

# SHEFFIELD CITY COUNCIL

## CHARITY TRUSTEE SUB-COMMITTEE DECISION RECORD

The following decision was taken on Tuesday 25 October 2022 by the Charity Trustee Sub-Committee.

### **Item No**

#### **5. ROSE GARDEN CAFÉ BUILDING, GRAVES PARK UPDATE AND NEXT STEPS**

5.1 This report sets out to brief the Charity Trustee Sub-Committee on the current position regarding the Rose Garden Café Building (“the Café Building”) at Graves Park, following its closure on 27th July 2022. It contains an update as to decisions and actions taken to date. It sets out the proposed next steps and seeks approval for those steps to be taken alongside a request to approach the Charity Commission regarding the potential options for the Café Building

#### **5.2 RESOLVED UNANIMOUSLY:** That the Charity Trustee Sub-Committee:-

(1) Subject to recommendation 2 below that the sub-committee acting as trustees agree that at this time the options proposed in this report in relation to the future of the Café Building at Graves Park are the only reasonable options available to the trustees acting in the charity’s best interests;

(2) That in all the circumstances, before any final decision is made by the trustees regarding the future of the Café Building, pursuant to clause 10 of the Scheme and section 110 of the Charities Act 2011, the Charity Commission is approached for guidance on the options set out in this report;

(3) That following receipt of the opinion of the Charity Commission and any clarification required, a further report is brought back to the Sub-Committee for consideration of the future of the Café Building; and

(4) That the Executive Director, Operational Services, in consultation with the Chair, Deputy Chair and Group Spokesperson, be authorised to respond to the recent letter received from the Charity Commission regarding the Trust land and the closure of the Rose Garden Café Building.

#### **5.3 Reasons for Decision**

5.3.1 It is imperative that any decisions taken by the Council as trustees of the charity are made in accordance with the Scheme. As stated in the report there is both provision within the Scheme itself under clause 10 and pursuant to section 110 of the Charities Act 2011 for trustees to put questions to the Charity Commission and more particularly decide the question of what proposals are within or without the terms of the Scheme. It is therefore prudent to make those enquiries before the trustees make any definite decisions regarding the Café Building

#### **5.4 Alternatives Considered and Rejected**

- 5.4.1 No alternative options have been considered at this stage as the closure of the building was in response to significant potential Health and safety issues. Information continues to be gathered in order that informed decisions can be made at future stages of the process.