



SHEFFIELD CITY COUNCIL

Cabinet Report

Report of: Simon Green: Executive Director PLACE

Date: 17th July 2013

Subject: **The Hillsborough Park Charitable Trust:
Former Public Conveniences, Parkside Road**

Author of Report: David Cooper (2734350)

Summary:

This report seeks Cabinet approval to declare the redundant public conveniences within Hillsborough Park, facing on to Parkside Road, surplus to requirements Hillsborough Park is held on charitable trust and therefore consent from Cabinet Members acting as Charity Trustees is required. This disposal, by way of a long lease for a term of 400 years via a private treaty sale and this disposal will generate a capital receipt This will be reinvested by the Council, as Trustee of the Charity, back into the upkeep of Hillsborough Park subject to a Charity Commission approved scheme.

Reasons for Recommendations:

Recommendations:

That Cabinet acting as Charity Trustees in accordance with the powers given to the Council as Trustee under the provisions contained in the Trusts of Land and Appointment of Trustees Act 1996:

- R1: Declare the former public convenience building on Parkside Road surplus to the Hillsborough Park Charity's requirements.
- R2: As Trustee of the Hillsborough Park charitable trust to approve the disposal by long lease of the former public convenience building on Parkside Road. In accordance with the terms of this Report and a Surveyor's Report in compliance with Section 119(1) Charities Act 2011
- R3: Authorise the Director of Capital & Major Projects to instruct the Director of Legal & Governance to prepare and complete all the necessary legal documentation in accordance with the agreed terms and Charity Commission requirements to conclude this disposal.

- R4 Authorise the Director of Legal & Governance to contact the Charity Commission and take such steps and enter into such documents are required by the Charity Commission in order to give its consent to the disposal
- R5 Authorise the Director of Capital & Major Projects or the Director of Legal & Governance to give public notice in accordance with Section 121 Charities Act 2011, in the local press to notify people within the beneficial area of the charity that the Charity Trustees intend to dispose of the leasehold interest in the former public convenience building on Parkside Road.

Background Papers:

Category of Report: Open / Part Closed – ‘Appendix Two is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended)’

Statutory and Council Policy Checklist

Financial Implications
YES: Paul Schofield
Legal Implications
YES: David Blackburn
Equality of Opportunity Implications
NO
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
YES: Dave Wood
Area(s) affected
Relevant Cabinet Portfolio Leader
Cllr Isobel Bowler
Relevant Scrutiny Committee if decision called in
Economic and Environmental Wellbeing Scrutiny & Policy Development Committee
Is the item a matter which is reserved for approval by the City Council?
NO (Cabinet acting as Charitable Trustees)
Press release
YES

The Hillsborough Park Charitable Trust: Former Public Conveniences, Parkside Road

1.0 SUMMARY

- 1.1 This report seeks approval from Cabinet in their capacity as the Hillsborough Park Charity's Trustees to declare the redundant Parkside Road public convenience building in Hillsborough Park surplus to the Charity's requirements.
- 1.2 The building, shown by red outline on the attached plan (Appendix One) was first closed as part of a review of public conveniences approved by Cabinet in May 2003. In an active attempt to attract suitable expressions of interest for alternative uses, the property has been advertised over a number of years but without success. During this period, the redundant property has further deteriorated and been subject to vandalism. A private treaty sale has now been agreed in principle following interest received recently to convert the premises into either a confectionary retail unit or beauticians or other suitable use as defined by the Planning Authority, and subject to the normal planning permissions and approvals.
- 1.3 This disposal will convert what is a current liability into an asset for the Hillsborough Park Charity and attract a capital receipt, subject to an approved Charity Commission scheme.

2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE

- 2.1 The proposed disposal will remove a local eyesore and will allow a property which is currently in disrepair to be refurbished to provide a new local business opportunity for the benefit of the park and the wider local community.
- 2.2 Subject to a Charity Commission approved scheme, the disposal by way of a restricted long term lease will generate a capital receipt. The proceeds will be reinvested by the Council, as Trustee of the Charity, back into the upkeep of Hillsborough Park.

3.0 OUTCOME AND SUSTAINABILITY

- 3.1 The disposal of the property will bring a redundant/derelict building back in to use. It will create a new local business opportunity and benefit the Hillsborough Park Charity by converting what is a current liability into an asset. This will also generate a capital receipt which will then be reinvested into the Park by the Council, as Trustee of the Charity subject to charitable objects and the requirements of the Charity Commission.

4.0 LEGAL, PROPERTY & CHARITY IMPLICATIONS

- 4.1 Hillsborough Park is a major city park and held on charitable trust for 'public walks and pleasure grounds'. The legal implications relating to

this charitable status further informs the recommendations being made to Cabinet as Trustees which follow within this report

- 4.2 The granting of a lease to another person constitutes a disposal of the charitable land here and must comply with all relevant legal requirements. The overriding principle governing the disposal of charitable land is that the Charity Trustees must be satisfied that the terms on which the disposition is proposed to be made are the "Best Price reasonable in the circumstances..
- 4.3 In accordance with the Charities Act 2011 a Section 119(1) Qualified Surveyor's Report dated 26th April 2013 has been prepared which advises that the offer represents 'Best Price' and that it meets with the estimate of Market Value as defined by the latest Royal Institution of Chartered Surveyors Valuation Professional Standards. The Council as Trustee must obtain best price for the disposal and any disposal should be on the basis as set out in the Surveyor's Report.
- 4.4 The Qualified Surveyor's Report has been prepared in accordance with instructions from the Council that the interest to be conveyed will be leasehold with certain restrictions on the property's use.. This is to protect the Park Service's long-term ambitions for the provision of a café within the park, in accord with previous community consultations and park user feedback received. This community aspiration for a park café to be provided is currently subject to present market conditions and any future external funding opportunities.
- 4.5 Prior to exchanging contracts it will be necessary for the Charity Trustees to give notice under Section 121 Charities Act 2011. The Notice will advertise the Charity Trustees general intention to dispose of the leasehold interest in the former public conveniences. If they fail to give notice, the agreement for the disposal will be invalid.

5.0 FINANCIAL IMPLICATIONS

- 5.1 The disposal will attract a capital receipt. All money raised from the disposal of charitable land will be retained by the Council as Trustees of the Charity. This capital must be reinvested into Hillsborough Park in accordance with the charitable objects as detailed in paragraph 4.1. ..Any wish to use the capital outside these objects would require the consent of the Charity Commission, which would not be granted unless they could be satisfied that the proposal was in the best interests of the charity.
- 5.2 Further details of the financial arrangements that have been negotiated and agreed in principle are contained in Appendix Two.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 The property is surplus to the Council's and Charity's requirements.

Demolition would incur further costs to the Charity. The property has previously been advertised on the open market to attract expressions of interest and seek suitable alternative uses.

7.0 REASONS FOR RECOMMENDATIONS

7.1 The disposal of the surplus property will convert this current liability into an asset and will benefit the Charity and the local community by :

- removing a long term maintenance liability / eyesore;
- providing a new local business opportunity;
- generating a capital receipt for reinvestment back into the Park;
- obtaining the Best Price overall.

8.0 REASONS FOR EXEMPTIONS

8.1 This report is presented as a partially closed item because extracts within the Surveyors Report in Appendix Two (Three?) contain exempt information under paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended). The reason for this exemption is because this contains information relating to the financial or business affairs of a particular person.

9.0 RECOMMENDATIONS

That Cabinet acting as Charity Trustees and in accordance with the powers given to the Council as Trustee under the provisions contained in the Trusts of Land and Appointment of Trustees Act 1996

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