



Report to Policy Committee

Author/Lead Officer of Report: Tom Smith,
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Report of: *Ajman Ali, Executive Director of Neighbourhoods*

Report to: *Charity Trustee Sub-Committee*

Date of Decision: *22nd January 2024*

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:

To provide an update on the progress made by officers and key stakeholders on the following recommendations approved by the Charity Trustee Sub-Committee on October 18th 2023:

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.

Recommendations:

The Charity Trustee Sub-Committee is asked to:

1. Note the progress made towards the actions agreed in the October 2023 report.
2. Agree to receive a further report in March 2024 on progress towards the recommendations agreed in the October 2023 report.
3. Note that further updates and decisions will be taken to the appropriate Committee as required.

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</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.	
	Lead Officer Name: <i>Tom Smith</i>	Job Title: <i>Director of Operational Services</i>
	Date: <i>11th January 2024</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.

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.

The feasibility report presented design options 1 – 5 with associated feasibility cost estimates based on the commissioned surveys, summarised in the table below.

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

The options were further appraised to understand viability and how each of the options met the charity objectives. Many factors were considered including community value, funding sources and delivery options. The appraisal highlighted that some of the design options were either unviable (primarily due to funding limitations or delivery challenges) or did not meet the project or charity objectives. Therefore, the October 2023 committee report recommended that the options with a limited works or replacement building approach be paused and a restoration approach pursued. See section 1.3 for the full recommendations approved by Committee. Please also refer to the Charity Trustee Sub-Committee reports dated [25 October 2022](#) and [18 October 2023](#) 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 Approved recommendations

The following recommendations were approved by the Charity Trustee Sub-Committee on October 18th 2023;

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.

Progress to date

The following sections 1.4 – 1.8 are an update from council officer's working with representatives of the emerging Rose Garden Café Partnership (Friends of Graves Park, Save the Rose Garden Café Campaign and Sheffield City Council) of the progress made towards the approved recommendations from October 18th to December 20th.

1.4 Establishing the Rose Garden Café Partnership

1.4.1 Reconciliation

Following Charity Trustee Sub-Committee approval on October 18th 2023, Officers agreed the approach to invite an independent facilitator to design and lead the first workshop with key stakeholders, given the importance of the Partnership setting off on the right foot and the existing differing standpoints between parties.

On November 10th 2023 an initial workshop with Friends of Graves Park (FoGP), Save the Rose Garden Café Campaign (STRGCC), current café operator, Brewkitchen and Sheffield City Council officers was ran by independent facilitator, Pete Spriggs from [Clearer Thinking](#).

The workshop focus was developing the Rose Garden Café Partnership with the following outcomes:

- Share aspirations for the Rose Garden Café restoration and refurbishment.
- Reflect on what makes an effective partnership.
- Identify skills and experience required specifically within the Rose Garden Café partnership.
- Discuss and agree the requirements of the Chair's role, including how they might be recruited.
- Draw out the key priorities for the partnership over the coming months, and how best this work can be actioned.

A workshop report was issued capturing the discussions and agreements of the workshop and can be found in the appendix.

1.4.2 Co-creation and establishing ways of working

Following the initial workshop, a further two meetings focussing on establishing the partnership were held on November 24th and December 15th. Existing partners co-created and agreed a Memorandum of Understanding (MOU), establishing an understanding and commitment between parties ahead of the independent chair and partnership being established. The

existing partners also agreed on ways of working including how to share ideas and information and a regular time and venue to meet.

1.4.3 Appointing additional partners and a chair

The existing partners agreed to advertise for the role of chair and additional partners for the Rose Garden Café Partnership. The application packs for the roles were co-created using the requirements discussed in the first workshop. A process and timeline for advertising the roles was discussed and agreed, with applications opening on November 28th. Existing partners shared the link to the application information via various channels and articles were published in both the Star and SheffNews.

On December 12th applications closed and the existing partners met to agree a process for reviewing applications, including criteria for shortlisting and then proceeded to review any applications as per agreed process. Following feedback from possible chair applicants that the busy run-up to Christmas had meant applying was a challenge, the existing partners agreed to extend the application deadline for the role of chair to January 19th. As there were no expressions of interest or applications for the role of partner it was agreed that the partner application deadline would not be extended.

It was also agreed by existing partners that whilst the ongoing process of getting a chair in place continues, an SCC Officer will continue as acting chair to avoid delaying progress.

1.4.4 Next Steps

Shortlisted applicants have been invited to meet existing partners on January 12th and any additional shortlisted applicants (following the extended application deadline) will be similarly invited to meet, in early February. Once a chair is agreed, the Terms of Reference for the Rose Garden Café Partnership will be finalised and will supersede the Memorandum of Understanding.

1.5 **A framework for a proportionate public consultation on the Rose Garden Café**

1.5.1 The existing partners focus since October has been on establishing the partnership and therefore consultation has only been briefly discussed but not progressed. As the application for chair deadline has been extended, officers are proposing to progress this item in parallel.

1.5.2 Next steps

Partnership meetings have been scheduled fortnightly moving forwards and Officers have drafted a forward plan identifying priority items for review at the next Partnership meeting on January 12th, which we are looking to agree and finalise. The intention is for this to be a live document which will be reviewed at every meeting. An update on consultation will be provided at the Charity Sub-Committee meeting in March.

1.6 **Establish funding sources to meet the structural remediation and building refurbishment works**

Similarly, to consultation, the emerging partnership has not held any dedicated meetings on funding sources as focus has been on establishing the partnership. Funding sources have been briefly discussed in meetings, in particular the Community Ownership Fund and the draft forward plan highlights progressing this item as a priority action. Where there is an update on a potential funding source this is provided below.

1.6.1 Community Ownership Fund

The Friends of Graves Park attended a Community Ownership Fund webinar and shared feedback with existing partners via email and at a meeting. The partnership has started to talk through the timelines and requirements for this fund. Friends of Graves Park have noted that they have produced a business plan and strategy for the restoration and refurbishment of the café – which is to be shared and discussed with the Partnership.

1.6.2 Essential Compliance and Maintenance Fund

The partnership has discussed the possible use of this fund for any necessary feasibility, structural design and costing work needed to enable robust external funding bids to be submitted – which is the critical next step in the ultimate goal of the Rose Garden Café re-provision. It is recognised that applications for external grants such as the Community Ownership Fund have requirements which may require further work to be undertaken. The Essential Compliance and Maintenance Fund can only be used for works linked to structural defects and needs to meet the criteria approved at the Strategy and Resources Committee described in section 4.2.2.

1.6.3 Learning lessons from SCC precedent projects

SCC officers have been looking to the Sheffield Street Tree Partnership and General Cemetery Oversight and Advisory Group for lessons learned and ways of working. This has included sharing knowledge on applying for external grants, options for procurement and partnerships.

1.6.4 Next steps

Establishing and progressing funding sources to understand timelines, requirements, and risks for each funding source is a priority on the draft forward plan for discussion and development with the partnership. An update will be provided at the Charity Trustee Sub-Committee meeting in March.

1.7 **Agree a strategy for public communication**

Shared comms

Each meeting the partnership agrees a shared communication that partners can choose to share via their existing channels. The dedicated Rose Garden Café SCC page is updated with key updates and press releases are published for key milestones. Since October 2023 the following press release has been issued - [‘Steps taken to establish the Rose Garden Café Partnership’](#).

1.8 **Key actions undertaken in parallel to establishing the partnership**

At the initial workshop, a session to discuss the key priorities for the partnership over the coming months was held. One of the priority items highlighted by Friends of Graves Park was to agree the reason for the lean in the front wall. Therefore, ahead of the independent chair being appointed, Officers agreed to organise a meeting to review the front wall with FoGP, their surveyor and architect. A file note was created by SCC ahead of the meeting and shared for comment. The file note summarised the findings and recommendations of the commissioned professional advice thus far on the structural condition of the front wall with the intention of aiding discussion in the meeting.

The meeting was held on November 30th and a shared understanding of existing information, and the various proposed design solutions was reached. The file note was updated to capture design solutions presented by FoGP Architect and the commentary from the meeting and circulated for comment. Please see the appendix for the front wall file note. It was agreed that the next step to progress this item will be the appointment of a structural engineer on the Conservation Accredited Register of Engineers (CARE) to review and develop the design options.

2. **HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 The proposal to pursue a restoration approach in Partnership with stakeholders is still felt to be in the best interests of the Graves Park Charitable Trust for the reasons outlined in the October 2022 Charity Trustee Sub-Committee Report. The learnings from this project will contribute towards the accommodation review of community buildings.

3. **HAS THERE BEEN ANY CONSULTATION?**

- 3.1 There has not been any public consultation specifically regarding this report.

3.2 Ongoing Consultation

The Save the Rose Garden Café Campaign and Friends of Graves Park continue to inform and consult their members via their existing channels.

3.3 Proposed Consultation

As per the October 2023 report, a proportionate public consultation is to be 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 questionnaires. The proposed consultation is to build on the themes established in the STRGCC petition and help the Partnership understand community objectives for the Rose Garden Café beyond structural and repair works, whether that be establishing user experiences or highlighting which aspects of the refurbishment are most important to park and café users. Consultation will 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 will 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 There are no new equality impacts arising from this report that were not noted as part of the Initial Equality Impact Assessment conducted for the October 2023 report. The EIA remains a live document and will be reviewed and updated as required to ensure a full and current picture of the equalities implications of this work.

4.1.2 The October report noted that both the Equality Act 2010 and Public Sectors Duties should be considered in both the public consultation and the establishing of the partnership. The work undertaken thus far to establish the partnership, including the advertising and shortlisting of applicants for chair has taken account of our public duties and the Equality Act 2010, in line with existing SCC procedures.

4.2 Financial and Commercial Implications

4.2.1 There are no new financial or commercial implications in this report.

4.2.2 Essential Compliance and Maintenance Fund

As per the October 2023 committee report, 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 (costed at £635,000 by SCC) will develop in detail and accuracy and this will also inform the amount asked from the fund.

4.3 Legal Implications

4.3.1 As a report updating on progress, there are no direct legal implications from this report.

4.3.2 Memorandum of Understanding

The partners have co-created and signed a Memorandum of Understanding (MOU). The MOU sets the terms and understanding between key partners; Sheffield City Council, Friends of Graves Park and Save the Rose Garden Café Campaign ahead of the Rose Garden Café Partnership (and associated Terms of Reference) being established. A MOU is a statement of serious intent – agreed voluntarily by equal partners – of the commitment, resources, and other considerations that each of the parties will bring. It has moral force but does not create legal obligations.

4.3.3 The Rose Garden Café Partnership

The October 2023 committee report recommended 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

There are no direct climate implications arising from this report.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 This report was produced to provide an update on progress made towards the recommendations made in the Rose Garden Café October 18th 2023 report. The only alternative option would have been to not produce an update report in January and wait until the March committee meeting, which was discounted by Officers.