

# CABINET

## Referral of Call-In: Storey – Tasting Garden 3 November 2015

### Report of Overview and Scrutiny

PURPOSE OF REPORT				
To advise Cabinet of the outcome of the call-in of the Cabinet decision with regard to the The Tasting Garden at the Storey (Cabinet Minute 37) and to request Cabinet to consider the recommendations of the Overview and Scrutiny Committee in relation to this matter.				
Key Decision	<input type="checkbox"/>	Non-Key Decision	Referral from Overview and Scrutiny	<input checked="" type="checkbox"/>
Date Included in Forthcoming Key Decision Notice			N/A	
This report is public.				

#### RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

- (1) That Cabinet considers approving the following decision:

Consider that restoration of the artwork is not a high priority for the Council, but nevertheless a minimal amount of officer time will be provided to clarify the governance issues necessary to enable the Friends group to apply for major grant funding to restore the artwork as the lead partner with the Council. This funding would need to include a reasonable sum to cover appropriate project management of the restoration, plus insurance and future maintenance costs of the artwork to minimise any future liability on the Council's budget. Following the clarification of governance issues and clear permission to proceed, the Friends group to be given 12 months to raise the necessary funds. If fundraising is unsuccessful in this timescale, the Council to revert to the alternative masterplan option of improving the gardens without restoring the artwork.

#### 1.0 Introduction

- 1.1 At its meeting on 28 October 2015 the Overview and Scrutiny Committee considered the call-in of the Cabinet decision on Storey – Tasting Garden (Cabinet Minute 37). The original report is attached for information, and Cabinet approved Option 4:-

- (1) That ideally the artwork would be restored and would support the wider aims of the Storey and provide an attraction for our citizens but that the reality is that the policy and financial context of the Council mean that this is an unrealistic option. Therefore the most pragmatic option is to

make the very best of the gardens, within the resources we have, and in a way that goes to meeting the needs of our citizens and the business plan for the Storey. The details to be determined through the master planning process that Cabinet has already agreed.

- (2) That further reports on how the decision will be delivered be brought back to Cabinet as required.

- 1.2 The call-in, made on the grounds of lack of clarity about what was to happen next, was requested by Councillors Caroline Jackson and June Ashworth from the Overview and Scrutiny Committee and Councillors Hamilton-Cox, Mace and Wilkinson. Councillors Blamire and Hanson attended the meeting to outline the reasons for the decision, supported by the Chief Officer (Environment).

**2.0 Proposal Details**

- 2.1 Having reviewed Cabinet’s resolution, the Committee was of the view that it would like Cabinet to reconsider its decision, and the details are set out in the recommendation of this report.

**3.0 Conclusion**

- 3.1 The recommendation of the Overview and Scrutiny Committee would allow Cabinet to reconsider its decision. The suggested wording would provide clarity on the way forward.

<b>RELATIONSHIP TO POLICY FRAMEWORK</b>	
<b>CONCLUSION OF IMPACT ASSESSMENT</b> (including Health and Safety, Equality and Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None.	
<b>LEGAL IMPLICATIONS</b>	
Comments as per original report.	
<b>FINANCIAL IMPLICATIONS</b>	
Comments as per original report. As referred to in the recommendation above any funds raised would need to include the on-going maintenance and associated costs for the artwork.	
<b>OTHER RESOURCE IMPLICATIONS - None</b>	
<b>Open Spaces:</b>	
None arising from this report.	
<b>SECTION 151 OFFICER’S COMMENTS</b>	
Comments as per original report.	
<b>DEPUTY MONITORING OFFICER’S COMMENTS</b>	
Comments as per original report.	
<b>BACKGROUND PAPERS</b>	<b>Contact Officer:</b> Debbie Chambers
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# CABINET

## STOREY- Tasting Garden 6<sup>th</sup> October 2015 Report of Chief Officer (Environment)

PURPOSE OF REPORT					
To seek a decision on the future of the tasting garden					
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input type="checkbox"/>	Officer Referral	<input checked="" type="checkbox"/>
Date of notice of forthcoming key decision	NA				
This report is public					

### RECOMMENDATIONS OF CHIEF OFFICER (Environment)

- (1) That Cabinet decides 'in principle' on the best option for the future of the Storey Tasting Garden.
- (2) That once an in principle decision has been made further reports on the how the decision will be delivered will be brought back to Cabinet, as required, and during the current budget process as appropriate.

#### 1.0 Introduction

1.1 Following consideration of the report 'Storey- Tasting Garden' at Cabinet (2nd December 2014) the following decisions were made-

- (1) *That a further report be prepared with information on governance/land ownership issues, and a timescale together with a masterplan with two options: one option being the reinstatement of the artwork, the other a more broadly based opportunity for people to use the Storey Gardens.*
- (2) *That if following consideration of the report and masterplans, the decision is taken to restore the Tasting Gardens, the Council will not look to do that itself but would expect the supporters of the Tasting Gardens to undertake this recognising that there would be a cost implication to the City Council which would be responsible for any ongoing maintenance costs.*

1.2 The work on the two masterplans is currently underway. Cllr Blamire has however requested that an early report be brought to Cabinet so that positive direction on their preference for the future of the gardens can be provided.

2.0 Part of the Council's ethos as set out in the corporate plan is that of stewardship. This involves ensuring the social, economic and environmental wellbeing of the local area. In practice active stewardship involves a number of things including taking the key role in engaging, co-ordinating and mobilising

other public, private and voluntary bodies in delivering the council's strategic objectives for the place. How stewardship is exercised is a local issue and needs to be determined by the Council in partnership with local citizens.

- 2.1 The Council has a clearly defined interim strategy for the Storey Institute up to 2017/18, and this includes the recognition that the gardens are an integral part of the business plan for the facility. Prior to 2017/18, a formal review must be completed to evaluate performance and take account of any changing circumstances, particularly at the Castle.
- 2.2 As a means of promoting economic growth in the District, the Council directly contributes to a number of artistic and cultural activities.
- 2.3 Since the writing of the report in December 2014 there is now more certainty as to the financial future of Local Government. This being that the future financial position of the Council is very bleak with the need to reduce overall spending by up to £4million per year.
- 2.4 Based on previous reports and meetings with interested parties there are essentially two different views as to the future use of the Tasting Garden-
  - That Mark Dion's art installation is reinstated
  - That the Tasting Gardens is 'developed' to a Masterplan as a garden that complements the Storey Institute and can be enjoyed by the public- when the Storey is open.
- 2.5 Neither option has either funding or resource allocated to it presently. Cabinet's intention with regards to first option was that it would need to be funded externally and the fundraising and subsequent bidding would need to be undertaken by the community group who desired to see this option.

### **3.0 Proposal Details**

- 3.1 It has already been established that Mark Dion's artwork cannot be replicated in another location in the District.
- 3.2 Parties interested in restoring the artwork tell us that funding may be available for restoration of the artwork in its current location.
- 3.3 With regards to external funding the usual model is that for a community group to make a bid; what it requires is the support of the landowner and an assurance that ongoing maintenance and revenue costs will be covered in the future. Clearly the ongoing maintenance and revenue costs could be covered by the community group that submitted the project but generally any funder would want reassurance that in the event this was not sustained the landowner would take over the liability.
- 3.4 As was made clear in the previous report there is a polarisation of views on this subject, and there still is. In essence some people would like to see the art installation restored to how it was originally intended. Some take the view that this is unrealistic and the best thing to do is to make the best use of this space in a way that it can be enjoyed by our citizens and complement the wider business plan of the Storey Institute.
- 3.5 Restoring the art work and then ensuring the Tasting Garden could be enjoyed by our citizens and complement the wider business plan of the Storey Institute is clearly the ideal solution, although based on the current financial context of the Council not necessarily a realistic one.
- 3.6 It needs to be remembered that the reason why the artwork and garden is in its current condition is not because the Council has been neglectful in its duties

but because for a significant period, the Storey was undergoing refurbishment and thereafter, it was outside of the Council's direct management and control. There appears to have been no major outcry regarding the condition of the Tasting Gardens during this time. Furthermore, over many years now the Council has been forced to make very difficult decisions on how it prioritises its scarce resources, and this situation will continue for the foreseeable future

- 3.7 The harsh realities of the process of prioritisation of resources become more and more apparent as funding available to Local Government is further and further reduced. The reality is that the Council will be forced to cut or cease all together the provision of some services. This will have a very real impact on our citizens. It will also provoke debates about where the Council should be focussing diminishing resources. Therefore, this issue provides an example of the difficult decisions that Councils are forced to make, albeit one that will not have as detrimental an impact on our citizens as some of the others that will be required further on.
- 3.8 In determining the best way forward in this situation Cabinet have the following options-
- 3.9 **OPTION 1- Consider that restoration of the artwork is a priority for the Council and that in its role as a steward the Council should properly lead on it.**

In order to arrive at this option Cabinet would need consider the following-

- What actual evidence is there that this is generally what our citizens want?
- How would the restoration be funded? If the Council was to allocate resources for the Garden, in effect they would need to be redirected from another initiative or activity. Realistically, the Council does not have the resources to directly fund restoration and if so, external funds would need to be raised. We have been told that there are likely to be funds available out there. Experience tells us that obtaining external funding is a complicated and time consuming exercise and match funding may well be required.
- How would the project be resourced? As stated above just raising the funds is likely to be time consuming and complicated. Due to the need to prioritise and focus on core activities the Council does not currently have available officer time or expertise that could be allocated to this, if such a route was chosen. Therefore, in theory Cabinet would need to consider this as an area for growth. In practice budget reductions from central government mean that 'growth' is not an option that can be realistically considered, so Cabinet would have to consider redirection of resource.
- How would the restored project be maintained? The ongoing maintenance of the artwork would be intensive and would again require ongoing growth – this need is a very real difficulty given the financial outlook and the same point referred to above would apply.
- Even if external funds are available obtaining them could take a number of years, depending on the route chosen, and in any event the timescales would not fit with the review of the Storey operation, required by 2017/18. What does the Council do with the garden in the interim and how will that support the Storey business plan? What about the future? What would need to change?

**3.10 OPTION 2- Consider that restoration of the artwork is a priority for the Council, but only on the firm basis that it was resource- and risk- free for the authority, and so could only take place if full responsibility could be transferred, in some way, to a third party.**

There are some examples of this type of model that work well within the District (e.g. Fairfield). Typically land is leased to a community group for a specific purpose, with strict stipulations. However, the examples we have are ones where the risks are much less than this and the projects are of much lower profile.

In order to arrive at this option Cabinet would need to consider the following-

- The Council are properly stewards of the garden. How would transferring/delegating this responsibility to a third party fit with that?
- What evidence is there that the general desire of our citizens is that a valuable space is delegated to a third party to manage in the hope that funds can be raised to restore the artwork therein?
- What would happen if the third party lost interest in the project, or got into difficulties, especially bearing in mind previous experience?
- How would the long term maintenance of the project be funded and managed?
- How would this fit in with the business plan of the Storey, and the requirement for the operation to be reviewed prior to 2017/18?
- This is the most risky of all the options. Does the Council really want to agree to a project that creates so many potential risks?

Cabinet need to be aware that gaining satisfactory answers to these questions may prove impossible – there is no guarantee that this option is viable and it could tie up much Officer time pursuing it, to no avail.

**3.11 OPTION 3- Consider that restoration of the artwork is a priority for the Council but on the basis that the work involved in identifying funding and then bidding for it is undertaken by a specifically constituted 'Friends of' group, supported by an officer. In this case the ownership and ongoing management would still rest with the Council.**

In order to arrive at this option Cabinet would need to consider the following (much of which is in common with the considerations of previous options)-

- Where would the funds and resources for the long term maintenance of the project come from?
- What would happen if there was not enough interest to form a Friends Of group and if formed there was not sufficient capacity to identify and put together funding bids etc. This would be supported by an officer but the Officer would only have time to advise as opposed to doing the actual work. Were the Officer to do the actual work then it would be effectively OPTION 1.
- How would this fit in with the business plan of the Storey, and the requirement for the operation to be reviewed prior to 2017/18?

**3.12 OPTION 4- Accept that ideally the artwork would be restored and would**

support the wider aims of the Storey and provide an attraction for our citizens but that the reality is that the policy and financial context of the Council mean that this is an unrealistic option. Therefore the most pragmatic option is to make the very best of the gardens, within the resources we have, and in a way that goes to meeting the needs of our citizens and the business plan for the Storey. The details to be determined through the master planning process that Cabinet have already agreed.

In order to arrive at this option Cabinet would need to consider the following-

- What is the current and future financial position of the Council and what are the competing priorities?
- This option may be seen by some as not supporting wider aims and objectives for arts and culture in the District. However, this needs to be balanced by the fact that the Council already provides considerable ongoing support to arts and culture within the District.
- The view expressed by many citizens is that what really matters is that the gardens are brought back into use. Done properly this option could support the wider plans for the Storey and could (subject to testing through the masterplan process) reasonably include use of the garden to promote arts and culture.
- There is already an active 'Friends of' group who the Council could continue to work with to improve the gardens in the short term and deliver aspects of the masterplan once agreed.
- This option is based around the current financial realities facing the Council so would be designed to be delivered within existing resources, and could fit with the future review of the wider Storey operation.
- As this option would be accompanied by a Masterplan it provides the opportunity for the Council and Friends Of Group to bid for funds as they become available. Working in this way is far less intensive and resource draining as the options that are focussed on the main aim of restoring the Tasting Garden.

#### **4.0 Details of Consultation**

4.1 Consultation has taken place to get the report to this stage.

#### **5.0 Officer Preferred Option (and comments)**

5.1 The Cabinet agree in principle the way forward. Whatever option is chosen it is expected further more detailed reports will be brought back to Cabinet.

<b>RELATIONSHIP TO POLICY FRAMEWORK</b>
As outlined within the report
<b>CONCLUSION OF IMPACT ASSESSMENT (including Health &amp; Safety, Equality &amp; Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)</b>
As outlined within the report
<b>LEGAL IMPLICATIONS</b>

There are no direct legal implications arising from the report.

#### **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising at this time, but clearly there could be in future, depending on what option is chosen.

#### **OTHER RESOURCE IMPLICATIONS**

##### **Human Resources:**

None

##### **Information Services:**

None

##### **Property:**

As outlined within the report

##### **Open Spaces:**

As outlined within the report

#### **SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted and her comments reflected within the report. In short, this is another matter that Cabinet needs to consider during the 2016 budget, i.e. in context of spending priorities/needs and what is affordable in the longer term, and in the interests of council tax payers generally. A whole life approach should be considered, taking into account future management and maintenance requirements.

#### **MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments.

#### **BACKGROUND PAPERS**

none

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**Ref:**