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 Service
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Report of: Mick Crofts
 Interim Executive Director of Place

Report to: **Cabinet (acting as the Trustees of Hillsborough Park)**

Date of Decision: **17th February 2021**

Subject: **Lease of land at Hillsborough Park, Sheffield to Disability Sheffield**

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
- Expenditure and/or savings over £500,000	<input type="checkbox"/>		
- Affects 2 or more Wards	<input type="checkbox"/>		
Which Cabinet Member Portfolio does this relate to? Finance and Resources			
Which Scrutiny and Policy Development Committee does this relate to? Economic and Environmental Wellbeing Scrutiny and Policy Development Committee			
Has an Equality Impact Assessment (EIA) been undertaken?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? TBC			
Does the report contain confidential or exempt information?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-			
<p><i>“Appendix 1 & Appendix 2 to this report are not for publication because they contain exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>			

Purpose of Report:

This report seeks the approval of Cabinet acting as the Charity Trustee of Hillsborough Park (Registered Charity Number 510841) (“the Charity”) to grant a lease of land to Disability Sheffield in connection with its Sheffield Cycling 4 All project.

Recommendations:

The following decisions are recommended to Cabinet acting as Charity Trustee:

- R1.** Approve the leases of the subject properties to Disability Sheffield based on the terms set out in Appendix 1 of this report
- R2.** agree that the Trustees are satisfied that the proposed terms are the best that can be reasonably obtained in the circumstances based upon consideration of the commercial details in Appendix 1
- R3.** Approve the grant of a charge over the legal title of the Trust in relation to grant funding as set out in the report.
- R3.** Authorise the Chief Property Officer in consultation with the Director of Legal and Governance to negotiate the terms of the lease with the proposed lessee and the Director of Legal and Governance to prepare and complete all the necessary legal documentation in accordance with the agreed terms and in respect of a charge over title.

Background Papers:

Appendix 1: Confidential – Commercial Details

Appendix 2: Hillsborough Park Title Plan

Appendix 3: Plans showing Lease Demise

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: Paul Schofield
		Legal: David Williams
		EIA: Annemarie Johnston
<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	EMT member who approved submission:	Laraine Manley
3	Cabinet Member consulted:	Cllr Terry Fox, Cabinet Member for Finance and Resources Cllr Mary Lea, Cabinet Member for Culture, Parks and Leisure
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 Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Tammy Whitaker	Head of Regeneration and Property Services
	Date: 08/02/2021	

1. BACKGROUND

- 1.1 Hillsborough Park is held as a charitable trust, (further details of which are set out later in this report) with Cabinet acting as sole corporate Charity Trustee. The Park is managed by the Parks & Countryside Service. Annual revenue expenditure for the running of the park is generally greater than revenue income and the City Council funds a significant annual deficit.
- 1.2 Hillsborough Park historic buildings complex is made up of a number of important, historical and architectural buildings including, Hillsborough Hall, a residential lodge, derelict former lodge, Potting Shed, walled garden, Pavilion and a Grade II listed former Coach House that is to be renovated and converted with grant assistance. The park boundaries are shown on the attached title plan.
- 1.3 Sheffield Cycling 4 All is a project run by Disability Sheffield who have been running inclusive all-ability cycling in Hillsborough park for over 10 years.

The operation is run from 2 steel container units located adjacent to the former Coach House and in order that the Coach House renovation works can commence the containers must be relocated by the end of February 2021. An alternative location has been identified at the north

eastern edge of the park as shown coloured pink on the attached plan.

- 1.4 Sheffield Cycling 4 All is a project run by Disability Sheffield: Centre for Independent Living, a small local charity (registered charity Number 1112712).

Disability Sheffield is run and controlled by Disabled people. Since 2003, it has enabled Disabled people in Sheffield to overcome the barriers that prevent them from being fully included in society. It works alongside Disabled people, organisations that represent them, the statutory and voluntary sectors, and the wider community to promote inclusion, choice and control, encourage independent living, giving a collective voice to one of Sheffield's lesser heard communities and challenge negative perceptions of disability.

Disability Sheffield delivers a range of services and projects including advocacy and information, support for people in receipt of a direct payment, a self-advocacy group for people with a learning disability or autism and delivers training, including disability equality. It facilitates the Disability partnership, providing a collective voice for Disabled people and works to make Sheffield a more inclusive city.

Sheffield Cycling 4 All has been in existence for over ten years. The project aims to get everyone cycling. It has over 32 different trikes and bikes and ways of adapting them. The Charity is the only inclusive cycling group in South Yorkshire for adults with disabilities and/or long-term health conditions.

In March 2016 Disability Sheffield reinitiated the project and in 2018 secured a five-year grant from The National Lottery Community Fund to enable it to offer daily cycling sessions. Since then, the user base has expanded dramatically with sessions running at full capacity for most of the year.

During the pandemic, Sheffield Cycling 4 All has, whenever safe and legal, continued to offer cycling, with pre-booked 1-hour cycling slots in Hillsborough park, as well as continuing to engage and support with its community with online Zoom classes – Yoga 4 All and Move & Chat.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The charitable objects of the Charity are *“the provision and maintenance of a park and recreation ground for use by the public with the object of improving their conditions of life”*.

- 2.2 The proposed lease will contribute to the provision and maintenance of the park as follows:

- (a) Provision of activities via cycling sessions that give people with disabilities the opportunity to ride a wide array of adapted trikes in

the safe surroundings of the city's Hillsborough Park.

- (b) Generate rental income which will be retained by the Charity and used for the purposes of the objects of the Charity, as set out at paragraph 2.1 above.

2.3 The proposal aligns with the objectives of the Council's 5-year Better Parks Initiative and the agreed partnership principles.

Better Parks is Sheffield's five-year initiative, which was approved by Cabinet in 2018, that seeks to sustain and improve our parks and green spaces by increasing commercial interest and income. Its vision is to deliver better services for Sheffield's parks and green spaces by growing economically viable ventures. For example, more and better catering opportunities, increased social value initiatives through complementary sponsorship and new franchises. The overall approach of the Disability Sheffield's proposal meets this criteria allowing investment and regeneration:

- Affordable public access
- Addressing inequalities and promoting activity and participation in our most deprived communities
- The Council maintaining policy and asset control
- Improving quality across all our facilities in all areas of the city
- Seeking and supporting partnerships that are aligned with the Council's priorities and values
- Ensuring potential partners are viable and sustainable.

Hillsborough Park is also included within a further project called "Active Parks". Active Parks are high quality, well designed and managed green spaces which have refreshments and toilets, provide a range of sport, leisure and recreational facilities that attract a wide range of users, and have the active involvement of a variety of community and sport groups. Disability Sheffield's proposals will add key facilities that will make a significant contribution to Hillsborough Park's role as an active city park. Consequently, it will encourage social interaction, visitors to stay longer in the outdoors, bring new users to the park and increase opportunities for the community connections needed to get people more active hence promoting Health & Wellbeing.

Further to Hillsborough Park having activities that attract people of all ages and abilities there are a number of additional developments in progress, which will help contribute, including:

- Playground improvements – the first phase of which is to be delivered in autumn 2020.
- Age UK Coach House café development. This project represents approximately £1m of investment including a major Heritage Fund award, which will renovate the dilapidated Grade II listed Coach

House and deliver much need café and toilets for Hillsborough Park. This project is to be implemented during 2021.

- Hillsborough All-Wheeled Bike Park and its associated activation programme and infrastructure improvements.
- Hillsborough Park Activity Hub. The Parks and Countryside Service is working with a number of partners, including Together Active, Sport England and the Lawn Tennis Association to draw up proposals for significant improvement in the tennis and activity provision in the park – this will also link to supporting tennis improvements and services at key sites across Sheffield.
- Hillsborough Park infrastructure improvements. P&C Service are planning a range of path network and drainage improvements to improve the park's function as an events space and to accommodate its use for multi-model exercise. This work will be undertaken in partnership with key stakeholders, including Cycling 4 All and Tramlines Festival Ltd.

The combination of all of these improvements will support the ambition for Hillsborough Park to seek Green Flag award status. This award is the hallmark for quality parks and open spaces, both nationally and internationally.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

- 4.1.1 Overall, this proposal will have a positive impact on Hillsborough Park's Disabled users and members of Cycling 4 All.

The provision of the storage units, which will enable uninterrupted Disabled cycling activities. It is vital that Cycling 4 All continue to operate, and the provision is important to making green spaces more widely accessible, and consequently should encourage social interaction, visitors to stay longer in the outdoors, bring new users to the park and increase opportunities for the community connections needed to get people more active hence promoting Health & Wellbeing.

There are no negative impacts identified.

4.2 Financial Implications

- 4.2.1 The proposed lease will generate a small new rental income to defray the costs of maintaining the park on behalf of the Trust in accordance with its charitable objects.
- 4.2.2 Each party is responsible for its own professional and legal costs in connection with this transaction.

4.3 Legal Implications

- 4.3.1 Hillsborough Park ("the Park") is freehold land, registered to The Sheffield City Council at HM Land Registry under title number

SYK614112.

- 4.3.2 The Park was acquired by Conveyance dated 30 September 1890 made between (1) James Willis Dixon, Samuel Shepperson Dixon and George Dixon, and (2) The Mayor Aldermen and Citizens of the City of Sheffield, under the powers of the Public Health Act 1875, for the purpose of public recreation.
- 4.3.3 The Park is held as a charitable trust registered with the Charity Commission (Charity Registration Number 510841). The objects of the charity are “the provision and maintenance of a public park and recreation ground in Sheffield for the use of members of the public resorting thereto with the object of improving their conditions of life”.
- 4.3.4 The Council is the sole corporate trustee (“Trustee”) and all decisions concerning matters related to property or assets held by the Council on trust are made by the Cabinet.
- 4.3.5 The site for the Cycling for All storage containers (“the Property”), forms part of the Park and the law sets out clear requirements to ensure that the lease of the Property is properly managed in the charity’s interests.
- 4.3.6 In this case, Cabinet approval is required for the proposed lease but approval from the Charity Commission is not required for the following reasons:
- the proposed disposal is a lease from one charity to another charity and both charities have similar/same charitable objects.
 - the lease of the Property will not alter Hillsborough Park’s purposes and the terms of the lease will ensure ongoing compatibility with the objects of the charity; and
 - the Property forms only a very small proportion of Hillsborough Park its disposal will not affect the ability of the Trust to carry out its charitable objects. The Trust is therefore able to rely on the *de minimis* exception applied by the Charity Commission.
- 4.3.7 As the land is held on trust for a specific purpose (i.e., designated land), public notice of the proposed disposal has been published in the Sheffield Telegraph, inviting representations to be made within one month from the date of the notice. Trustees must take into consideration any representations about the proposed disposal made to them within that time.
- 4.3.8 Other relevant powers governing the disposal of open space land include:
- section 123 of the Local Government Act 1972, which provides that the council may dispose of land held by it in any manner it wishes subject to certain conditions, and

- section 10 of the Open Spaces Act 1906, which provides that the Council holds and administers the open space in trust to allow the enjoyment of it by the public as an open space and for no other purpose.

4.3.9 All additional conditions for disposal have been met and the terms of the lease will ensure the ongoing enjoyment of the Properties by the public.

4.3.10 The lease will be excluded from the provisions of part 2 of the Landlord and Tenant Act 1954. As a result, once the leases come to an end the tenant will have no rights to request a renewal or compensation should they come out of possession.

4.4 Other Implications

4.4.1 The grant of the proposed new leases to Disability Sheffield will align with the Council's strategic aims under The Better Parks Initiative.

5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 The inclusive cycling project in Sheffield was set in 2009 and when the funding for the project ran out it relaunched as Sheffield Cycling 4 All in 2014 thanks to funding from the Big Lottery and support from the CTC.

Disability Sheffield came on board to help with the running of the project and secured a grant from money raised through The Health Lottery. The funding has enabled Sheffield Cycling 4 All to run year-round sessions and reduce the cost for everyone who comes along. The project now employs a part-time development worker depends upon a team of volunteers.

There is no better option to deliver these services.

6. **REASONS FOR RECOMMENDATIONS**

6.1 The proposal to grant a lease to Disability Sheffield will achieve:

- Continued provision of all-ability cycling sessions in the safe surroundings of the city's Hillsborough Park.
- Inclusive for the benefit of new and existing users of the park.
- Increased community use of the park.
- Increased presence in the park which may reduce anti-social behaviour.
- Increased income stream for the Trust which can be reinvested in the Park.
- Enhancement of the quality and attractiveness of the park as a valuable asset for visitors.

- Occupation for the purposes of the charitable objects of the Trust.
- Compliance with the provisos contained within the power granted to the Trustee by the Scheme and with the statutory provisions contained within the Act and further with the requirements of the Charity Commission.

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