Neighbourhoods
Report Author:	Joanne Holland, Programme Lead / Ian Wrightson, Land & Property Surveyor

Executive Summary:

The purpose of this report is to outline Sheffield City Council's new operating arrangements for the leisure facilities, which includes Tinsley Golf Course and to advise the Committee on a proposed associated leasehold disposal of property and seek approval to the grant of an interim Tenancy at Will.

Name of charity and (if registered) charity number:

High Hazels Park (Charity Registration Number 1183830).

Charitable Objects:

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 of which charitable trustees should be aware in accordance with Charity Commission Guidance
- 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for reasons of duration, area of the asset impacted, or other restriction, including that permission may be granted or withdrawn for the regular or exclusive use of an area of charitable land for recreational, business or other purposes by a single person or organisation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 Trustee Sub-Committee

Does the report contain confidential or exempt information? Yes

The Appendix 2 of this report is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).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. Agree that the Charity enter into a Tenancy at Will with the provider on the terms as set out in the appendix to this report.
3. Note that a further report will be brought back to this Committee to seek the necessary approvals for the leasehold disposal once these have been negotiated.

Financial Implications: [Yes] Approved by Louise Hibbert

Legal Implications: [Yes] Approved by David Sellars

Equality and Inclusion Implications: [Yes] Approved by Ed Sexton

Full Equalities Impact Assessment completed with EIA number: 2984

Climate Change Implications: [Yes] Approved by Joanne Holland

Background Papers:

[Form 2 - Leisure Review Final Report 08112021](#)

Appendices:

Appendix 1 Plan

Appendix 2 TAW Terms



1. Background to the issue

- 1.1 High Hazels 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. Management of the Charity is provided by Parks & Countryside Services. The charitable trust is registered with the Charity Commission as High Hazels Park (Charity Registration Number 1183830).
- 1.2 High Hazels Park is registered at HM Land Registry and is shown shaded pink on the plan attached to this report, (Appendix 1).
- 1.3 The Property comprises of the area shown hatched on the plan and includes the Grade II listed Club House and part of the Golf Course.

2. Proposal

- 2.1 The Park is managed by the Parks & Countryside Service and the Golf Course and Club House are currently managed by Sheffield City Trust (SCT). The arrangement between SCC and SCT is in the process of being wound up and the current arrangements will contractually end on 31st December 2024. The Council has identified Everyone Active (EA) as the preferred operator for the sites currently managed by SCT, including Tinsley Golf Course. The commercial arrangements will involve granting leases to EA the terms of the lease are still being negotiated.
- 2.2 The Council is currently awaiting information required to conclude the commercial negotiations in relation to Tinsley Golf Course and in the meantime, it is proposed that a Tenancy at Will (TAW) is entered into with EA to facilitate occupation and operation of the golf course facilities. The TAW will commence on the 2nd of January 2025 being the first day that the golf club will be open for play after the SCT arrangements end.

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

- 3.1 The provision of golf facilities in the park is seen as fulfilling the charitable objects, as it provides facilities for recreation and leisure time in a place where the public can socialise, play sport and enjoy the outdoor space.

The proposed new operator agreement contributes to the charitable objects of the park and provision of service and maintenance of the facilities as follows: -

- Retention of a popular golf facility.
- Potential for provision of a café within the golf course meeting demands of the major City Park and golf facilities.

- Provision of public toilet facilities.
- Remove the liability of insurance.
- Remove the liability of maintenance from the Charity.

Working in partnership with the new operator, EA, allows future investment and regeneration of the facilities, aligning with the charitable objects by creating a more welcoming open space to socialise and in particular play sport. The facilities will better meet customer expectations of a welcoming leisure offer. This compliments the Council's vision and will encourage more people to be more active, more often particularly contributing to the City's Move More outcomes and ambitions within in Sheffield's Sport & Leisure Strategy.

- Increased social value.
- Affordable public access through concessionary pricing.
- Addressing inequalities and promoting activity and participation in our most deprived communities.
- The Charity maintaining policy and asset control.
- Improving the quality of the golf course facilities for users and visitors to the park.

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

- 4.1 A significant consultation exercise was carried out in December 2021 - January 2022 which captured the views of over 2000 residents. This consultation carried out sessions with target communities to ensure we heard from residents in communities across the city. This has helped to shape future investment priorities for our sport and leisure estate which includes charitable land.

5. What alternative options did we consider?

- 5.1 Alternative management models considered:
- Three possible options for the future management of facilities were considered, this included in-house a Local Authority Trading Company (LATC) and appointment of an external partner. The in-house and LATC options were not selected as they were more expensive and presented a greater level of financial uncertainty and risk. They also would not allow for the level of investment needed to offer significantly improved leisure facilities.
 - Doing nothing was not a viable option. SCT are in the process of winding up, therefore, the current arrangements will contractually

end on 31st December 2024. Therefore, it was imperative that an alternative management model was identified.

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

- 6.1 The proposals identified within this report are expected to have positive equality of opportunity impacts as investment in facilities will help to keep facilities open and reduce barriers to participation.

7. Financial and Commercial Implications

- 7.1 This is a requirement within the terms of the overall agreed Leisure Strategy and will enable the new provider to deliver the required services at this facility.
- 7.2 The operational costs of running Tinsley Golf Course will be fully met within the wider Leisure Procurement which is currently active. Its inclusion enables the Charity to continue offering these facilities.

8. Legal Implications

- 8.1 When entering into the TAW and negotiating the terms of the proposed Lease agreement, officers must be aware that the overall agreement must be in the best interest of the charity.

A TAW is not a disposal for the purposes of the charities legislation and does not require notices advertising the proposed TAW. The requirement for a Designated Advisor Report is also disapplied.

A TAW is a recognised form of agreement that parties enter into when they are still in the process of negotiating the terms of a Lease but in the interim the proposed tenant needs to be in use and occupation prior to completion of the Lease.

A TAW does not give the tenant any proprietary rights in the premises. It is personal to the tenant, is not assignable and will not allow for underletting.

A TAW can be brought to an end by either party without notice and without a reason.

Other matters regarding what processes need to be gone through before entering into the Lease and the legal implications will be addressed in the next report that is brought for a decision.

9. Climate and Environmental Implications

- 9.1 The new operator will work in partnership with the authority as Trustees of the Charity putting climate at the centre of our decision-making and working towards reducing Council emissions to net zero by 2030.

10. Other implications

- 10.1 The Local Government Association's Securing the Future of Public Sport and Leisure Services report, published in September 2021 in partnership with the Association for Public Service Excellence (APSE) and Chief Cultural and Leisure Officers Association (CLOA) evaluates the current state of public sport and leisure services and sets out recommendations to ensure the survival and development of the sector. The report confirms that investment in public sport and leisure facilities and services is key to levelling up the health of the nation, and therefore supports the object of the charity in "improving conditions of life", by tackling health inequalities and supporting climate change targets.

The report illustrates that regular physical activity reduces the risk of serious illness and disease. With obesity rates forecast to cost £9.7 billion per year by 2050, the LGA report advises that delivery of low-cost facilities and social prescribing opportunities from councils is key in responding to this crisis, addressing health inequalities, and reducing the burden on the NHS and public health services which again compliments the objects of the Charity by improving the conditions of life.

11. Reasons for decision

- 11.1 The proposal will ensure that the Golf facility is retained for use by the public, this includes provision of public toilet facilities for users of the park. The new operator, EA, is long established in the UK and will bring a wealth of expertise in managing the golf facilities. Their mission is to encourage more people to take part in physical activity which aligns with the Council's Sport and Physical Activity Strategy.

The contract with EA will include the requirement to insure and maintain the facility, this will remove this liability from the Charity.

This page is intentionally left blank