

SHEFFIELD CITY COUNCIL

Charity Trustee Sub-Committee

Meeting held 18 October 2023

PRESENT: Councillors Ian Auckland (Chair), Zahira Naz (Deputy Chair), Douglas Johnson (Group Spokesperson), Richard Williams and Fran Belbin

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PRESS AND PUBLIC

2.1 It was noted that the appendix to item 6 on the agenda was not available to the public or press because it contained exempt information. If Members wished to discuss the information in the appendix, the Committee would ask the members of the public and press to kindly leave for that part of the meeting and the webcast would be paused.

3. DECLARATIONS OF INTEREST

3.1 No declarations of interest were received.

4. PUBLIC QUESTIONS AND PETITIONS RELATED TO ITEMS ON THE AGENDA

4.1 The Policy Committee received no petitions from members of the public.

4.2 The Committee received two questions from members of the public.

Question from: Andy Kershaw

1.The committee is recommending a strategic partnership with an independent Chair to take the fundraising forward and the repair and restoration of the Rose Garden Café and so will members also ensure that the council (Parks & Countryside) puts forward this for an allocation from its own capital programme?

2.Why, when it was brought to the council's attention that it retained responsibility for repairs and maintenance to the Rose Garden café, has it NOT undertaken any proactive repairs or maintenance in the 12 months since the closure of the café and limited reopening? Is this not yet another example of the councils, neglect and failure to fulfil its obligations under the lease agreement with the operator?

3.What happens if the strategic partnership fails to secure the necessary funding to undertake all of the repairs and restoration costs? Does the council plan give itself residual power to demolish the Cafe?

4.The report specifies that options 1, 3, 4 &5 which include demolition are merely paused. Why is this because it is seen by campaigners and the friends of Graves Park as bad faith and the Sword of Damocles, continuing to hang over the building.

5.Will the committee sanction the Rose Garden Café partnership seeking alternative and cheaper quotations for the work outside of the somewhat breathtaking costs, which have been quoted for the repair and restoration of the building?

6. Will the committee now proceed to the task of working together with the community to get things moving and not waste any further time or expense with a costly consultation exercise, which will not give it any greater responses from the public than the 11,000 signatures did to our petition to save it? And why are we even considering this option if genuine partnership is to be embraced?

The Chair thanked the questioner for bringing the questions to the committee and explained that the Parks and Countryside Service did not have a budget for capital programmes and that most projects were delivered using external funding. The Parks and Countryside Service would support fundraising for this project wherever possible. Any decision for Sheffield City Council to allocate capital funding to the project would not fall under the remit of the Charity Trustee Sub-committee.

Internal and external scaffolding was installed at the café to mitigate any risk of structural failure and during the period since the café closed extensive surveys have been completed to understand the nature and scale of the problems.

No proactive work had taken place on the building over the last year. To bring the café back into full use a budget for the required proactive work would need to be identified. The Council confirmed that it would undertake any necessary reactive work to enable the café to operate safely.

The Council had spent over £110,000 to protect the building since July 2022 and weekly inspections of the scaffolding were being carried out by the repairs team.

The Chair emphasised that the Council was not pursuing demolition. The proposed plan was for a Rose Garden Café Partnership to develop a strategy for restoration which would be brought back to the committee for a final decision. The restoration approach was believed to be the option which most aligned with the charitable objectives of Graves Park. It was also highlighted that the report stated;

“We are however absolutely clear that the demolition and ‘do nothing’ options are not options that the Council wishes to pursue”

Question from: Friends of Graves Park

1. Is the Council now taking demolition off the table and going to start working with the Friends of Graves Park and the Save the Rose Garden Café group to refurbish the Rose Garden café building? If so when?

2. Can the Council, as a matter of urgency, put together a business plan with the FOGP and the SRGC group before the end of this year?
3. Will the Council undertake to do the tests on the front wall, so that we can, as a matter of urgency, identify the cause of the lean on the front wall?
4. Since there have been numerous delays already, can we accept the petition of 11,500+ (this includes paper signatures), the public meeting and the Save the Rose Garden Café movement as a consultation, to avoid any further delays to the process?
5. Does the council accept that the Friends of Graves Park Executive Committee, according to its constitution, has the power to:
 - “convene public meetings and in any other way elicit the view and interests of those who use the park and of other interested members of the public concerning the maintenance and development of the park as a public amenity and promote the objects of the Charity.
 - “provide a recognised channel of communication between the community and Sheffield City Council (the Council) on matters relating to the park.” (FOGP Constitution (revised) 22-3-2000)

The Chair thanked the questioner for bringing the questions to the committee and referred to his answers to the previous questions and to the report submitted to the committee for item 5 on the agenda. The Chair emphasised the desire to proceed quickly to establish the partnership subject to the recommendations of the report being agreed.

It was noted that the Council works with a number of partnerships and acknowledged that the Friends of Graves Park had specific powers in its constitution but that it was not appropriate for the Council to comment on the constitution of an independent body.

The structural engineer engaged by the Council to assess the front wall of the building suggested that the design of the roof had made it inevitable that there would be a front force on the wall. The report included the suggestion from the Friends of Graves Park that a conservation accredited engineer (CARE engineer) be appointed to undertake a survey and could also be a partner to provide professional advice throughout the journey.

5. ROSE GARDEN CAFE, GRAVES PARK

- 5.1.1 The Committee considered a report of the Executive Director of Neighbourhoods setting out the feasibility of a number of options for the Rose Garden Café. The report informed the committee of the issues, opportunities and risks of each of the options, including funding and delivery options. Approval was sought for officers, in partnership with stakeholders, to pursue the restoration option and proceed with developing a restoration strategy for the Rose Garden Café.

- 5.1.2 Members discussed the justification for further consultation work, particularly in the context of applying for grant funding where this would be a requirement. It was also acknowledged that the work of the partnership could commence whilst the consultation process was taking place simultaneously to avoid further delays.
- 5.1.3 A question was asked regarding whether the partnership would be able to source their own quotes for work on the site and it was explained that once a plan of work had been determined by the partnership then a procurement process would take place and would involve the partnership to ensure that best value was achieved.
- 5.1.4 Officers emphasised that the feasibility study included in the report had been carried out as they were duty bound to consider every option available but that no further work would be carried out on the options to demolish or replace the existing building. The Assistant Director for Legal and Governance clarified that it was not possible at that stage to remove these options completely because the committee did not have sufficient information to make that decision. There were too many unknown factors to be able to categorically rule out those options.

5.2 **RESOLVED:** That the Charity Trustees Sub-Committee approve:-

1. The proposal for Sheffield City Council, in partnership with stakeholders, to develop a strategy for the restoration of the Rose Garden Café building (options 2A and 2B), pausing work on a replacement building approach (design options 3 and 4) and a limited works approach (design options 1 and 5).
2. That the Rose Garden Café Partnership once established creates an action plan to develop the strategy for restoration, which will include defining the following:
 - A framework for a proportionate public consultation on the Rose Garden Café.
 - Establish funding sources to meet the structural remediation and building refurbishment works.
 - Agree a strategy for public communication.

5.3 **Reasons for Decision**

Given the findings in this report we believe that the recommendation to develop a restoration approach in partnership with stakeholders is currently the only viable option to achieving all the following;

- Aligns with the charitable objectives of Graves Park.
[1] “The provision and maintenance of a park and recreation ground for use by the public with the object of improving their conditions of life.”
- Meets the initial commissioning brief objectives.
Objective 1 - 'improve facilities for the city'.
Objective 2 - 'maximise revenue for each facility'.

- Provides a café in Graves Park.

5.4 **Alternatives Considered and Rejected**

5.4.1 Two alternative design approaches considered are:

- Limited works not providing a café (design options 1 and 5)
 - Existing building replaced, providing a café (design options 3 and 4)
- Please see sections 1.5 and 1.7 summarising why it is recommended for work to be paused on these design options.*

5.4.2 Alternative funding and delivery models considered and concluded not feasible at present are:

- A restoration or replacement building solution where Sheffield City Council are the sole funder, as available funds cannot at this time meet the full costs.
- A replacement building solution in partnership with the Friends of Graves Park and Save the Rose Garden Café Campaign as both groups have publicly stated they are only willing to support a restoration approach.
- A restoration or replacement building solution where an operator commits to solely funding and delivering either approach given the extent of the estimated costs.

5.4.3 Alternative to a partnership approach

We recognise that a restoration approach funded and delivered solely by stakeholders is a possibility. However, we believe that working in partnership provides the best opportunity to improve facilities and meet the charity objectives through a collaboration of skills, resources and funds.

6. **SURRENDER AND RE-GRANT OF LEASE OF ABBEYDALE INDUSTRIAL HAMLET**

6.1.1 The committee considered a report of the Executive Director Operational Services seeking the approval of the Charity Trustee Sub Committee acting as Charity Trustee of Abbeydale Industrial Hamlet, and the wider site of which it forms part, ("the Charity") to the surrender of the remaining term of the current lease and the grant of a new lease to the current tenant of the Property (as defined at paragraph 1.2 of this report and referred to in the plan attached hereto) on the terms set out in the Appendices to this report after consideration of the contents of the Qualified Surveyor's Report and satisfying itself that the proposed terms are the best that can be reasonably obtained by the Charity in the circumstances.

6.1.2 A member asked for clarification on the name of the lease holder and Assistant Director for Legal and Governance advised that they would confirm this after the meeting.

6.1.3 Members queried whether the correct insurance provisions were in place and officers reassured the committee that this would be a part of the terms of the lease agreement.

6.2 **RESOLVED UNANIMOUSLY:** That the Charity Trustees Sub-Committee:-

1. On consideration of the commercial terms and the Qualified Surveyor's Report (set out in attached Appendices), confirm that it is satisfied that the proposed terms are the best that can be reasonably obtained by the Charity in the circumstances.
2. Approve the publishing of the relevant Charity Act notices and note that a further paper will be brought back to the Charity Trustee Sub-Committee in the event of any objections to the disposal being received.
3. Subject to the outcome of recommendation 2, approve the surrender of the remaining term of the current lease and the grant of a new lease to the current Tenant on the terms set out in this report

6.3 Reasons for Decision

The proposal to surrender the current lease and grant a new lease of this property would enable the SMT to pursue funding to facilitate improvement work to improve the overall 'offer' to visitors. This would:

- help to secure the future and assists in maintaining this valuable asset for use by the community facility into the medium term
- enhance Sheffield as a tourist destination
- enable the demised property to be occupied for the purposes of the charitable objects of the Charity
- comply with the statutory provisions contained within the Act and further with the requirements of the Charity Commission.

6.4 Alternatives Considered and Rejected

It was considered that there were no realistic alternative options at this time. The Sub-Committee could decide not to agree to the surrender of the current lease and the granting of a new longer lease but the Property would then miss out on the investment currently on offer.