

Rose Garden Café closure - Frequently Asked Questions

In response to the concern and interest shown by the public following the closure of Rose Garden café in Graves Park, we have produced the following list of themed answers to commonly asked questions we have received about the matter.

Council Decisions

1 Why were alternative arrangements not put in place before the café was closed?

The cafe building was closed at short notice due to structural issue and safety concerns identified in professional survey reports undertaken as part of an initial feasibility study for a Rose Garden Café Improvement project. Unfortunately, the full implications of the results of the surveys i.e. immediate closure of the café, could not have been anticipated prior to receiving these survey reports.

2 How will the Council reach a decision on the future of the current café building?

All decisions will be subject to consultation and require approval from the Charities Sub-committee. We will keep interested parties up to date with information and listen to views on the future of the building.

We do not have adequate information to make any decisions at this stage. Further investigations are underway and once all information has been collated, we will have a clearer view of what is possible and the costs.

3 Do we know when a decision might be reached regarding the future of the Rose Garden Café Building?

The current timetable has all surveys scheduled to be completed by external, specialist companies before Christmas. The options appraisal will then be completed early in 2023.

4 What options are being considered for the café building?

The following options were agreed by the Charity Trustee Sub-Committee as those that it considers, in principle, to be available to it, at this time, in respect of the future of the Building:

- 1 Do nothing – ensure members of the public are kept safely away from the building through secure fencing but make no repairs to the building.
- 2 Structural stabilisation of the existing building (and refurbishment).
- 3 Demolition of the existing building and provision of a modular facility in its place.
- 4 Demolition of the existing building and provision of a traditional build facility in its place.
- 5 Demolition of the existing building and site clearance only.

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 signpost interested parties to relevant information and published documents.

Links to related websites and council decisions will also be made available.

Cafe Business Operation

6 How is the Council working with the previous operator to support them through this difficult time?

We appreciate that the timing and speed of the closure came as a shock to the business and was at a point in the year when trade typically increases due to the improvement in weather and school holidays, however, the decision to close the Cafe Building was due to structural issues and safety concerns and it was important that the Council acted swiftly to keep both the operator and members of the public safe. We are working as quickly as possible to gather the information required to make a decision on the way forward and we will continue to talk to the operator regularly throughout this period.

7 How is the Council be working with the previous café operator to return a café offer?

The Council remains in discussions with the previous operator regarding the future of the café and what options there may be available to them, to continue trading within the park. They have been offered the opportunity to run a café cart or similar. Now the propping is in place, there maybe an opportunity to operate from the cafe building once survey work has been safely completed and the survey results show that it is safe to do so. We will provide further updates as more information is available.

8 What alternative refreshment opportunities are available in Graves Park?

There are coffee carts at the Charles Ashmore Entrance and the Animal Farm.

9 Who were the named parties on the café building lease?

Before the building closed, the most recent legal agreement in place for the running of the café, was a Tenancy-At-Will between Sheffield City Council and BrewKitchen Ltd.

10 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 with the previous leaseholder 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.

Long term leases for the operation of cafes within Council parks are granted following an open and transparent tender process and public consultation.

Cafe Building Maintenance

11 Who is responsible for the upkeep of the café building?

Sheffield City Council is responsible for maintaining the structure and external elements of the café building. When leasing the building, the tenant was responsible for maintaining internal aspects of the building.

12 What recent surveys have been carried out on the café building?

A condition survey was carried out in 2018 and then another in 2022, as part of a wider condition survey programme. The purpose of these types of surveys is to enable the Council to better understand the condition of buildings across its whole estate. Where works are identified these are prioritised in line with the funding available, based on factors including the condition rating, probability of failure and if the element was to fail, the severity of that failure.

13 How has the condition of the café building deteriorated to the point where closure was required?

Investment works are identified via condition surveys, several statutory building compliance regulations (for example gas servicing and fire risk assessments) and day to day reporting of repairs. Investment and corrective actions are prioritised to ensure compliance with statutory obligations for example The Regulatory Reform (Fire Safety) Order 2005, probability of component failure and the severity of a failure.

The cafe building is beyond its originally designed life. The condition survey report undertaken in 2018 & July 2022 showed that the building needs significant investment to bring it up to the appropriate standards. The 2022 survey showed improvement costs of approximately £300K were required in the 'satisfactory' to 'bad' rated areas (NOTE this is subject to further detailed assessment and the results from additional surveys, to confirm final requirements).

As trustees of the Graves Park Charity, the Council is responsible for the management and maintenance of the whole of the park, including operation of the free farm grounds and the play and sporting facilities. The cost of managing and maintaining the park far exceeds the income generated from the charitable activities, including income from the cafe lease. Each year the Council covers the additional costs for maintenance and management by way of a grant to the charity. In the year 2020-21 the additional revenue cost borne by the Council was over £280K.

14 What recent maintenance work has been carried out on the café building?

During the period from 2018 the Council has carried out several general repairs when reported by occupants and Council staff.

15 What work can be done to make the building safe for now?

The structure has been made safe by erecting a scaffold frame internally and externally.

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

We do not have adequate information to make any decisions at this stage. Further investigations are underway and once all information has been collated, we will have a clearer view of what is required, the costs and the efficiencies of delivering different combinations of repairs and changes.

Surveys

17 Will results of surveys be shared in full with interested parties?

Yes, the survey information will be shared and placed on the Council's website. All existing surveys have already been shared and can be accessed on the website.

18 What surveys are needed to inform the decision about the future of the café building?

The following surveys have been commissioned from external, third-party companies:

- Structural Survey
- Timber Survey
- Point Cloud/Tilt Survey
- Trial Pit Surveys
- Window Ground Investigations
- Drain Survey
- Radar Survey Flat Roof
- Asbestos Survey

19 Why was the café building closed when the survey report does not explicitly mention that action?

The cafe was closed due to concerns over its structural stability. This was to ensure safety of the people working in and around the building and the general public.

As a result of information that contributed to The Structural Café Closure Report (03/08/22), the decision was made to close the building with immediate effect as the roof structure was deemed unsafe and the building in poor condition. This decision was made to protect the safety of anyone working in or visiting the building and was corroborated by the Independent Structural Inspection (08/08/22).

20 Why doesn't the original survey include results from a thorough inspection of the roof space?

To safely carry out an inspection of the roof space, the café needs to be closed to enable scaffold to be constructed to access the roof hatch. The roof space requires boarding out to allow the surveyor to safely access all the relevant areas.

Therefore, at the time the original surveys were undertaken this was discounted as boarding out the structure for access would also add additional weight to the roof which could have triggered a collapse. There was also concern that any boarding placed for access could have covered rot or split timbers making it unsafe for anyone inspecting the roof from a falling from height perspective. The structure has now been propped allowing more in-depth surveys to take place safely.

21 What impact does the discovery of bats and any further ecological or bat surveys have on the future of the café building?

Bat surveys were carried out by an ecological consultancy during the bat survey season. Pipistrelle bats were recorded emerging from several locations in the roof. As bats are protected by law, a licence from Natural England is needed before any work on the café building can proceed. Mitigation measures will be required to protect or replace the bats roosts, including installation of bat access tiles in the roof and / or bat boxes. We will continue to work closely with colleagues in our ecology team to ensure we abide by all necessary rules to protect wildlife.

22 Will the Friends of Graves Park be given the opportunity to conduct their own structural survey to confirm the findings of the initial report?

The council are working with the Friends of Graves Park, to provide access to the building for a surveyor, commissioned by them, to conduct a survey.

Surveys that are not commissioned by Sheffield city Council cannot be considered as part of our decision-making process.

Finance

23 What is the funding model of the Park? How is the Park 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.

The information on the Charity Commission website explains how the park is funded: [Register of charities - Accounts and annual returns](#)

24 What has the Council been doing with the income from the café building lease?

The income from the cafe building lease contributes towards running, maintaining and improving the whole of Graves Park.

25 Why hasn't income from the café building lease been invested back into the maintenance of the building?

The income from the cafe building lease has contributed towards running, maintaining and improving the whole of Graves Park.

26 How does the Council spend the money generated by the Graves Park charity?

Details of the Graves Park Charity accounts can be found on the Government's Charity Commission website: [Register of charities - Charity overview](#)

In 2020/21 Sheffield City Council provided £287k (60%) of revenue funds to the charity. For further detail, please also see references to the relevant sections of the accounts. The key Statement of Financial Activities can be seen on Pg 8 of the Statutory Accounts at the following link: [charity-search \(charitycommission.gov.uk\)](#)

In addition to this, 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

In 2020/21, a total of £548k funding was therefore provided by the City Council, representing 74% of total expenditure within Graves Park.

27 Are there funds in the Graves Park Charity Account that could be used to invest in the cafe building?

The Graves Park Charity account does not contain any funds. 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. The cost of management and maintenance of the park is supplemented by a donation by Sheffield City Council annually.

28 What rent did the Council get from the lease with the previous provider?

Specific rental figures are considered commercially sensitive, however, information on the Graves Park Charity accounts can be found at [Register of charities - Governance](#)

29 What was the gross and net amount arising from the council's share of the profit-share agreement with the previous provider, over and above the rental income?

Specific rental figures are considered commercially sensitive, however information on the Graves Park Charity accounts can be found at [Register of charities - Governance](#)

30 Where was the £200K investment mentioned in the Graves Park Improvement project to be sourced from?

The Rose Garden cafe Improvement project commissioned the survey that led to the cafe closure. The £200K figure was used during the early scoping stage, for a refresh of the building and refers to a verbal element of the brief where a hypothetical question was posed: "what could be done to improve the building for £200k". This was based on the assumption that the Parks and Countryside would potentially be able to borrow a sum of money (prudential borrowing) for building improvements / changes against future café income.

We do not yet have information about potential costs of any works on the Rose Garden Café site so it is therefore too early to make any decisions regarding potential funding options.

Graves Park Charity

31 Are there governing document for the Graves Park Charity?

The document that governs the administration of the trust is the 2009 scheme. This is subject to complying with statutory requirements such as the 2011 Charities Act.

32 Are audited accounts submitted for the Graves Park Charity?

The Council produce audited accounts and submit them to the Charity Commission: [Register of charities - Accounts and annual returns](#)

33 Are annual general meetings held for the Graves Park Charity?

No annual general meetings are held. When decisions are required related to the charity site, they are taken by the relevant Council member led group (currently Charity Trustee Sub-Committee, previously Cooperative Executive or Cabinet): [Sheffield City Council - Charity Trustee Sub-Committee](#)

34 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
- 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
- x Animal Farm Worker (0.3 FTE) – carrying out all aspects of animal welfare as well as providing high quality visitor experience
 - 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

Freedom Of Information requests

The responses to Freedom Of Information requests regarding Rose Garden Cafe are published on Sheffield City Council Open Data hub ([Sheffield City Council Open Data Hub](#)). To ensure accuracy, they are not duplicated on this page.