

Rose Garden Café – Freedom of Information (FOI) Requests

Questions from Save the Rose Garden Cafe Public Meeting – Ref: FOI 2022-23-0615

Date of request: **8/8/2022**

Date of response: **8/9/2022**

1. Why has the Rose Garden Cafe building not been maintained in the years the council have been trustees?

As trustees of the Charity the Council is responsible for the management and maintenance of the whole of the park. The cost of managing and maintaining the park far outstrips the income generated from the charitable activities and therefore each year the Council covers the additional costs for maintenance and management by way of a grant to the charity. In 2021 the additional revenue cost borne by the Council alone was over £280k. The Council commissions condition surveys in order to inform future investment decisions.

2. Why do the council consider that all repairs must be completed at once, when the structural report indicates that only some are immediately required in order to make the building safe.

Once the building is structurally safe it could be reoccupied. Identified defects will require repair, replacement, or mitigation.

3. We want assurances that no demolition is planned and want the opportunity to verify the report and costs independently.

No decision has been taken to demolish the building. The long-term future of the building has not yet been decided and work is underway to gather the relevant information and costs for every potential option.

All future decisions will be subject to consultation and require approval from the appropriate committee.

Please see published reports for your information: <https://www.sheffield.gov.uk/parks-sport-recreation/rose-garden-cafe-updates>

4. When will we see the outcome of the second inspection and where will this be published (so far, council communications have been lacking for the public or difficult to find)

<https://www.sheffield.gov.uk/parks-sport-recreation/rose-garden-cafe-updates>

5. We want assurances that the council will work with us in an open and transparent approach to seeking alternatives to closure and/or demolition

We want to assure people that openness and honesty are important to us, and we will be transparent in our dealings with this matter and publish as much information on our website as possible.

- The Web page will provide transparency and be used to sign post interested parties to relevant information and published documents.
- The Web page information will be grouped under common themes, as raised by the public and we will give access to all the reports that have been produced in relation to the building condition and structural information.
- Links to related websites and council decisions will also be made available.

6. Why was the 2018 lease renewal only set for 2 years when previously it had been much longer?

The lease renewal was set for 2 years as Parks and Countryside wanted to undertake visioning work on the park and Rose Garden Café before undertaking the tender process to agree a longer-term tenancy with an operator. Unfortunately, the Covid pandemic has delayed the visioning work which led to the tenancy period ending and the tenant moving on to a Tenancy at Will.

A longer-term lease would be granted only after a process whereby an operator was selected following a public, open and transparent tender process

7. Why has it taken 5 weeks since the first report was issued to close the cafe if it was so dangerous? The report does not appear to suggest immediate danger or closure - what has the decision to immediately close the cafe (with 15 minutes notice to the tenants) been informed by?

The Rose Garden Café was closed at short notice due to structural issues and safety concerns identified in professional survey reports undertaken as part of an initial feasibility study for a Rose Garden Café Improvement project. Prior to the latest survey reports, it was not anticipated that the building would be deemed unsafe and therefore no temporary provision was put in place.

Please see <https://www.sheffield.gov.uk/parks-sport-recreation/rose-garden-cafe-updates> for more details.

8. We would like to know what is happening with the funds in the Graves Park Charity Account - surely some of this can be used? (We understand that some of this is in assets and land, but do not believe that the full amount is tied up)

The latest available Statutory Accounts (2020/21) are at the following link: [charity-search \(charitycommission.gov.uk\)](https://charity-search.charitycommission.gov.uk)

The table on page 8 copied below sets out a summary of the income and expenditure shown in the accounts for the year ended 31st March 21. This shows that Sheffield City Council provided £287k (60%) of revenue funds to the charity in 2020/21.

As the charity is managed and funded by the Council no specific charity reserves are deemed to be necessary, except for those reserves represented by fixed assets. Annual revenue expenditure is generally greater than income and the variance is born by the Council and not carried forward into the next financial year.

For further detail, please also see references to the relevant sections of the accounts.

	2020/21	ref to
	£'000	Charity Accounts
INCOME		
Sheffield City Council Revenue Contribution	287	
Income from Charitable Activities	177	See note 3 Pg 15
Friends Of Graves Park	11	
Total income	475	
REVENUE EXPENDITURE		
Employees	278	
Supplies and Services	96	
Grounds Maintenance	40	
Repairs and Maintenance	25	
Tree Work	12	
Other	24	
Total Expenditure	475	See note 5 Pg 16
NET TOTAL	0	

In addition to the expenditure shown above, a further £261k capital expenditure was incurred, fully funded by the Council, which has enhanced the value of the parks fixed assets:

- £223k Graves Park Farm Staff Welfare facilities
- £36k Graves Pavilion Road and path repairs
- £0.5k Graves Park Pitch repairs

A total of £548k funding was therefore provided by the City Council, representing 74% of total expenditure.

- 9. If no other alternative to demolition can be found by working together, we want absolute assurances that the building will be replaced with another for use as a cafe, in a timely manner, and that public consultation will be held on this new building**

No decision has been taken to demolish the building. The long-term future of the building has not yet been decided and work is underway to gather the relevant information and costs for every potential option.

All future decisions will be subject to consultation and require approval from the appropriate committee.

Please see published reports for your information: <https://www.sheffield.gov.uk/parks-sport-recreation/rose-garden-cafe-updates>

10. Is there somewhere that I can direct people to for up-to-date information from the council? As one lady mentioned, we need to make sure that we are providing information in as many accessible formats as possible.

Please refer to the new Web page: <https://www.sheffield.gov.uk/parks-sport-recreation/rose-garden-cafe-updates>

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Questions from Save the Rose Garden Cafe Public Meeting – Ref: FOI 2022-23-0615

Date of request: **16/8/2022**

Date of response: **8/9/2022**

1. Who are the 10 employees, their roles and responsibilities, employed by Graves Park Charity Trust?

The Trustee referred to on the Charity Commission website (Charity Overview - Graves Park) is Sheffield City Council.

The staff who work for the charity are employed by Sheffield City Council within the Parks and Countryside Service. The costs of such staff are recharged to the charity. The roles are listed below:

1 x Graves Park Manager – responsible for day to day operations and management of Graves Park (and surrounding area) including management of staff listed below.

1 x Gardener – daily maintenance of the park including playground checks, bin emptying, and monitoring the site as well as horticultural work to keep park tidy.

1 x Grounds Maintenance worker – as above.

1 x Head Stockperson – Team leader for Animal Farm, supervising staff and managing all aspects of animal welfare as well as providing high quality visitor experience.

2 x Stockperson – carrying out all aspects of animal welfare as well as providing high quality visitor experience, responsible for supervision of less senior staff members when manager or head stockperson is not available.

2 x Animal Farm Worker (0.3 FTE) – carrying out all aspects of animal welfare as well as providing high quality visitor experience.

1 x Ticket Seller/Shop Worker (0.6 FTE) – running pitch and putt when open and working in Animal Farm gift shop.

1 x Stockperson Apprentice– carrying out all aspects of animal welfare as well as providing high quality visitor experience.

2. What is the funding model of the park?

The information on the Charity Commission website (please follow this link: [charity-search \(charitycommission.gov.uk\)](https://www.charity-commission.gov.uk/charity-search)) explains how the park is funded. Income is generated through activities and attributed to the Graves Park Charity business unit. Costs to maintain the park (including the animal farm) are attributed to this business unit. Costs are higher than income and the council uses general fund revenue to subsidise the Charity.

3. What are the “Assets under construction” listed on the structural report?

Could you please provide clarification on where this is listed and in which report this can be found?

4. Who is the named lessor on the lease from the councils side?

The Sheffield City Council

5. Where was the £200k stated as being made available for repairs being sourced from?

The reference to a potential £200k for a refresh of the building refers to a verbal element of the brief for the structural survey where a hypothetical question was posed along the lines

of "what could we do to improve the building if we spent £200k". This was based on the assumption that the Parks and Countryside service would potentially be able to borrow a sum of money (prudential borrowing) for building improvements / changes against future café income.

Questions from Save the Rose Garden Cafe Public Meeting – Ref: FOI 2022-23-0668

Date of request: **5/09/2022**

Date of response: **4/10/2022**

Request

- The Save the Rose Garden Campaign Group is separate to, but working closely with the Friends of Graves Park and was formed with a group of people following the public meeting in the park on 4th August at which more than 200 people attended.
- We have formed a SRGC steering group and are meeting fortnightly and we invite you to recognise us as stakeholders in discussions about the Park.
- Please could you explain the funding model for Graves Park? How is revenue and expenditure managed and decided and by whom?
- We are concerned about several issues surrounding the park and the café building.
- The Leader Cllr Terry Fox has given us a named officer and we would like to meet with you as Head of Parks and the Officer he named as Nadeem or Nadim although no contact details were supplied. This would be to discuss timescales, next steps and ideas for co-operative working with the community as promised by the politicians.
- We have a campaign meeting this Weds 7th September at 6pm and would be grateful for your response before then please. I hope we can achieve open honest, open, transparent and responsive communication with you and your officers following our two meetings with the Leader and Chairs of Finance Sub and Parks & Neighbourhoods as we move towards an urgent solution for this building and the 12 staff which have been laid off as a result of this situation.

Response

The information on the Charity Commission website (follow this link: [Accounts and annual returns, GRAVES PARK - 510841, Register of Charities - The Charity Commission](#)) explains how the park is funded. Income is generated through activities and attributed to the Graves Park Charity business unit. Costs to maintain the park (including the animal farm) are attributed to this business unit. Costs are higher than income and the council uses general fund revenue to subsidise the Charity.

In addition to the expenditure a further £261k capital expenditure was incurred, fully funded by the Council, which has enhanced the value of the parks fixed assets:

£223k Graves Park Farm Staff Welfare facilities

£36k Graves Pavilion road and path repairs

£0.5k Graves Park Pitch repairs

A total of £548k funding was therefore provided by the City Council, representing 74% of total expenditure.

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Questions from Save the Rose Garden Cafe Public Meeting – Ref: FOI 2022-23-586

Date of request: **4/08/2022**

Date of response: **1/09/2022**

Request

Please could you provide me with:

1. A copy of the governing document of the Graves Park Charity.
2. If annual (or extraordinary) general meetings are required by the governing document: Minutes from the last 3 annual general meetings and any extraordinary general meetings held in the last 3 years.

Response

1. Please find attached.
2. We produce audited accounts and submit them to the Charity Commission. No annual general meetings are held. When decisions are required related to the charity site, they are taken by the relevant elected member-led group (currently Charity Trustee Subcommittee of the Council, previously Cooperative Executive or Cabinet).

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Questions from Save the Rose Garden Cafe Public Meeting – Ref: FOI 2022-23-0596

Date of request: **11/08/2022**

Date of response: **1/09/2022**

Request

You all should be well aware of issues and circumstances surrounding the closure of the rose garden café in Graves Park.

Graves Park was gifted to the city by Alderman J.G. Graves between 1926 and 1936 to protect the thousand year old woodland from building development.

Mr Graves donated the 100.362 hectares (248 acres) park to the people of Sheffield.

Sheffield City Council act as custodians of the peoples park and thus SCC are the sole trustee of the Graves Park Charity.

It goes without saying that Sheffield City Council have failed in their duties as both landlords and trustees, but also in their lawful responsibility to properly maintain the cafe building and employees safety under the Health and Safety act.

As I understand it, all money generated by Graves park charity belongs to the Graves park charity and not Sheffield city council.

Last week at 6:30pm on Friday 5th August I attended the meeting that was held in the park next to the cafe.

The majority of the people there learned of the charity's account which holds over £2million, not in cash but in assets.

How that was calculated or valued is beyond me.

I would like to know the following:

What has Sheffield City Council done with all the money generated by the Graves Park charity? That includes:

- Rent from the rose garden café charged by SCC.
- All profits generated by the café sales itself.
- Rent from the land occupied by SCC nursery depot.
- Rent from all festivals, summer fetes and fair grounds held within the park

More importantly, has Sheffield City Council misappropriated funds from this charity? Should you need me to clarify this, I hereby make this subject access request under the Freedom of Information Act 2000.

Everyone in this email is listed as follows.

Members of Parliament

MP Louise Haigh, Sheffield Heeley

MP Clive Betts, Sheffield South East

Graves Park Councillors

Councillor Ian Auckland

Councillor Sue Auckland

Councillor Steve Ayris

Charitable Trusts Sub-Committee

Councillor Bryan Lodge (Chair)

Councillor Richard Williams (Deputy Chair)

Councillor Douglas Johnson (Group Spokesperson)

Councillor Julie Grocutt (Group Spokesperson)

Councillor Mike Lavery (Group Spokesperson)

Councillor Angela Argenzio (Substitute Member)

Councillor Shaffaq Mohammed (Substitute Member)

Councillor Zahira Naz (Substitute Member)

Councillor Joe Otten (Substitute Member)

Councillor Martin Smith (Substitute Member)

Response

What has Sheffield City Council done with all the money generated by the Graves Park charity?

The key Statement of Financial Activities can be seen on Pg 8 of the latest available Statutory Accounts (2020/21) at the following link: [Charity overview, GRAVES PARK - 510841, Register of Charities - The Charity Commission](#)

The table sets out a summary of the income and expenditure shown in the accounts for the year ended 31st March 21. This shows that Sheffield City Council provided £287k (60%) of revenue funds to the charity in 2020/21.

As the charity is managed and funded by the Council no specific charity reserves are deemed to be necessary, except for those reserves represented by fixed assets. Annual revenue

expenditure is generally greater than income and the variance is born by the Council and not carried forward into the next financial year.

For further detail, please also see the notes to the relevant sections of the accounts.

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Questions from Save the Rose Garden Cafe Public Meeting – Ref: FOI 2022-23-0836

Date of request: **18/10/2022**

Date of response: **19/12/2022**

Request

I cannot find the spreadsheet which was meant to be attached to this report and I wish to check the information which is being spread in the area about the cafe.

also I wish to have a copy of the spreadsheet mentioned in FOI_2022-23-0570.docx

The report for the The Charity Trustee Sub-Committee for the 25th of October says

"1.2 History of the Park

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)."

Can I assume that the additional land came from the following? -

(In 1925 when the Norton Hall estate was broken up and sold by Lieutenant-Colonel Bernard Alexander Firth. He donated Norton Hall to the Joint Hospitals Board and negotiated the sale of 112 acres of land for £25,000.

The plan was to incorporate Norton Hall into a new hospital which would amalgamate the services of the Royal, Royal Infirmary and Jessop hospitals (although the plan never materialised).

Response

The information you have requested about the additional land is accessible to you by other means, it is exempt from disclosure under section 21 of the Freedom of Information Act 2000.

The required records are freely available if you would like to visit the City Archives (email archives@sheffield.gov.uk to arrange a convenient time).

1. Minutes of Sheffield City Council, 1927, includes reference to the pavilion at Graves Park (page 751). (our ref. CA-MIN/66)
2. Planning application, Graves Park, Sheffield (Sheffield City Council, Parks Committee) - erect tea room, 1927 (CA206/30880a)
3. Plan of the Norton Hospitals Estate and extension to Graves Park, 1927 (NHS12/2/2/4)
4. Report on the suggested sale of part of the Norton Hospitals Estate for the purpose of extending Graves Park, 1933 (NHS28/4/1/4/4)
5. Memorandum of meeting of chairmen of the four Voluntary Hospitals - Meeting to consider Alderman J G Graves' request that a larger portion of the Norton Hospitals Estate than first offered be sold to him as an extension to Graves Park, Aug 1933 (NHS28/4/1/4/5)
6. Sheffield City Council: General Purposes (later General Purposes and Parks, later Parks and Burial Grounds) Committee Signed and Draft Minutes and Reports, 1843 – 1968 (CA-GPP)

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