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## GOHEBIAETH YN DILYN CYFARFOD Y PWYLLGOR

**Pwyllgor** PWYLLGOR CRAFFU'R ECONOMI A DIWYLLIANT

**Dyddiad ac amser  
y cyfarfod** DYDD IAU, 3 AWST 2023, 5.15 PM

Gweler isod gohebiaeth anfon gan Gadeirydd y Pwyllgor ar ôl y cyfarfod , ynghyd ag unrhyw ymatebion a gafwyd

Am unrhyw fanylion pellach, cysylltwch â [scrutinyviewpoints@caerdydd.gov.uk](mailto:scrutinyviewpoints@caerdydd.gov.uk)

6 **Gohebiaeth yn dilyn Cyfarfod y Pwyllgor**(*Tudalennau 3 - 12*)

Mae'r dudalen hon yn wag yn fwriadol

My Ref: SharePoint/E&C Library/Correspondence/August 2023

Date: 04 August 2023

By Email:

Neil Hanratty  
Director of Economic Development  
Cardiff Council



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### Public Letter

Dear Neil,

#### **CALL-IN: OFFICER DECISION SGC 2327 – Secret Garden Café**

Our thanks to you, Jon Maidment, Richard Crane, Eirian Jones, and Steve Robinson for attending our meeting to respond to the Call-In of Officer Decision SGC2327, requested by Cllr Rhys Taylor.

Having considered the evidence provided in the committee papers and at the meeting, the Committee decided to not refer the decision back. Councillor Berman has asked that it be noted that he did want to refer the decision back.

Members acknowledge your statement that you personally regret the anxiety caused to the existing tenant, Melissa Boothman, and staff at the Secret Garden Café, and your apology for the time taken to get to the point when it was realised a concession agreement is required. Members note you will be involved in future conversations with the existing tenant about the way forward; Members urge that these discussions take place sooner rather than later. Members **recommend** these discussions include whether to pause the open procurement process, possibly till March 2024, focusing on whether this is in the tenant's best interest. Members note that officers confirmed that such a pause would not cause any operational difficulties for Parks.

Members are clear that this Call-In has identified opportunities for learning and were pleased to hear you acknowledge this. In particular, Members highlight the following:

1. Landlord Role – it is important the Council has clear processes in place regarding its role as landlord. This Call-In has highlighted it is important the Council is able to provide assurance that these processes are sound, particularly to other

property lease tenants who are independent businesses who may be concerned after seeing the process followed with regard to the Secret Garden Café.

2. Communications – it is vital that the Council’s communications with the public enable the public to understand the rationale for decisions taken.

Based on the above, Members **recommend** the following:

- a. Officers ensure policies and processes provide clarity about what the Council will do when a property lease expires, including what will happen if a concessions agreement is required
- b. Policies and procedures are reviewed to ensure Officers seek legal advice at an appropriate stage – to ensure negotiations are based on the latest legal position.
- c. Officers identify existing property lease tenants that will need to move to concessions agreements when the existing lease expires, and proactively reach out to these tenants to advise them of current legal situation.
- d. Officers review the Council’s approach to press releases to ensure these provide sufficient information to give a full picture on background, context, and explanation of reasons underpinning decisions taken.

This letter requires a response please, to the following:

**Recommendation to be monitored following this scrutiny:**

To summarise, the Committee makes 5 formal recommendations which is set out below. As part of the response to this letter, I would be grateful if you could state whether the recommendation is accepted, partially accepted, or not accepted and summarise the Cabinet’s response. If the recommendation is accepted or partially accepted. I would also be grateful if you could identify the responsible officer and provide an action date. This will ensure that progress can be monitored as agreed by Cabinet.

<b>Recommendation</b>	Accepted, Partially Accepted, or Not Accepted	Cabinet Response	Responsible Officer	Action Date
<b>Members recommend</b> that officer discussions with the existing tenant of the Secret Garden Café include whether to pause the open procurement process, possibly till March 2024,				

Recommendation	Accepted, Partially Accepted, or Not Accepted	Cabinet Response	Responsible Officer	Action Date
focusing on whether this is in the tenant's best interest.				
<b>Members recommend</b> that Officers ensure policies and processes provide clarity about what the Council will do when a property lease expires, including what will happen if a concessions agreement is required.				
<b>Members recommend</b> that policies and procedures are reviewed to ensure Officers seek legal advice at an appropriate stage – to ensure negotiations are based on the latest legal position.				
<b>Members recommend</b> that Officers identify existing property lease tenants that will need to move to concessions agreements when the existing lease expires, and proactively reach out to these tenants to advise them of current legal situation.				
<b>Members recommend</b> that Officers review the Council's approach to press releases to ensure these provide sufficient information to give a full picture on background, context, and explanation of reasons underpinning decisions taken.				

Yours sincerely,

*P Wong*

**COUNCILLOR PETER WONG  
CHAIR, ECONOMY & CULTURE SCRUTINY COMMITTEE**

cc Members of the Economy & Culture Scrutiny Committee  
 Cllr Rhys Taylor – Member Calling-In the decision  
 Cllr Burke – Cabinet Member, Culture, Parks & Events  
 Group Leaders - Cllr Lancaster, Cllr Berman, Cllr Gibson  
 Gavin McArthur – Chair, Governance & Audit Committee  
 Jon Maidment                      Richard Crane                      Eirian Jones                      Steve Robinson  
 Clair James                      Mel Jackson  
 Chris Pyke                      Tim Gordon                      Jeremy Rhys

Mae'r dudalen hon yn wag yn fwriadol

Date 11<sup>th</sup> August 2023

Cllr Peter Wong  
Chair  
Economy & Culture Scrutiny Committee

Dear Cllr Wong

Thank you for your letter and for inviting me and relevant officers to the Call-in of the Officer Decision Report relating to the Secret Garden Café.

I am grateful to the Committee for their consideration of the explanations provided by officers and ultimately for their agreement not to refer the decision back.

I have reviewed the recommendations in your letter and provide the attached response.

As I mentioned at the meeting, I will be personally involved in progressing the agreement for the Secret Garden Café. In the first instance I will meet with the current tenant to agree an appropriate timeline for progressing the procurement process.

Kind regards



Neil Hanratty

**Director Economic Development**

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#### GWEITHIO DROS GAERDYDD, GWEITHIO DROSOCH CHI

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog. Byddwn yn cyfathrebu â chi yn ôl eich dewis, dim ond i chi roi gwybod i ni pa un sydd well gennych. Nii fydd gohebu yn Gymraeg yn arwain at oedi.

#### WORKING FOR CARDIFF, WORKING FOR YOU

The Council welcomes correspondence in Welsh, English or bilingually. We will ensure that we communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to delay.



Mae'r dudalen hon yn wag yn fwriadol



Recommendation	Accepted, Partially Accepted, or Not Accepted	Officer Response	Responsible Officer	Action Date
<p><b>Members recommend</b> that officer discussions with the existing tenant of the Secret Garden Café include whether to pause the open procurement process, possibly till March 2024, focusing on whether this is in the tenant’s best interest.</p>	Accepted	An initial meeting between the Tenant, NH and the Operational Manager (Parks) has been arranged for 18/8/23.	NH	18/8/23
<p><b>Members recommend</b> that Officers ensure policies and processes provide clarity about what the Council will do when a property lease expires, including what will happen if a concessions agreement is required.</p>	Partially Accepted	Park leases generally do not have the automatic right to renew upon expiry. The presumption will be for the Council to advertise the opportunity at the end of the lease term, except in exceptional circumstances. This will be made clear to tenants and will be captured in the lease. The Estates team will endeavour to inform the tenants with at least 6 months notice before the expiry of a lease.	EJ	8/08/23
<p><b>Members recommend</b> that policies and procedures are reviewed to ensure Officers seek legal advice at an appropriate stage – to ensure negotiations are based on the latest legal position.</p>	Accepted	Estates officers will engage with the service area to determine the nature of occupation and any service required to be provided and will seek legal advice on the best form of agreement before approaching the tenant. The Council will endeavour to engage with the tenant between 6-12 months before the expiry of a lease. In most cases, the opportunity will be advertised, i.e., the lease will not be automatically renewed.	EJ	8/08/23

Recommendation	Accepted, Partially Accepted, or Not Accepted	Officer Response	Responsible Officer	Action Date
<p><b>Members recommend</b> that Officers identify existing property lease tenants that will need to move to concessions agreements when the existing lease expires, and proactively reach out to these tenants to advise them of current legal situation.</p>	Accepted	<p>The Parks and Estates teams meet monthly to discuss parks assets. The meeting will flag all leased assets that are approaching 12 months to the expiry of the agreement. This will initiate a process (to be confirmed) that will determine the form of agreement and whether a market exercise will be required. These issues will be confirmed internally before the first meeting with a tenant.</p>	EJ	08/08/23
<p><b>Members recommend</b> that Officers review the Council's approach to press releases to ensure these provide sufficient information to give a full picture on background, context, and explanation of reasons underpinning decisions taken.</p>	Partially Accepted	<p>Press Releases and reactive press statements relating to lease agreements are drafted in consultation with, and under advice from legal services, the relevant departments, relevant senior managers and the relevant Director. Once approved by the Director (Officer Approval), they are shared with the relevant Cabinet Member for Member Approval.</p> <p>Where cases require legal advice, the legal considerations will shape the language used in press releases and in reactive statements and will determine what details can and cannot be put into the public domain.</p> <p>Whilst the Council will always aim to provide full and transparent information to the public, the level of detail will always depend on the timing of the release to ensure the Council does not compromise its commercial position.</p>	TG	8/8/23

TG – Tim Gordon  
EJ – Eirian Jones  
NH – Neil Hanratty

Tudalen 11

Mae'r dudalen hon yn wag yn fwriadol