

Charity Trustee Sub-Committee

Wednesday 18 October 2023 at 11.00 am

**To be held in the Town Hall,
Pinstone Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

Councillor Ian Auckland
Councillor Zahira Naz
Councillor Douglas Johnson
Councillor Richard Williams
Councillor Fran Belbin

PUBLIC ACCESS TO THE MEETING

Meetings of the Charity Trustee Sub-Committee are chaired by Councillor Ian Auckland.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda. Members of the public have the right to ask questions or submit petitions to Charity Trustee Sub-Committee meetings and recording is allowed under the direction of the Chair. Please see the [webpage](#) or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Charity Trustee Sub-Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last on the agenda.

Meetings of the Charity Trustee Sub-Committee have to be held as physical meetings. If you would like to attend the meeting, please report to an Attendant in the Foyer at the Town Hall where you will be directed to the meeting room. However, it would be appreciated if you could register to attend, in advance of the meeting, by emailing committee@sheffield.gov.uk, as this will assist with the management of attendance at the meeting. The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to registered speakers and those that have registered to attend.

Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the meeting page of the [website](#).

If you wish to attend a meeting and ask a question or present a petition, you must submit the question/petition in writing by 9.00 a.m. at least 2 clear working days in advance of the date of the meeting, by email to the following address: committee@sheffield.gov.uk.

In order to ensure safe access and to protect all attendees, you will be recommended to wear a face covering (unless you have an exemption) at all times within the venue. Please do not attend the meeting if you have COVID-19 symptoms. It is also recommended that you undertake a Covid-19 Rapid Lateral Flow Test within two days of the meeting.

If you require any further information please email committee@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms. Access for people

with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**CHARITY TRUSTEE SUB-COMMITTEE AGENDA
18 OCTOBER 2023**

Order of Business

Welcome and Housekeeping

The Chair to welcome attendees to the meeting and outline basic housekeeping and fire safety arrangements.

1. Apologies for Absence

2. Exclusion of Press and Public

To identify items where resolutions may be moved to exclude the press and public

3. Declarations of Interest

Members to declare any interests they have in the business to be considered at the meeting

(Pages 5 - 8)

4. Public Questions and Petitions Related to Items on the Agenda

To receive any questions or petitions from members of the public.

(NOTE: There is a time limit of up to 30 minutes for the above item of business. In accordance with the arrangements published on the Council's website, questions/petitions at the meeting are required to be submitted in writing, to committee@sheffield.gov.uk, by 9.00 a.m. on Monday 16th October 2023).

5. Rose Garden Cafe, Graves Park

(Pages 9 - 56)

6. Surrender and re-grant of lease of Abbeydale Industrial Hamlet

(Pages 57 - 72)

NOTE: The next meeting of Charity Trustee Sub-Committee will be held on Monday 27 November 2023 at 2.00 pm

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its Policy Committees, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from David Hollis, General Counsel by emailing david.hollis@sheffield.gov.uk.

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Report to Policy Committee

Author/Lead Officer of Report: Tom Smith,
Director of Operational Services

Tel: 07471 332755

Report of: *Ajman Ali, Executive Director of Neighbourhoods*

Report to: *Charity Trustee Sub-Committee*

Date of Decision: *18th October 2023*

Subject: *Rose Garden Café, Graves Park*

Type of Equality Impact Assessment (EIA) undertaken	Initial <input checked="" type="checkbox"/>	Full <input type="checkbox"/>
Insert EIA reference number and attach EIA		
Has appropriate consultation/engagement taken place?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Purpose of Report:

In the Charity Sub-Committee meeting on 25 October 2022, it was agreed that there would be an appraisal of the options for the Rose Garden Café. This report sets out to:

- Present the feasibility study detailing options 1 – 5 listed below:

Approach	Design Option	Proposed works
Existing building restored	2A	Structural stabilisation of the existing building and full refurbishment
	2B	Structural stabilisation of the existing building with light touch refurbishment to café interiors only
Existing building replaced	3	Demolition of the existing building and provision of Modern Methods of Construction facility
	4	Demolition of the existing building and provision of a traditional build facility
Limited works	1	Site safely secured and café building closed
	5	Demolition of the existing building and site clearance only

- Inform the Charity Sub Committee of the issues, opportunities and risks of each of these options, including potential funding and delivery options.
- To explain why we believe a restoration approach, in partnership with stakeholders, is the option which most aligns with the charitable objectives of Graves Park, including that it is currently the only viable option able to achieve both the following:
 1. Provide a café in Graves Park
 2. Meet the initial commissioning brief objectives. Objective 1 - 'improve facilities for the city'. Objective 2 - 'maximise revenue for each facility'.
- To seek approval from the Charity Trustee Sub-Committee, for officers, in partnership with stakeholders, to pursue the restoration option and proceed with developing a restoration strategy for the Rose Garden Café.

Recommendations:

The Charity Sub-Committee is recommended to 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.

and then proceeding to carry out the agreed consultation and implement the agreed public communication strategy in order to inform the strategy for restoration that will be brought back to the Committee in due course.

Lead Officer to complete:-			
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.	Finance: <i>Jonny McQuillin</i>		
	Legal: <i>David Sellars and Leonie Wallace</i>		
	Equalities & Consultation: <i>Louise Nunn</i>		
	Climate: Consultation at a future date		
<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	SLB member who approved submission: <i>Ajman Ali</i>		
3	Committee Chair consulted: <i>Ian Auckland</i>		
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 Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.		
	<table border="1"> <tr> <td>Lead Officer Name: <i>Tom Smith</i></td> <td>Job Title: <i>Director of Operational Services</i></td> </tr> </table>	Lead Officer Name: <i>Tom Smith</i>	Job Title: <i>Director of Operational Services</i>
Lead Officer Name: <i>Tom Smith</i>	Job Title: <i>Director of Operational Services</i>		
	Date: <i>9th October 2023</i>		

1. PROPOSAL

Background

1.1 Project timeline Summary

In Spring 2022, Sheffield City Council developed a brief for the enhancement of the café provision in Graves Park under the 'Better Parks' programme. The initial Commissioning Brief and Fee Proposal set the following project objectives:

Objective 1 - 'improve facilities for the city'.

Objective 2 - 'maximise revenue for each facility'.

An initial site visit by the design team in May 2022 identified structural and safety concerns and the café was temporarily closed on the 27 July 2022. Propping of the building through significant internal and external scaffolding was installed to mitigate any risk of structural failure and the café reopened w/c 19 December 2022 with reduced seating capacity.

Please refer to the Charity Sub-Committee report dated 25 October 2022 for further project context.

1.2 Charitable Status

Graves Park Scheme – Charity Commission Reference (510841) (“the Scheme”).

As per the previous report, pursuant to the powers in the Charities Act 1993, the Charity Commission set up a Scheme from the 12th March 2009 to govern the charity known as Graves Park (510841) and replaced the former trusts of the charity.

The main object of the charity as set out in the Scheme is as follows:-

[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.”

The Council, as the charity’s Trustee, must act in accordance with the scheme.

1.3 Feasibility Study – Stage 1 Options Report

Following Charity Sub-Committee approval in October 2022, a feasibility study was commissioned with the following aims:

- To understand the condition of the existing building and level of repair and refurbishment works required.
- To understand the various options for the café building (restoration, refurbishment, replacement) providing initial costs and scope of works for each option.
- To provide options that respond to the Better Parks Brief and meet the level of service noted in the Better Parks vision statement.

Please see appendix 1 for the Stage 1 Options Report presenting the full feasibility study. The following table is an extract from the report and presents a summary of the design options and associated outline cost estimates. The cost information is based on the commissioned surveys, but it should be noted that these are feasibility stage cost estimates and as such several assumptions have been made. The restoration option has been separated into light touch and full refurbishment options (options 2A and 2B), providing further choice. The structural stabilisation works are costed at £635,000 and are included in the total cost estimate for both options 2A and 2B.

Approach	Design Option	Proposed Works	Cost Estimate
Existing building restored	2A	Structural stabilisation of the existing building and full refurbishment	£1,790,000
	2B	Structural stabilisation of the existing building with light touch refurbishment to café interiors only	£911,000
Existing building replaced	3	Demolition of the existing building and provision of Modern Methods of Construction facility	£1,480,000
	4	Demolition of the existing building and provision of a traditional build facility	£1,560,000
Limited works	1	Site safely secured and café building closed	£95,000
	5	Demolition of the existing building and site clearance only	£137,000

1.4 Appraising Options

In addition to the information presented in the Stage 1 Options Report, the options have been appraised further to understand viability and how each of the options meet the charity objectives. Considerations include Sheffield City Council objectives, community objectives, social value, financial value, funding sources, delivery models and the potential carbon impact of the different approaches.

As outlined in the previous Charity Sub-Committee report, the intent was for a public consultation on all options to form a key part of the appraisal. However, following a viability review it became clear that some design options are currently unviable for reasons relating to the availability of funding and delivery challenges. It was concluded that consulting on all design options would mean consulting on options that we cannot either fund, deliver, or that meet the project and charity objectives.

The following sections (1.5 – 1.10) present our findings and explain why specific design options are recommended to be paused or continued as a result.

Proposal

1.5 Pause Work on Options 1 and 5

It is recommended that work is paused on the limited works approach (options 1 and 5) as the options do not;

- Support Object [1] of the Graves Park Charity Scheme (“The provision and maintenance of a park and recreation ground for use by the public with the object of improving their conditions of life.”)
- Fulfil the objectives of the initial commissioning brief aiming to ‘improve facilities for the city’ and ‘maximise revenue for each facility’.
- Fulfil the commitment to provide a café as set out by Sheffield City Council in press releases.

1.6 Funding and delivery of a Restoration or Replacement Building Approach

Possible funding and delivery routes connected to the design options have been explored. A solution could be funded and delivered by either Sheffield City Council, stakeholder groups (e.g. the Friends of Groups) or an operator, or a combination of these. The review of Sheffield City Council funding sources has concluded that existing funds cannot currently meet the full cost of any of the design options that are providing for a café (2A, 2B, 3, 4) and therefore a mixed funding model is required for these solutions.

Existing Council funds available are prudential borrowing and a contribution from the Essential Compliance and Maintenance Fund. Please see appendix 2 for further details on prudential borrowing and section 4.2.3 for the Essential Compliance and Maintenance Fund. Officers are also committed to seeking opportunities for additional funds, which could include bids for external grant funding in partnership with stakeholder groups. It should be noted that stakeholder groups, Friends of Graves Park and Save the Rose Garden Café Campaign are in support of a restoration approach. A further option available as part of a mixed funding and delivery solution is a long-term commercial development agreement with an operator. A contribution from the Local Area Committee is a further source which could partly fund a solution.

Appendix 3 provides a summary table of funding sources explored.

1.7 Pause Work on Options 3 and 4

Based on the outlined funds and delivery methods, the most viable option to cover the estimated c.£1.5 million costs for a replacement building is a solution financed through prudential borrowing and the Essential Compliance and Maintenance Fund. This would need to be implemented through a long-term commercial development agreement with an operator, with the operator committing to a base rent able to cover the borrowing. Appendix 2 provides an indication of how an agreement could work, including rent and length of agreement required to meet the estimated costs. Based on existing café leases, the extent of the agreement figures is unlikely to be appealing to an operator and it is therefore concluded that a replacement building approach as described in the Stage 1 Options Report is currently unfeasible. Given this, and the information in sections 1.8 and 1.9, it is therefore recommended that work is paused on design options 3 and 4 and we focus on a restoration approach for the Rose Garden Café.

Going forward, should it become the case that a restoration approach is no longer feasible, there may be a need for the strategy to provide a café to be reviewed. The replacement building options are currently based on a new building of equivalent size to the existing Rose Garden Café, however a building with a smaller footprint could still operate as a café and building costs could be reduced.

1.8 Stakeholder Priorities

Friends of Graves Park remain committed to supporting restoration and have requested that as per their email to Sheffield City Council dated 24 June 2023 *'the council honours its original agreement to support the Friends' funding applications and efforts to restore the building'*.

The Save the Rose Garden Café Campaign similarly supports a restoration approach only, with the offer of a *'genuine partnership approach by the Friends Group and the Save the Rose Garden Cafe Campaign to work on both identifying and raising the necessary capital to do this'* as per their email to Sheffield City Council dated 01 September 2023.

The Make the council repair, not demolish, Rose Garden Café, Graves Park' Petition started 29 July 2022 as promoted by Liz Hnat, has 10,146 signatures. (as of 26 September 2023). The petition has 530 supporter comments noting their reasons for signing. Of the 530 comments, over 40% noted that they liked the appearance of the building, including that the building is 'beautiful', 'lovely' or of 'heritage' value, with 40 comments stating the building was an 'icon', or 'landmark'. Over 17% commented a reason for signing was because of memories made at the Rose Garden Café. The supporter comments have been read and considered by Officers, who are not professional data analysts. They are included to provide an indicative insight into the petition.

As with all petitions using a single statement, the petition has its limits and cannot be considered proportionate consultation. For example, the only way that someone can disagree with the petition statement is by not signing the petition, which cannot be quantified.

Please see section 3.2 for considerations for further public consultation.

1.9 Local Listing

On 18 September 2023 the Rose Garden Café was added to the South Yorkshire Local Heritage list. An asset is considered for local listing when a member of the public nominates it, deeming it to be of local importance. The nomination is reviewed by an assessment panel who make a recommendation to the Head of Planning for approval. Local listing provides no additional planning controls but recognises the local importance of a heritage asset which Local Planning Authorities should take account of. The listing specifics note that the building has age, architectural interest, historic interest, group value and landmark status.

1.10 Partnerships Approach

We believe that adopting a partnerships approach to restoring the Rose Garden Café presents the greatest opportunity for providing a facility that best aligns with the needs of the public and the Graves Park charity objectives. A partnerships approach enables a collaboration of skills, resources and funds.

The Partnership will be governed by a Terms of Reference defined by the Partners. Ahead of recommending a partnership approach, Officers have the following suggestions for the Rose Garden Café Partnership for discussion with the partners:

- Any group or organisation that can positively contribute to the delivery of the Rose Garden Café Strategy can become a Rose Garden Cafe Partner.
- The Chair of the Partnership is third party and independent. They should be an experienced facilitator with community engagement skills and should not be affiliated to a political party.
- During initial feasibility design, structural engineers commissioned by Sheffield City Council and the Friends of Graves Park have recommended various solutions to resolving the structural issues of the front wall. The Friends of Graves Park suggested that a conservation accredited engineer (CARE engineer) be appointed to undertake a survey of the Rose Garden Café. A CARE accredited engineer could also be a Partner, providing valuable professional advice throughout the design and delivery of the project.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The proposal to pursue a restoration approach in Partnership with stakeholders is felt to be in the best interests of the Graves Park Charitable Trust for the reasons outlined in this report.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 Ongoing Consultation

The dedicated Rose Garden Café page continues to be updated as significant developments take place. The following are responses to the closure of the café as reported in the Charity Sub-Committee report dated 25 October 2022:

- A petition supporting a proposal to ‘make the Council repair not demolish the Rose Garden Café’
- A JustGiving page (originally created to raise funds for improvements to the Rose Garden Café building)
- A number of public meetings have been arranged by local people around the ‘Save the Rose Garden Café Campaign’
- Local Councillors and MPs have been in touch (predominantly to the Council’s Parks and Countryside department) regarding the closure of the Café Building
- Local Councillors have reported significant contact from the public regarding this matter

- The Council has been contacted by local media (including The Star and BBC Radio Sheffield)
- The 'Save the Rose Garden Café Campaign' and Friends of Graves Park have attended local meetings

3.2 Proposed Consultation

3.2.1 Why is a public consultation recommended?

We note that both the Friends of Graves Park and the Save the Rose Garden Café Campaign have previously expressed that they do not believe there is a need to undertake a public consultation on design options 1-5. As detailed in section 1.4, we also agree that consultation on all design options is not appropriate. We do however recommend a proportionate public consultation is designed and undertaken by the Partnership to provide different ways for the public to engage and participate in the future of the café, whether this be workshops, events or surveys. The existing petition provides an insight into why the Rose Garden Café is important to the public but is limited to the petition statement. The proposed consultation could help the Partnership understand community objectives for the Rose Garden Café, whether that be establishing user experiences or highlighting which aspects of the refurbishment are most important to park and café users.

3.2.2 The Rose Garden Café Partnership to create a framework for public consultation

We believe the framework will consider the following:

- Consultation to build on the themes established in the existing petition.
- Consultation should be in accordance with the Equality Act 2010, the Sheffield City Council Involvement Guide and Sheffield City Council Consultation Principles, including that consultation should be proportionate, inclusive and accessible.
- Consultation to be city wide as Graves Park is a designated destination site.

4. **RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

4.1 Equality Implications

4.1.1 A restoration approach to the building requires a review of existing accessibility and proposals for any improvements. Buildings should be accessible to all in accordance with Part M of the Building Regulations, Access to and Use of Buildings.

4.1.2 The Equality Act 2010 and Public Sector Duties recognise some people will face additional barriers over others, and require us to: advance equality of opportunity, eliminate discrimination, victimisation and harassment, and foster good relations. This guidance should be considered in both the public consultation and the establishing of the partnership. As described previously,

any further consultation should be proportionate. The partnership should also be representative and inclusive.

- 4.1.3 As part of the Rose Garden Café Partnership Strategy, an Equality Impact Assessment (EIA) will be considered to understand the potential equality impacts of a restoration approach. The EIA will be updated as required to take account of any potential negative impacts and the mitigations needed to address these.

4.2 Financial and Commercial Implications

4.2.1 Charity Finances

Each Charity must use the funding available to fulfil its objectives. The cost of managing and maintaining Graves Park exceeds the income generated from the charitable activities, including income from the cafe lease. Should a park asset, like the Rose Garden Café, fall into disrepair and require significant works there is a funding shortfall. Please see the Rose Garden Café FAQs for further information on the funding model of the Park and how the Council spend the money generated by the Graves Park Charity.

4.2.2 Prudential Borrowing

The amount that can be borrowed is determined by the Rose Garden Café's income target and the estimated rental value. Given the existing income target and estimated rental value, a total of £198,000 could be borrowed for a restoration option. Please see appendix 2 for further detail.

4.2.3 Essential Compliance and Maintenance Fund

The structural defects of the Rose Garden Café have been assessed and meet the prioritisation criteria set out and approved at the Finance Committee in March 2023 for accessing the fund. For the Rose Garden Café, the fund can be used for financing structural stabilisation works but cannot be used for refurbishment works looking to improve the facility. The amount allocated from the fund for the Rose Garden Café will need to be reviewed alongside other Council assets that meet the criteria. As a restoration approach progresses, the scope and cost of the proposed structural stabilisation works (currently costed at £635,000) will develop in detail and accuracy and this will also inform the amount asked from the fund. It should be noted that at this time, Officers do not believe that the fund could cover the full £635,000 costed.

- 4.2.4 The commercial implications of a restoration solution will be developed as the project progresses and will therefore be determined at a later date. It should however be noted that any operator would have to vacate the premises for the duration of major works.

4.3 Legal Implications

- 4.3.1 The Trustees should at all times act in the best interests of the Charity. All of the options that are currently open for consideration can in principle be implemented as to do so would not be in breach of the terms or Objects of the Scheme.

4.3.2 *Charity Commission Guidance*

Paragraph 10 of the Scheme says as follows:

Questions Relating to the Scheme

The Commission may decide any question put to it concerning: (1) the interpretation of this scheme; or (2) the propriety or validity of anything done or intended to be done under it.

The Charities Act 2011 section 110 also contains similar provisions.

Pursuant to this officers considered that in the circumstances it would be prudent to put the options as set out in this report to the Commission to make certain that any actions proposed to be undertaken fall within the terms of the Scheme.

The Charity Commission has responded regarding this specific point and has declined to provide guidance as it does not consider that the issue in question falls within the ambit of clause 10 of the scheme or section 110 of the Charities Act 2011.

In the absence of guidance from the Charity Commission it remains officers' view that as stated previously all the options under consideration would in principle be capable of being lawfully implemented under the terms of the Scheme.

4.3.3 *The Rose Garden Café Partnership*

This report recommends to members that the Council works in partnership with stakeholders to develop a strategy for restoration – referred to in places as the Rose Garden Café Partnership. The intention is that this approach will enable a collaboration of skills, resources and funds. However, it is not intended to form a legal partnership and the Rose Garden Café Partnership will not be a legal entity in its own right.

4.4 Climate Implications

To assess the climate implications of a restoration approach, carbon over a building's life cycle can be assessed. Operational emissions could be reduced through energy efficiency gains from retrofitting. A Climate Impact Assessment will be undertaken to understand the potential climate impacts of a restoration approach, including the techniques, materials and proposals adopted.

5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 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.

5.2 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 their support for 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.

5.3 Alternative to a partnership approach

We recognise that a restoration approach funded and delivered solely by stakeholders may be 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. REASONS FOR RECOMMENDATIONS

6.1 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;

- Align 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.”
- Meet the initial commissioning brief objectives - Objective 1 - 'improve facilities for the city'. Objective 2 - 'maximise revenue for each facility'.
- Provide a café in Graves Park.

Appendix 1
Stage 1 Options Report

Stage 1 Report

Graves Park - Rose Garden Café

Stage 1 Report
(RE/06513)

V2_00

05 October 2023

Capital Delivery Service

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1 Executive Summary

2 Site Introduction

3 Project Update

4 Initial Options Appraisal

5 Project Risks

6 Project Estimates

Document Controls

Document Approval

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V2_00	Included in Charity Sub-Committee Report and available on Sheffield City Council Rose Garden Café page	05/10/23	PDF	Graves Park boundary plan error amended

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Executive Summary

1 Executive Summary

In Spring 2022, Sheffield City Council developed a brief for the enhancement of the café provision in Graves Park under the ‘Better Parks’ programme. The Better Parks programme aims to deliver more accessible and sustainable parks within prominent sites across the city.

The aspiration set out by the Better Parks Brief was to restore the current building, undertaking a full refurbishment, including extension of existing window openings to improve the visual connection to the adjacent Rose Gardens and provision for a new external seating area (similar to those seen at other parks in the City, namely Forge Dam, Endcliffe and Whirlow Farm).

An initial site visit was undertaken by a multi-disciplinary design team which raised concerns over the severe bowing seen in the front wall of the café. The observed bowing indicated that the structural integrity of the building may be compromised, posing a potential health and safety risk. Further investigation was required to determine the condition of the building, which could not be undertaken safely whilst the café was in full operation. Therefore, in order to safely investigate the building, the Rose Garden Café Building was temporarily closed on 27th July 2022.

A third-party structural engineer, Adept Engineering was commissioned to provide expert analysis and a framework for the suite of additional surveys required. A supporting scaffold was installed to make the building safe and prevent any further movement. Sheffield City Council worked with stakeholders and Rose Garden Café occupiers, Brewkitchen, to allow the café to re-open safely. The café re-opened, with a reduced capacity, ahead of the 2022 Christmas holidays and the café has remained open since.

The feasibility study presented in this Stage 1 Report was commissioned by Sheffield City Council, with the following aims:

- To understand the condition of the existing building and level of repair and refurbishment works required.
- To understand the various options for the café building (restoration, refurbishment, replacement) providing initial costs and scope of works for each option.
- To provide options that respond to the Better Parks Brief and meet the level of service noted in the Better Parks vision statement.

The following table presents a summary of options for consideration with outline cost estimates based on the commissioned survey information.

Summary of options:

Approach	Option	Proposed Works	Cost Estimate
Existing building restored	2A	Structural stabilisation of the existing building and full refurbishment	£1,790,000
	2B	Structural stabilisation of the existing building with light touch refurbishment to café interiors only	£911,000
Existing building replaced	3	Demolition of existing café building and provision of MMC (Modern Methods of Construction) facility	£1,480,000
	4	Demolition of the existing building and provision of a traditional build facility in its place	£1,560,000
Limited works	1	Site safely secured and café building closed	£95,000
	5	Demolition of the existing building and site clearance only	£137,000



Note: All options aim to retain the existing WC block.

Site Introduction

2 Site Introduction

History

In 1925 Land purchased by Councillor and Mrs. J.G. Graves was presented to the Corporation as a gift to the City of Sheffield, for use as a public park. In 1927 an addition was made to the park through the construction of the Pavilion (which would later change its name to Rose Garden Café). Between 1925 and 1936 the park significantly increased in size from 154 to 248 acres, and in 1938 the construction of the Rose Garden in front of the Pavilion (later the Rose Garden Café).

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The Pavilion (date unknown) Source: Friends of Graves Park website



The Pavilion (date unknown) Source: British Newspaper Archives

Location

The Rose Garden Café is located in Graves Park, off Hemsworth Road in the Norton area of Sheffield [S8 8LJ]

Graves Park is Sheffield’s largest park and is a flagship site providing recreational and health benefits to a wide range of communities across Sheffield. The Park is held in a Charitable Trust with Sheffield City Council acting as the sole trustee. The Park contains several unique features and facilities such as Norton Hall [1795], St James Church, the animal farm attraction, two playgrounds, sporting facilities and the Rose Garden Café. The café is a well-used facility and contributes towards the cost of running, maintaining and improving the Park. The facility links through the rose garden to the park’s largest playground. There are two active Friends Groups within the park (the Friends of Graves Park and the Friends of Woodseats Playground).



Existing Building

The following photos were taken by the design team on site visits in May, June and October 2022.



Photo of front elevation facing Rose Gardens



Photo of east facing side elevation of the new WC block to the Rose Garden Café.



Photo looking west along the south facing front elevation showing the bowing out and leaning in the front wall and roof line to the front façade. Also note the dormers leaning back into the snagging roof line.



Photo of front elevation gable showing holes in the timber and render panelling, and the deterioration of the roof fascia, soffit and underside of window over main entrance.



Photo of front elevation showing deterioration and cracking in timber and render façade.



Photo of rear rainwater gutter and roof fascia / soffit detail showing major deterioration in timber panelling, due to missing and cracked roof tiles. Also showing evidence of bird nesting.



Photo of front elevation tiled roof finish showing missing and cracked roof tiles. Also note broken and boarded-up windows and blocked up clock tower.



Photo of front elevation showing deterioration in timber panelling façade.



Photo of front elevation gable and roof fascia / soffit showing deterioration in timber roof soffit and bowing in timber panelling.



Photo showing existing boiler and hot water storage system.



Photo showing front elevation leaning out internally, against vertical in background



Photo showing existing electrical installation mains units and incoming supply



Photo showing existing kitchen facility.



Photo showing rear collection point servery.



Photo showing existing food storage area with deterioration of internal finishes at junction between side wall and roof finish.

EXISTING ROSE GARDEN CAFÉ LAYOUT

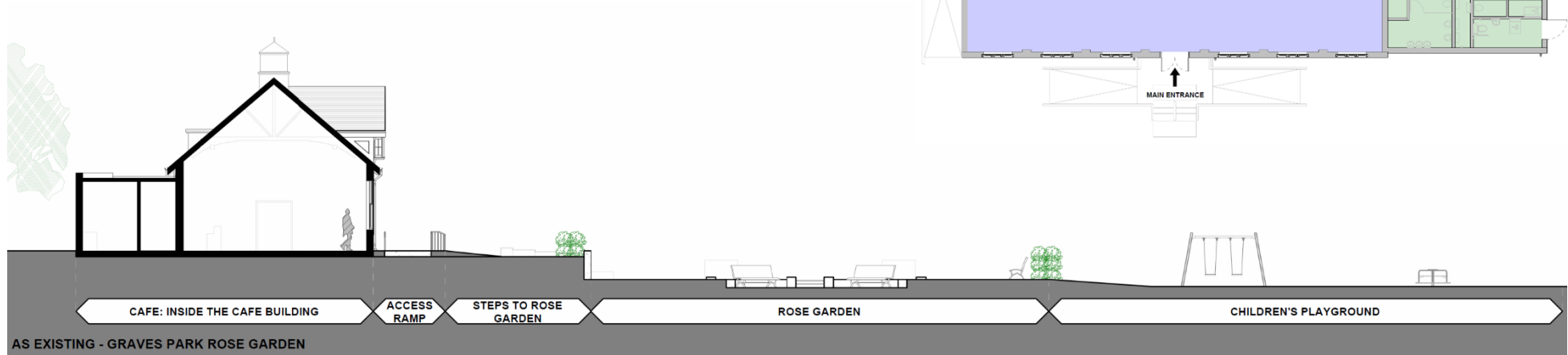
Existing Accommodation:

- Kitchen, lobby, office, store, staff welfare facility and servery, including walls and circulation area – 62m²
- Café area – 163m²
- WC block area – 60m²



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Existing Site Section – View Across Rose Garden:



Project Update

3 Project Timeline Summary

Date	Activity
May 2022	Better Parks Brief for refurbishment of the existing Rose Garden Café issued
May 2022	Sheffield City Council site visit
July 2022	Physical Condition Report undertaken
July 2022	Rose Garden Café building temporarily closed
July 2022 – March 2023	Surveys commissioned and undertaken
November 2022	Structural propping completed
December 2022	Brewkitchen opened takeaway service from the Rose Garden Café
August 2023	Stage 1 Report options issued

Proposed Better Parks Brief

In May 2022 under the Better Parks programme, Sheffield City Council developed an initial brief for the Rose Garden Café Building. The scope of works anticipated at the stage of the commission is set out below:

Scope of Works

Externals:

- Replace tiled pitched roof, insulation, fascia, bargeboards, and restoration of the clock tower
- Replace rear flat roofing, insulation, fascia, and bargeboards.
- Replace front elevation with new PPC aluminium / timber glazed curtain walling system and entrance doors. Allow for new sliding screens to front elevation to provide solar shading and protection from vandalism.
- Replace all other existing windows and doors.
- External decoration to all external walls required.

Internals:

- New flexible partition system to break up the seating area and screen W. C's, including new seating arrangement and FF&E.
- New energy efficient lighting scheme.
- New acoustics treatment, using suspended acoustic ceiling rafts.
- New interior design scheme and general redecoration throughout including existing internal W. C's.
- Refurbishment / renewal / new kitchen, servery, store, and office.
- Refurbishment / renewal / new mechanical and electrical services as necessary to meet current relevant standards, including Heating, water and ventilation systems [All electric] / New electrical services throughout / New fibre network connection for WIFI upgrade and CCTV monitoring system / Security systems – CCTV and alarms / Audio visual, sound, PA systems / New services to newly formed interior spaces i.e., kitchen, servery, store and office / Fire alarm system and emergency lighting system.

Landscaping:

- Formation of new external terrace area to front elevation incorporating access ramp and retractable roof covering system for protection from the elements.
- Retain and refurbish existing external and internal W.C facilities.

Sheffield City Council Better Parks Projects

Precedent projects delivered as part of the Better Parks programme, including restoration and new build elements:



Coach House Café – Hillsborough Park



Shelter Café - Whirlow Brook Hall



The Curator's House Café – Botanical Gardens

Photo credits:
Top left – Steve Chu
Top right – Rich Smith
Bottom left – @thegintraveller
Bottom right - @_myjoni

Surveys

The Rose Garden Café was temporarily closed on 27th July 2022 following health and safety risks identified in a physical condition report issued in July 2022. The table below lists all further surveys/reports which have been commissioned.

Surveys can be accessed on the Sheffield City Council website at the following link: www.sheffield.gov.uk/parks-sport-recreation/rose-garden-cafe-closure

Survey Title	Author	Survey Date	Revision	Scope	Identified Risks
Physical Condition Report	RLB	Oct 2018		Determine physical condition of existing café and WC buildings, outlining building defects	- Bowing and distortion to structural frame with roof sagging and front elevation leaning out observed
Physical Condition Report	RLB	July 2022			- As above but with deterioration due to water ingress and concerns raised with the regards condition of the timber structure
Structural Cafe Closure Report	CDS	Feb 2023		Provide information on the existing café condition, risk and safety issues and provide safety conclusions and recommendations	<ul style="list-style-type: none"> - The building is to remain closed until further notice as there is no indication when the building if/will fail. - If the building is to be kept and refurbished additional surveys should be done as a matter of course.
Structural Report on Existing Building	Adept	Jan 2023	P1	Carry out a structural inspection and programme of further specialist inspections.	- This report confirmed the dangerous condition of the café structure and recommended follow on surveys.
		Feb 2023	P2		- Appendix F Updated. Roof Slab Reinforcement Investigation Report, Drain Survey Report , Timber Roof Survey and Timber Damp Condition Report and Geotechnical Site Investigation added.
		Apr 2023	P3		- This report provides an update on the further surveys undertaken.
		Apr 2023	P4		- Inclusion of measured tilt survey
Roof Slab Reinforcement	UKA / Adept	Nov 2022		Determine the condition of the flat	- Noted as no imminent issues with the flat roof to the rear of the café.

Investigation Report				roof to the rear of the cafe and recommend any remedial works	
Drain Survey Report	G.P. Drain Surveys / Adept	Nov 2022		Inspect the existing drainage, determine condition and recommend any remedial works	- Highlights some minor drainage remedial works to be undertaken.
Timber Damp Condition Report	Timberwise / Adept	Jan 2023		Inspect the roof timbers, determine condition and recommend any remedial works	- Recommends some further treatment of the roof timbers.
Geotechnical Site Investigation	ARC Environmental / Adept	Feb 2023		Determine existing foundations	- Confirms that the original wall is not based on stable ground and any future works should be founded min 500mm below.
Measured Tilt Survey	Terra Measurement / Adept	Mar 2023		Measure the tilt of the existing walls	- This survey confirms a lean beyond that which is acceptable when reviewed against numerous criteria.

Note: The toilet block that adjoins the cafe building was constructed separately to the café and assessments of the structure determined it to be unaffected by the issues of the main structure and therefore it has remained open at all times.

Initial Options Appraisal

4 Initial Options Appraisal

Six options have been prepared based on the brief and site investigations. To assist the generation of a cost plan for each option, the design team have provided an initial scope of works for each option. In the next design stages, the scope of works for the preferred option would be developed in further detail.

Approach	Option	Proposed Works
Existing building restored	2A	Structural stabilisation of the existing building and full refurbishment
	2B	Structural stabilisation of the existing building with light touch refurbishment to café interiors only
Existing building replaced	3	Demolition of existing café building and provision of MMC (Modern Methods of Construction) facility
	4	Demolition of the existing building and provision of a traditional build facility in its place
Limited works	1	Site safely secured and café building closed
	5	Demolition of the existing building and site clearance only

Existing Building Restored (options 2A and 2B)

OPTION 2A – Structural stabilisation of the existing building with full refurbishment

Proposed Works:

- Structural Engineering Works, as required.
- Replacement of roof, external windows and doors, floor, wall and roof insulation, internal finishes, FF&E, kitchen catering equipment and services including heating, electrics and fire detection.
- Allow for full M&E services upgrade and replacement, including all new electric supply.
- Kitchen, store, servery, office, and welfare area reconfigured within existing footprint – 62m²
- Internal seating and new community space reconfigured within existing footprint – 163m²
- Retain and refurbish existing WC block – 60m²
- New external covered seating area for approx. 40 people, ramps and external works.

Opportunities:

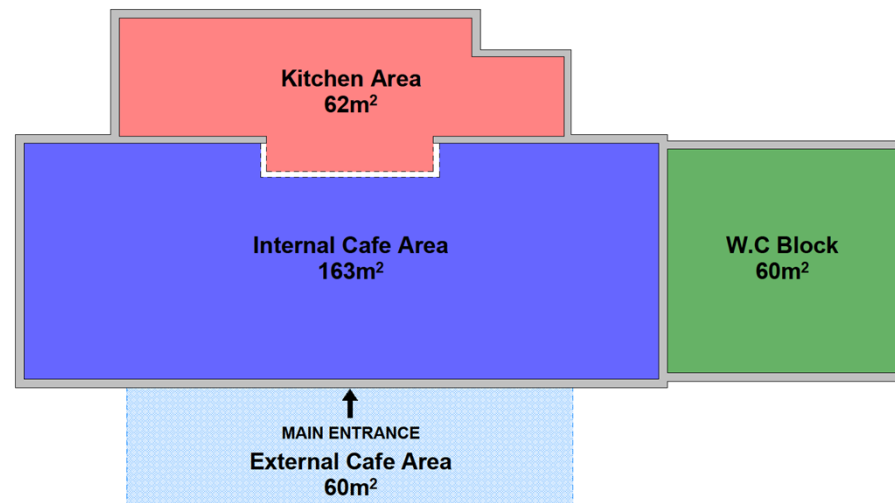
- Keeps historic value of Rose Garden Café.
- Reuses existing WC block.
- Reuse of building therefore minimising wasted embodied carbon
- Will include enhanced insulation therefore reducing carbon emissions from building.

Constraints:

- Working with existing 1920's building of unknown construction and condition.
- Increased costs and programme of working with an existing building in poor condition.
- Limited building energy efficient performance and life span due to use of existing fabric.

Notes:

- Maintains the existing building footprint and internal zones generally.
- Retained existing WC block: 60m² existing.



- New external seating area for approx. 40 people: 60m² (based on 40 spaces @ 1.5m² per person / counter service recommended area allocation)

Design Features:

- As original design:
 - Brickwork at low level
 - Timber boarding with rendered infill panels
 - Rosemary roof tiles
- New clock tower
- External covered canopy
- Aluminium full height opening glazed doors
- External sliding timber window shutters



OPTION 2B – Structural stabilisation of the existing building with light touch refurbishment to café interiors only

Proposed Works:

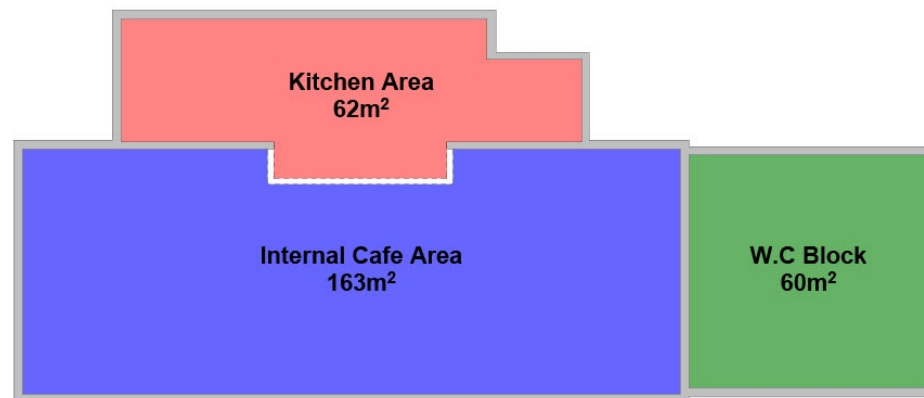
- New roof structure and front wall only.
- Replacement of pitched roof finish including dormer windows and clock tower, flat roof finish, insulation, external windows and doors.
- Allow for new finishes to café area only.
- Allow for partial M&E services upgrade and replacement where required.
- Retain existing WC block – 60m²

Opportunities:

- Keeps historic value of Rose Garden Café.
- Reuse of building therefore minimising wasted embodied carbon
- Reuses existing WC block.

Constraints:

- Working with existing 1920's building of unknown construction and condition.
- Increased costs and programme of working with an existing building in poor condition.
- Least beneficial building energy efficient performance and life span.



Notes:

- Maintains the existing building footprint and internal layout as existing.
- Retained existing WC block: 60m² as existing, no new finishes.
- NO works to the following:
 - No repair works to external walls, except the front wall.
 - No upgrading of U-Values by the installation of insulation to existing floor and external walls.
 - No internal remodelling works to café, kitchen, store, servery, office, and welfare area.
 - No works to upgrade kitchen catering installation or finishes.
 - No new FF&E.

Design Features:

- As Original Design:
 - Brickwork at low level.
 - Timber boarding with rendered Infill Panels.
 - Rosemary Roof Tiles.
 - Timber windows.
 - Clock Tower restored.



Existing Building Replaced (options 3 and 4)

OPTION 3 – Demolition of existing building and provision of new MMC (Modern Methods of Construction) facility

Proposed Works:

- Demolition of the existing café building but retain existing WC block.
- New build café – ‘Modern Design and Construction’, consisting of:
- New kitchen, store, servery, office, and welfare area – 62m²
- New internal seating layout and flexible community space within café area – 163m²
- Refurbish existing WC block – 60m²
- New external covered seating area for approx. 40 people, ramps and external works.
- Low carbon / energy efficient / all new services and electrical supply.

Opportunities:

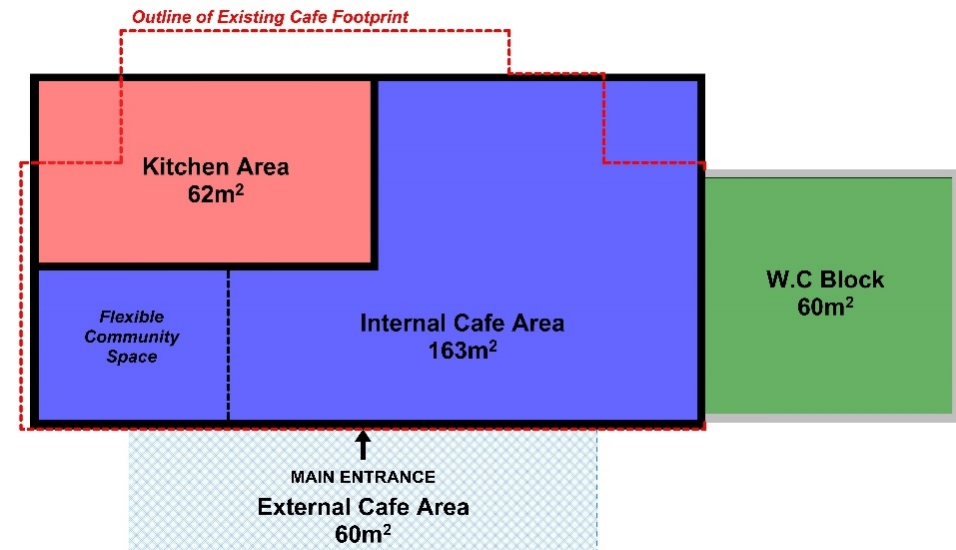
- More economical solution to build and maintain.
- Provides energy efficient performance and long-term life span.
- MMC build would be the most economic construction solution.

Constraints:

- Loss of historic value of Rose Garden Café.
- Would include waste embodied carbon due to demolition.

Notes:

- Retained existing WC block: 60m² existing.
- External seating Patio with seating for approx. 40 external: 60m² (based on 40 spaces @ 1.5m² per person / counter service recommended area allocation)
- Kitchen / Store / Servery / Office and Staff Welfare area (generally based on average café kitchen being approx. 25% to 30% of total café area served)



Design Features:

- Brickwork at low level
- Timber cladding
- Zinc roofing
- External covered canopy
- Aluminium bi-fold opening Doors/screens
- External sliding timber Window shutters
-
- North facing roof lights
- Naturally ventilated
- Potential to add P.V.'s



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OPTION 4 – Demolition of existing building and provision of new traditional build facility

Proposed Works:

- Demolition of the existing café building but retain existing WC block.
- New build café – ‘Traditional - Mock Tudor Design’ to match existing, consisting of:
- New kitchen, store, servery, office, and welfare area – 62m²
- New internal seating layout and flexible community space within café area – 163m²
- Refurbish existing WC block – 60m²
- New external covered seating area for approx. 40 people, ramps and external works.
- Low carbon / energy efficient / all new services and electrical supply.

Opportunities:

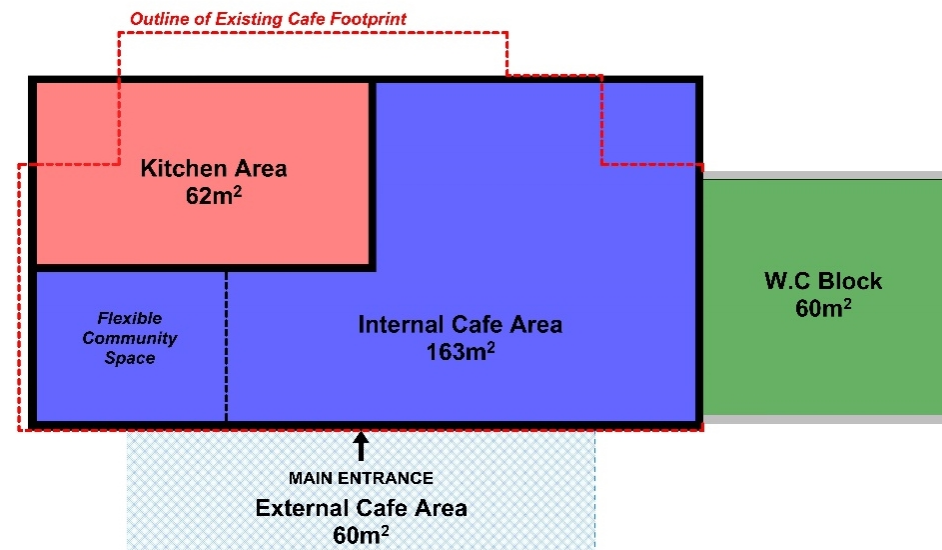
- More economical solution to build and maintain.
- Provides energy efficient performance and long-term life span.
- Traditional build gives best of old with new build.

Constraints:

- Loss of historic value of Rose Garden Café.
- Would include waste embodied carbon due to demolition.

Notes:

- Retained existing WC block: 60m² existing.
- External seating Patio with seating for approx. 40 external: 60m² (based on 40 spaces @ 1.5m² per person / counter service recommended area allocation)
- Kitchen / Store / Servery / Office and Staff Welfare area (generally based on average café kitchen being approx. 25% to 30% of total café area served)



Design Features:

- As original design:
 - Brickwork at low level
 - Timber boarding with rendered infill panels
 - Rosemary roof tiles
- New clock tower
- External covered canopy
- Aluminium full height opening glazed doors
- External sliding timber Window shutters
- North facing roof lights



Limited Works (options 1 and 5)

OPTION 1 – Site safely secured and café building closed

Proposed Works:

- Ensure members of the public are kept safely away from the building through secure fencing but make no repairs to the building.

Opportunities

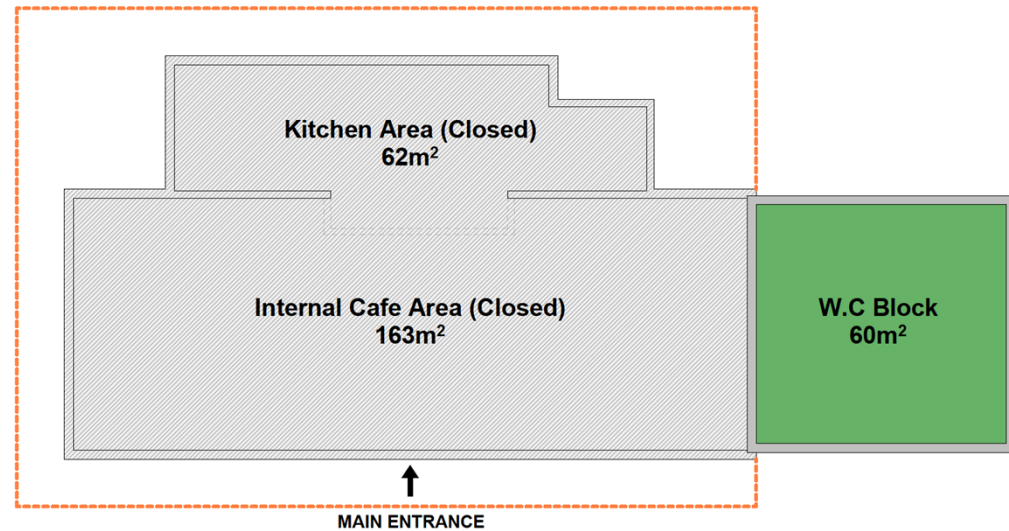
- Existing external WCs remain open.

Constraints

- Cost of maintaining scaffolding, indefinitely.
- Loss of café facility to Graves Park.

Notes:

- Maintain scaffolding internally and externally.
- Existing external WCs to remain open.
- Indicative security fencing line as indicated in Orange dotted line.
- CLOSED Rose Garden Café building footprint as identified in Grey lines and hatched area.



Design Features:

- N/A



OPTION 5 – Demolition of existing building and site clearance only

Proposed Works:

- Demolition of the existing café building and site clearance
- Retain existing WC block – 60m²

Opportunities:

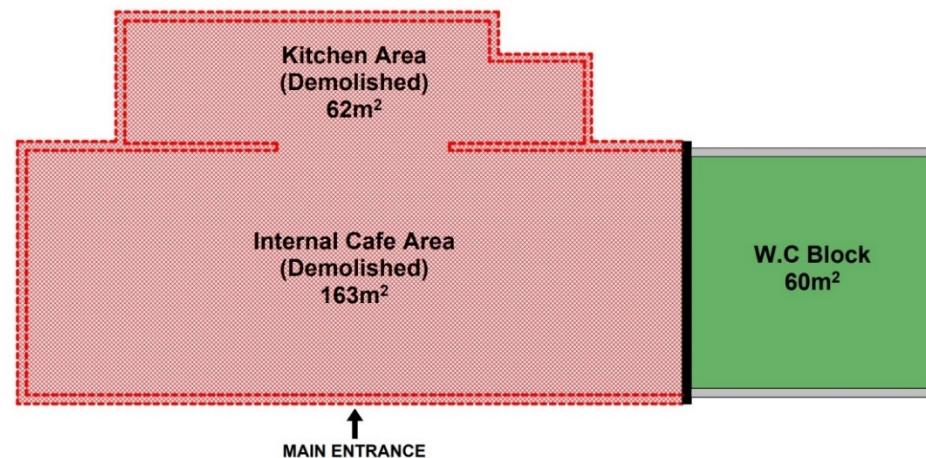
- Retains existing WC block
- Provide clear site for future 3rd party operator installation.

Constraints:

- Loss of historic value of Rose Garden Café.
- Would include waste embodied carbon due to demolition.

Notes:

- Retained existing WC block: 60m² existing.
- Works required to make good existing wall between café and WC block.
- Demolished existing Rose Garden Café building footprint as identified in red dotted line and hatched area.



Design Risks

5 Design Risks

The table below summarises the main design risks and issues associated with each option based on the available current information.

Option	Risk	Actions
Option 1: Close and fence off the café. Do not undertake any of the required repair works.	The condition of the café building deteriorates further, becoming unsafe, making any future refurbishment or demolition / rebuild works more costly and hazardous due to the increased risk of failure of the building structure.	Provide secure fencing around the perimeter of the café building and maintain security.
Option 2A and 2B: Refurbishing an existing building in overall poor condition and unknown stability.	Potential for the building structure to fail and collapse during refurbishment works. Unknown condition of elements does not become apparent until work has commenced and requires further remediation works.	Provide temporary structural bracing throughout prior refurbishment works commence. Allow for additional costs and time for unknown elements found during the main refurbishment works.
Option 3: Maintaining the existing WC Block as part of this new-build MMC option.	The existing WC block which requires some repair works will require structural bracing whilst the existing main café building is demolished, also limits the design of the new café and impacts on the length of construction works.	Temporary structural bracing installed prior to café demolish works. It may be more cost effective to demolish and rebuild the WC block.
Option 4: Maintaining the existing WC Block as part of this new-build traditional option.	The existing WC block which requires some repair works will require structural bracing whilst the existing main café building is demolished, also limits the design of the new café and impacts on the length of construction works.	Temporary structural bracing installed prior to café demolish works. It may be more cost effective to demolish and rebuild the WC block.
Option 5: Close and demolish the existing café building, but maintain the existing WC Block	The existing WC block which requires some repair works will require structural bracing whilst the existing main café building is demolished, and a new gable wall constructed to maintain the stability of the WC block.	Temporary structural bracing installed prior to café demolish works and construction of new gable end wall.

Project Estimates

6 Project Estimates

To give guidance on the potential costs for the proposed options for the Rose Garden Café, an outline cost estimate of the refurbishment or replacement works has been undertaken on the six options presented in Section 4.

The overall project costs have been split into four sections based on Construction, Fees, Surveys and Contingency budget costs. These are based on the current known information and condition of the existing Rose Garden Café.

These Stage 1 estimated costs vary from option to option depending on the level of facilities provided and length of construction works. Options 1 and 5 result in the loss of a café facility, whilst Options 2A, 2B, 3 and 4 provide a café facility but vary in their delivery timeframe due to the extended programme of works associated with complicated refurbishment works for option 2A and 2B. It is considered that options 3 and 4 will be a more straight forward construction process.

	Options					
	1	2A	2B	3	4	5
	Secure and make site safe (2)	Structural Stabilisation and full Refurbishment	Structural Stabilisation and Internal Refurbishment of Café only (10)	Demolition of existing café and provision for a MMC café facility	Demolition of existing café and provision for a traditional built café facility	Demolition of existing building and site clearance only
Construction Costs (excl design and price risk) (£)	85,000.00	1,066,000.00	555,000.00	986,000.00	1,046,000.00	100,000.00
Design Risk (£) (8)	0.00	134,000.00	69,000.00	74,000.00	78,000.00	5,000.00
Price Risk (£) (9)	0.00	160,000.00	83,000.00	120,000.00	126,000.00	5,000.00
Construction total (£)	85,000.00	1,360,000.00	707,000.00	1,180,000.00	1,250,000.00	110,000.00
Direct costs (£) (4)	0.00	30,000.00	30,000.00	40,000.00	40,000.00	10,000.00
Professional Fees (£) (5)	5,000.00	210,000.00	110,000.00	150,000.00	160,000.00	10,000.00
Contingencies (£) (7)	5,000.00	190,000.00	64,000.00	110,000.00	110,000.00	7,000.00
Total (£)	95,000.00	1,790,000.00	911,000.00	1,480,000.00	1,560,000.00	137,000.00

Notes

- 1) VAT is excluded
Option 1 includes for 6 months of hire for the existing scaffold and building support
- 2) only.
- 3) Option 2a assumes 52 weeks on site; option 3 assumes 26 weeks on site; option 4 assumes 44 weeks on site; option 2b assumes 34 week on site.
- 4) Direct costs for options 2-4 and 6 are an allowance for geotechnical surveys, ecology surveys, tree surveys, building regulation fees, planning permission fees, BT and data connections. For options 3-4 there will be additional topographical surveys. Option 5 covers ecology and potential ground condition surveys
- 5) Fees are based on 5% of construction value for option 1 (arranging quotes, checking services capped off, arranging payment), 15% of construction value for option 2a and 2b, 12% of construction value for options 3 and 4, and 10% of construction value for option 5. The relative percentages included are based on the anticipated design work required for each option and include allowances for Architect, Structural Engineer, Service Engineers, Project Manager and Cost Manager input from RIBA Stage 2 design to completion on site, including procurement, tendering and contract preparation.
- 6) Further to note 4, the costs for completing this option appraisal are excluded from all options.
- 7) The contingencies for option 2a are based on a priced risk register. Options 3, 4 and 2b are based on approximately 7.5% of the remaining project costs, whilst options 1 and 5 are based on approximately 5% of remaining project risks, which is an assessment of the relative risks associated with each option.
- 8) Design risk allowances have been included as follows: 0% option 1, 12.5% options 2a and 2b, 7.5% options 3 and 4, 5% option 5. These allowances are based on an assessment of the risk of each option and have been rounded.
- 9) Price risk allowances have been included as follows: 0% option 1, 15% options 2a and 2b, 12% options 3 and 4, 5% option 5. These allowances are based on an assessment of the risk of each option and have been rounded.
- 10) Option 2b is a reduced scope version of option 2a, with all works to the kitchen, toilets, external areas excluded. There is an allowance of approximately 50% of the M&E full refurbishment costs
- 11) Further to point 5, professional fees will be required to develop the designs and deliver the scheme, and would be applicable to any 3rd party were they to undertake the project. The allowances and percentages included are considered appropriate for the content of each option and consistent with industry standards.

Appendix 2

Prudential Borrowing Research

Prudential borrowing for restoration options

The estimated rental value provided in Table 1 below can be used to understand how much could be borrowed against each design option. The amount that can be borrowed is equal to any income generated over the income target for the café. Within the existing budget the income target is £50,000 (£30,000 base rent and £20,000 turnover). Table 1 provides calculations for how much can be borrowed for options providing a cafe. For option 2B (restoration with light touch internal refurbishment) the estimated rental value per annum is £60,000 meaning that £10,000 could be allocated towards repaying a certain borrowed amount. Based on a 40-year asset life (and repayment plan with 5% interest) a total of £198,000 could therefore be borrowed. The borrowing amount could be increased by reducing the income target or increasing the estimated rental value. Reducing the income target means less funds to maintain the Park and given the lack of funds for building maintenance it would be sensible to increase the income target to include a dedicated maintenance amount.

Prudential borrowing for replacement building options

A replacement building solution could be funded by prudential borrowing in combination with a long-term commercial development agreement with an operator. The agreement would need to include a base rent commitment totalling the income target plus the annual borrowing repayments. To borrow the £1.48m for Option 3, the repayment per annum (40 years inc. 5% interest) would be £74,925. The operator would need to commit to a 40-year agreement with a rent of £74,925 plus the café income target. An alternative would be to reduce the agreement duration (and repayment duration). If you reduced to 10 years, this would mean a base rent of £188,700 per year plus the café income target. An operator could also commit to contribute financially to the cost of the build reducing the amount borrowed in return for a rent-free period. At present, all these scenarios seem unlikely due to either the extent of the base rent and or the agreement duration being not aligned with the market.

Prudential borrowing calculations

Table 1 below provides a summary of prudential borrowing estimates for the design options.

Option	Amount needed to cover full capital cost of project Based on a 40-year asset life****		Estimated valuation figures ** Per annum			Amount that can be borrowed ERV – income target (£50,000)***		Shortfall to fund full capital cost of project	
	Total amount borrowed	Repayment per annum Including 5% interest	Base rent £ per annum	Top up based on estimated turnover	Total Estimated Rental Value (ERV)	Total	Per annum	Total	Per annum
2A	£1,790,000	£90,619	£37,500	£37,500	£75,000	£494,000	£25,000	-£1,296,000	-£65,619
2B	£911,000	£46,119	£30,000	£30,000	£60,000	£198,000	£10,000	-£713,000	-£36,119
3	£1,480,000	£74,925	£40,000	£40,000	£80,000	£592,000	£30,000	-£888,000	-£44,925
4	£1,560,000	£78,975	£40,000	£40,000	£80,000	£592,000	£30,000	-£968,000	-£48,975

*A tenancy-at-will is a precarious property tenure that can be terminated at any time and without a reason by either the tenant or the owner/landlord. It is an agreement personal to the tenant and does not specify the duration of agreement.

**Valuation figures are based on Stage 1 Options Report. Estimated turnover is based on the marketing and letting of other cafes across the Parks, in particular those that are also a destination location. Estimates currently provided are conservative.

*** Currently there is no ring-fenced amount that would be dedicated for building maintenance within the income target. A dedicated amount deducted from the borrowing would provide a stronger business case.

**** The borrowing calculations do not currently account for voids in the income - for example new tenant leading to closure for a period of time. Usually this could be accounted for by reducing the ERV by 5% annually.

Total estimated rental value for options 1 and 5 is nil as a café is not provided. For option 5 there is potential to offer site for mobile concession etc at say £15,000 per annum.

Appendix 3 Funding Sources Summary Table

Funding Type	Funding Source/Notes
Borrowing	Prudential borrowing offset by commercial income is an option for a restoration or replacement building solution. The Rose Garden Café borrowing estimates are relatively low value and therefore won't change the Council position too much. Further detail is provided in the main body of the report.
	No funds available in existing Council Parks or Facilities Management revenue budgets.
Capital Investment	Essential Compliance and Maintenance Fund is an existing Facilities Management fund that can be accessed to repair buildings on the estate. This fund only be used to make a building safe, in this case it could be use to either demolish or repair the existing building but not for any refurbishments to improve the building. Further detail is provided in the main body of the report.
	No new Council funds are currently available.
External bids (grant funding)	Grant funding can be accessed by SCC or the community stakeholders. An example fund is the Veolia Landfill Communities Fund (≤ £75k). There is an existing SCC bid in for this fund for improvements to one of Graves Park's playgrounds. Another example is the National Lottery fund who will fund projects that " <i>...can be anything from the past that you value and want to pass on to future generations...Designed landscapes – improving and conserving historic landscapes such as public parks, historic gardens and botanical gardens...</i> ". Age Sheffield were awarded £581,500 from the National Lottery Heritage fund to restore the derelict Grade II listed old Coach House building in Hillsborough Park. A further fund that could be accessed by the community to fund a restoration option is the Community Ownership Fund. To access this fund, the asset would first have to be transferred to the community. There is concerns that the recipient could have difficulty managing the asset.
Fundraising	There is an ongoing online fundraiser with 271 supporters and £8457 raised (as of 06 September 2023) started by the Friends of Graves Park. The campaign notes that the group aim to raise £25,000 through fundraising and a further £475,000 through grant funding.
Commercial lease agreement	Across café parks a commercial development agreement with an operator to fund/deliver refurbishment works in return for a rent-free period has been agreed.
Local Area Committee (LAC)	An allocation has been suggested by a ward Cllr but not formally approved – to be explored further.
Community Infrastructure Levy (CIL)	Possibility for CIL funding – to be explored further.



Report to Policy Committee

Author/Lead Officer of Report: Tammy Whittaker Head of Regeneration and Property Service
Tel: 2734700

Report of: Executive Director Operational Services
Report to: Charity Trustee Sub-Committee
Date of Decision: 18 October 2023
Subject: Abbeydale Industrial Hamlet, Abbeydale Road South, Sheffield, S7 2QW

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? NOT YET COMMISSIONED				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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:-				
Appendices 1 and 2 are not for publication because they contain exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).				

Purpose of Report:

This report

1. seeks 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.
2. sets out the requirements that need to be met prior to this disposal (as detailed in the Legal Implications section of this report)

Recommendations:

The Charity Trustee Sub-Committee is recommended to:

- R1. 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.
- R2. 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.
- R3 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.

Background Papers:

n/a

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: Adrian Hart
		Legal: <i>Leonie Wallace</i>
		Equalities & Consultation: <i>Jo Pearce</i>
		Climate: <i>(N/A)</i>
<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	SLB member who approved submission:	<i>Executive Director City Futures</i>
3	Committee Chair consulted:	<i>Councillor Ian Auckland</i>
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 Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Ian Wrightson/Philip Dendy</i>	Job Title: <i>Surveyors</i>
	Date: <i>October 2023</i>	

1. PROPOSAL

- 1.1 Abbeydale Industrial Hamlet is held on charitable trust by the Council as sole charity trustee, with this Committee having responsibility for those functions.
- 1.2 Abbeydale Industrial Hamlet, marked with a red line on the lease plan attached at Appendix 3 ('the Property'), forms part of a larger site registered at HM Land Registry under freehold title number SYK618090.
- 1.3 The Property is currently occupied by Sheffield Museums Trust under a lease dated 19 December 2012 which was varied by a licence to assign and deed of variation dated 1 April 2021. The leasehold title is registered as SYK604261.
- 1.4 The Sheffield Museum Trust in the process of instigating plans to improve the 'offer' to visitors and to make better use of the existing site and buildings. The proposed alterations include the installation of a Fire Protection System, 3-phase electrical power, additional outdoor seating, improved landscaping, and re-surfacing the car park to provide both additional spaces and improved accessibility.
- 1.5 The Museum has investigated external funding options to facilitate the above works, specifically via Heritage Lottery Funding however, the unexpired term of the existing lease is now insufficient for the proposed funding - having only 19 years remaining.
- 1.6 In order to allow the funding to be paid over to be facilitate the envisaged improvements, terms have provisionally been agreed to grant Sheffield Museums Trust a new 36-year lease subject to the surrender of the existing lease. The reason for the 36-year term is to provide sufficient time to both deliver the proposed capital improvements and to pursue a series of further funding bids for more work.
- 1.7 The proposed lease will be on the terms indicated above, and as set out in the attached Appendix 1.
- 1.8 As with the existing lease, the proposed lease will require the Lessee to repair and maintain the historic monuments within the demise which would otherwise be the responsibility of the Council.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The charitable objects of the Charity are to use the land for the purposes of the recreation of the public as public walks and pleasure grounds. The proposed arrangement will ensure that the property is maintained by the Lessee into the medium term and hence reduce the Charity's financial exposure and risk.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 As there will be no material change to the provision of facilities at the Property there is no requirement for or benefit to holding a public consultation.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 The objects of the Charity are to provide the facilities to all members of the public without restriction to or distinction between any person's characteristics including, but not limited to the protected characteristics identified and therefore there are no equality implications to be considered in the decision requested by this report on the proposed disposal.

4.2 Financial and Commercial Implications

- 4.2.1 The proposed lease will facilitate the pursuance of significant funding to undertake improvement works to enhance the museum attraction and the capital costs will not fall to the Charity. In addition, if the lease did not proceed, then the Charity could in due course face exposure to maintenance costs on an ongoing basis.
- 4.2.2 Further financial information is contained in the Qualified Surveyor's Report at Appendix 2 to this report.

4.3 Legal Implications

- 4.3.1 Abbeydale Industrial Hamlet, and the wider site of which it forms part, was acquired by the Council under a Conveyance dated 17 August 1935 made between (1) Earl Fitzwilliams Wentworth Estates Company and The Trustees of the J G Graves Charitable Trust and (2) The Lord Mayor Aldermen and Citizens of the City of Sheffield. The purchase money being provided by The Trustees of the J G Graves Charitable Trust on the proviso that the property conveyed would be held in perpetuity on trust by the Council for the purposes of the recreation of the public as public walks and pleasure grounds which established the property as a charitable trust asset. The wording of the Conveyance also grants the Property the status of designated land under the provisos of section of the Charities Act 2011.
- 4.3.2 The proposal to accept a surrender of the current lease of the Property and to immediately grant a new lease for a term ending on 31 May 2058 requires the Council, as charity trustee, to comply with the restrictions on any disposition contained in the relevant provisions of the Charities Act 2011. These include a general obligation to achieve the best price that can be reasonably obtained on any disposal transaction but also contains several other specific obligations as detailed below.

4.3.3 Section 120 of the Charities Act 2011 contains an obligation to obtain and consider a written report on the proposed disposal from a qualified surveyor instructed by the charity trustee and acting exclusively for the Charity. A report compliant with the requirements of section 119 has been obtained and is attached to this report at Appendix 2.

4.3.4 Where land is held by a charity for a specified purpose (known as designated land), there are sometimes additional requirements that must be complied with in relation to a proposed disposal:

(a) Pursuant to section 121 of the Charities Act 2011 to give public notice of the disposal before disposing of designated land, or agreeing to dispose, unless:

(i) the land is being replaced

(ii) we are granting a lease for a term of 2 years or less with no premium or fine; and

(b) where there is no express power within the governing document of the Charity the charity trustee does not have the necessary powers to dispose of the Land without obtaining an order or scheme from the Charity Commission authorising the disposal.

4.3.5 The proposed new lease term exceeds the 2 year threshold and therefore the City Council is required to publish the required public notice giving a notice period for objections and representations of 1 month. Any objections and representations received must be given due consideration prior to the grant of the lease.

4.3.6 The Conveyance does not contain an express power allowing the charity trustee to dispose of the whole or any part of the land held on trust for the objects of the Charity. However, the Conveyance also does not contain an express prohibition against disposal of the land. In these circumstances the Charity Trustee can rely on the power of sale contained in section 6 of the Trusts of Land and Appointment of Trustees Act 1996 without obtaining an order or a scheme from the Charity Commission where the extent of the disposal is, in relation to the overall size of the land held by the Charity, so small that it will have no impact on the charity's ability to further its objects. As the majority of the land acquired on charitable trust will remain and continue to be used for the purposes of an open space and/or pleasure ground, the proposed transaction will not impact on the City Council's ability to further the charitable objects and will not require an order or scheme from the Charity Commission.

4.4 Other Implications

4.4.1 None beyond those identified in this report.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 It is considered that there are 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.

6. REASONS FOR RECOMMENDATIONS

- 6.1 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.

APPENDICES

1 Principal lease terms

2 Qualified Surveyor's report

3 Plans

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

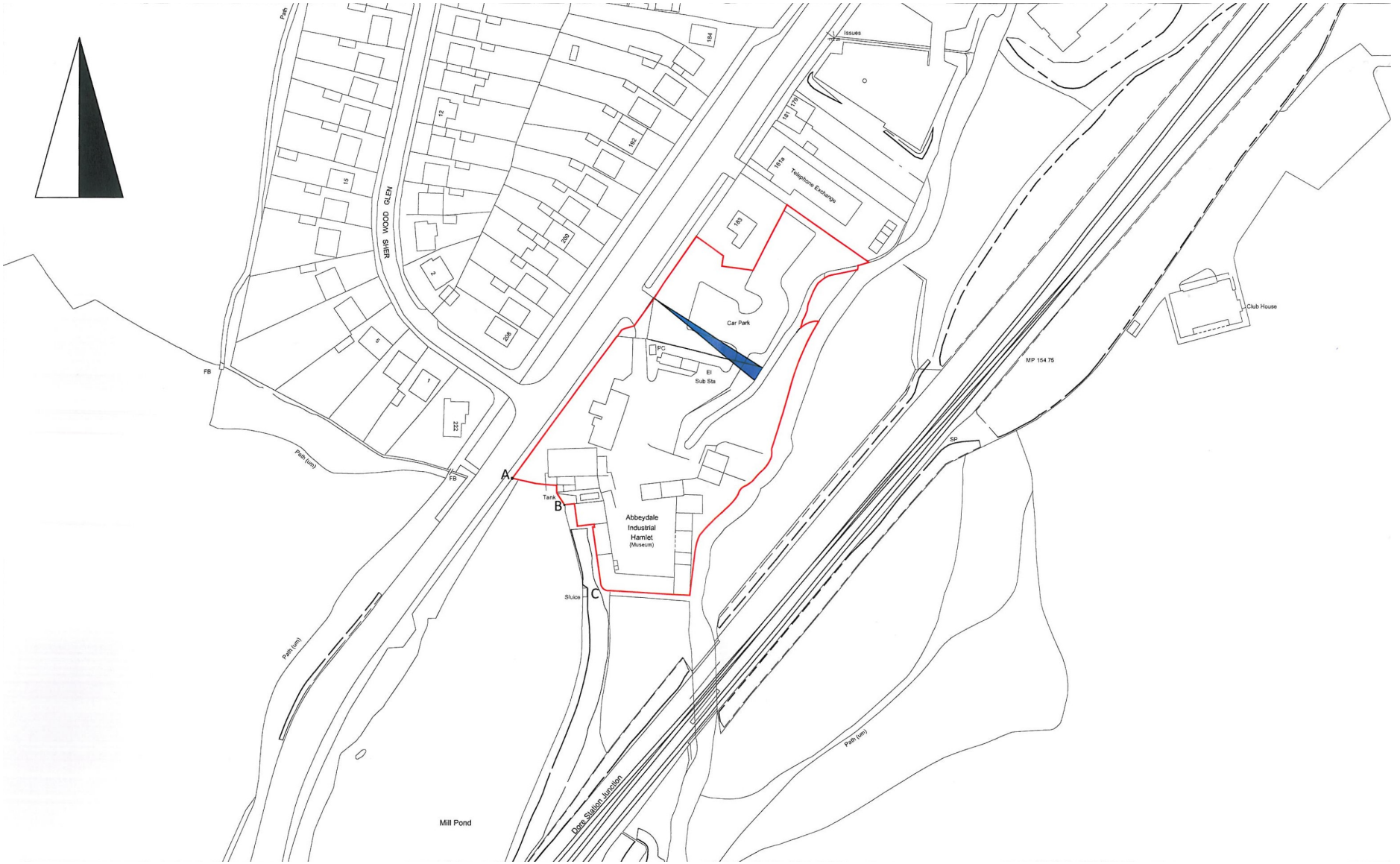
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