

Notice of Lower Central Gardens Trust Board



Date: Monday, 30 January 2023 at 11.00 am

Venue: Committee Room, First Floor, BCP Civic Centre Annex, St Stephen's Rd, Bournemouth BH2 6LL

Membership:

Chairman:

Cllr L Williams

Vice Chairman:

Cllr S Bull

Cllr S Bartlett
Cllr M Greene

Cllr V Slade
Mr R Boon

All Members of the Lower Central Gardens Trust Board are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=5564>

If you would like any further information on the items to be considered at the meeting please contact: Nicky Hooley or email 01202 128737

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email press.office@bcpcouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

20 January 2023



Available online and
on the Mod.gov app

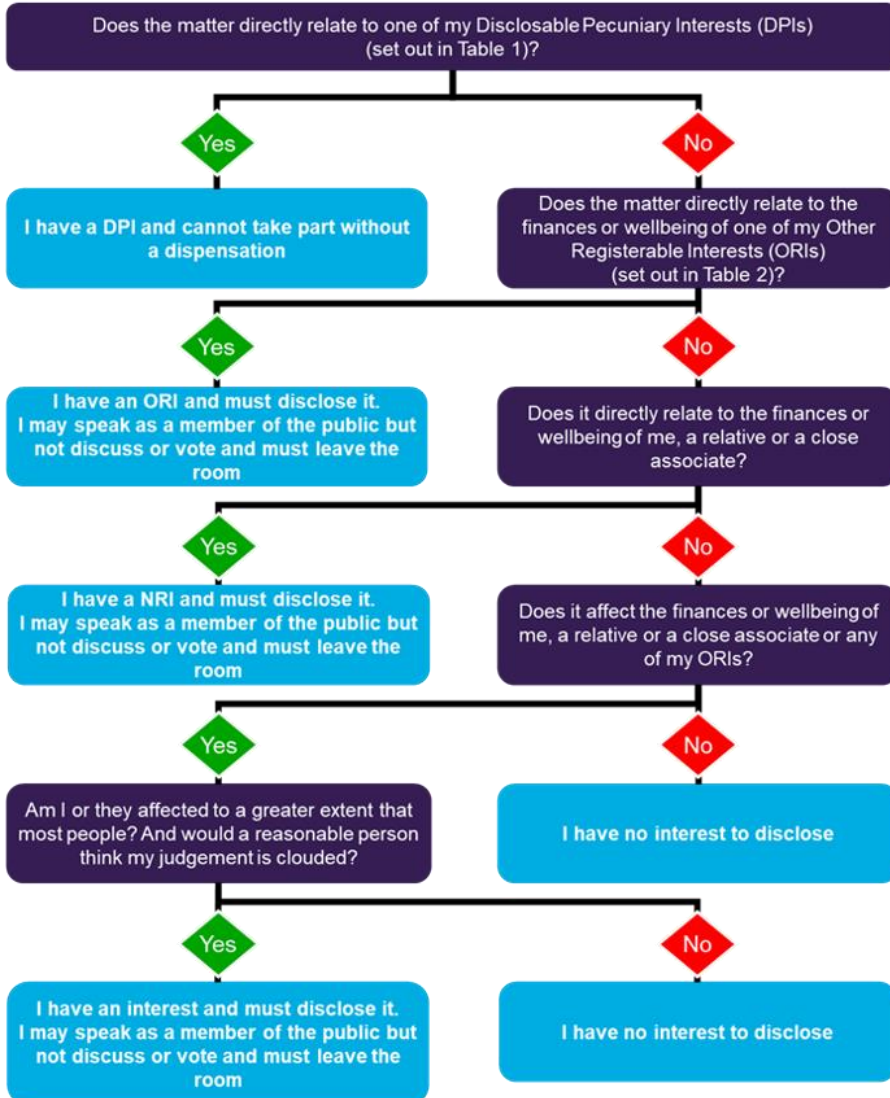
Icons for the Mod.gov app, including a blue globe, an Apple logo, an Android robot, and a Windows logo.

Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(susan.zeiss@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. Apologies

To receive any apologies for absence from Councillors.

2. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

3. Confirmation of Minutes

To confirm and sign as a correct record the minutes of the Meeting held on 5 December 2022.

1 - 4

4. Financial Statements 2021/22

It is a statutory requirement to agree the annual financial statements for the Lower Central Gardens Trust and submit them to the Charity Commission by 31 January each year. The Board are asked to review and agree the financial statements and the Letter of Representation prior to them being signed off by the Leader and Portfolio Holder for Finance and Transformation.

5 - 8

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

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Agenda Item 3

LOWER CENTRAL GARDENS TRUST BOARD

MONDAY, 5TH DECEMBER, 2022

Present: Councillor Lawrence Williams in the Chair

Councillors Cllr S Bull (Vice-Chairman),
Cllr S Bartlett, Cllr V Slade and Mr R Boon

Apologies: Cllr M Greene

12 **Election of Chairman**

Councillor Bull took the Chair for this item of business.

Councillor Williams was elected Chairman of the Board until the first meeting of the 2023/24 municipal year.

Voting: unanimous

13 **Election of Vice Chairman**

Councillor Bull was elected Vice Chairman of the Board until the first meeting of the 2023/24 municipal year.

14 **Apologies**

Apologies for absence had been received from Councillor Mike Greene.

15 **Declarations of Interests**

Councillor Bartlett advised that he was a Director of BH Live.

16 **Confirmation of Minutes**

The minutes of the meetings held on 20 December 2020 and 12 January 2022 were agreed as true and correct records.

Voting: unanimous

17 **Lower Central Gardens Trust Board Meeting**

The Joint Service Unit Head – Environmental Services presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The report provides a range of Trust and Service update information to the Lower Gardens Trust Board on specific items as requested by the Board of Trustees.

Items covered include:

- Governance
- Finance
- Events
- Concessions trading

- Operational service updates

The report provides information to updates to note whilst also seeking support and approval from the board for confirmation of Terms of Reference and of associated operational delegation of business-as-usual activities. The report furthermore asks for support for the implementation of an Events Policy and for the board to give consideration as to topic items for future reports.

Governance

The Board received a presentation from the Senior Solicitor, which focussed on the role and remit of the Board.

Following a question, it was advised that the Pavilion did fall within the land under the remit of the Trust. The Legal Team was undertaking a piece of work to understand exactly what land was included under the remit of the Trust. The outcome of this review would be reported to the Board when the work was concluded.

It was discussed that there may be potential conflicts for the Board to consider when evaluating the best needs of the Gardens as a leisure facility, as per the intents of the bequeathment and commercial events. It was explained that the maintenance of the pavilion was chargeable, which was always included as a cost in the accounts.

It was further discussed that whilst there were large financial figures involved with the running of the pavilion, but it seemed that the Trust have no input in the running of it. It was advised that the Trust Board should have input regarding leaseholder arrangements with BH Live.

It was explained that the Trust Board had various options to consider as to what constituted the best interests of the charity and use of the Gardens, there was discretion.

Finance:

It was advised that the annual accounts needed to be filed with the Charity Commission by 31 January 2023, to sign them off, so a meeting would be held in late January to allow the Board to sign them off. If there were any changes to the final accounts, from the draft ones which had been circulated, the Board would be notified.

Delegation to Officers:

The Board was asked to reconfirm the delegation afforded to the Grounds Maintenance Team for general maintenance and planting in the Gardens. Any major changes would continue to be brought to the Board for agreement. As there had been membership changes on the Board, it was advised that it was good practice to reaffirm this delegation.

Whilst the reaffirmation of day-to-day changes was accepted, it was felt that there was some vagueness of what constituted issues that needed to come before the Board. It was suggested that a matrix, detailing what should come to the Board, should be drawn up for use in such situations. However, it was recognised that some works could be time critical and therefore there may need to be discussion with the Chair of the Board. It was agreed that a list detailing examples of works that would need agreement of the Board be brought back to the next meeting of the Trust.

The proposed replanting Policy was discussed and it was highlighted that it could be contentious, due to it being famous and an attraction for visitors. It was acknowledged that this would require quite a change in policy. It was advised that planting is being looked at across the whole of the BCP conurbation. This included consideration for ecological and sustainable planting.

It was suggested that this could present an opportunity for the Council to look at other established Victorian gardening options, possibly to include sculpture and water.

Events:

The Board was advised that there was a good established internal mechanism and audit for dealing with events. The Lower Gardens were considered a key point for animation in the centre of town. There has been tension over the years, that it is a soft landscape, which needed managing.

The annual ice rink installation was now making a surplus of income, which helped with funding for the Winter Wonderland event.

Concessions and Trading:

It was advised that Covid had made quite a big negative impact on trade but it seemed that figures had recovered to pre-covid rates.

In response to a question about the development of the maker's market pods, and could work be done to make them more sustainable and aesthetically pleasing, it was explained that whilst new designs had been drawn up, there currently was not the money allocated to such works.

RESOLVED that the trustees support and approve the following:

- a) reaffirming the Terms of Reference for the Trust;**
- b) reaffirming a delegation of day-to-day and business as usual activities to the Director of Environment and Director of Destination and Culture. Any major changes or new activities are to be referred to the trust board;**
- c) the implementation of a Lower Central Gardens Events Policy;**
- d) allow Street Food Corner Licences to be signed by the Head of Parks & Bereavement Services on behalf of the Trust; and**
- e) the trustees indicate which matters they require to be on the Forward Plan for the Lower Central Gardens Trust and the scope of any formal report from BCP Council officers.**

Voting: Unanimous

18 Future Meeting Dates

It was advised, as previously discussed that a meeting would be held towards the end of January 2023, to allow for the consideration and sign-off of the annual Trust accounts. Democratic Services were currently collating responses for the circulated dates for this meeting.

The Trust Board agreed that they would like to meet twice more before the end of the municipal year and it was agreed in principle that a further meeting be held in March 2023.

It was suggested that the delegation of planting matrix be circulated to the Board members outside of the meetings and if possible this be signed off in January 2023.

Duration of the meeting: 2.00 - 3.10 pm

Chairman at the meeting on
Monday, 5 December 2022

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LOWER CENTRAL GARDENS TRUST BOARD



Report subject	Financial Statements 2021/22
Meeting date	30 January 2023
Status	Public Report
Executive summary	It is a statutory requirement to agree the annual financial statements for the Lower Central Gardens Trust submit to the Charity Commission by 31 January each year. The Board are asked to review and agree the financial statements and the Letter of Representation prior to them being signed off by the Leader and Portfolio Holder for Finance and Transformation.
Recommendations	<p>It is RECOMMENDED that:</p> <p>The Committee agree the financial statements and the Letter of Representation for the financial year 2021/22.</p>
Reason for recommendations	To allow the financial statements for the Lower Central Gardens Trust for 2021/22 to be approved and submitted by the deadline of 31 January 2023.

Portfolio Holder(s):	Cllr Drew Mellor – Portfolio Holder for Finance and Transformation
Corporate Director	Graham Farrant – Chief Executive
Report Authors	Stephen White – Company Accountant
Wards	Not applicable
Classification	For Decision

Background

1. As sole trustee BCP Council is required to approve the 2021/22 Lower Central Gardens Trust financial statements before they are submitted to the Charity Commission by the 31 January 2023. The Lower Central Gardens Trust Board is asked to review and agree the financial statements and the Letter of Representation prior to the Leader and Portfolio Holder for Finance and Transformation signing them off.

Options Appraisal

2. There are no options as it is a statutory requirement to submit appropriately approved annual financial statements to the Charity Commission within the required deadline.

Summary of financial implications

3. There are no financial implications as a result of this report.

Summary of legal implications

4. The Council's executive exercises the functions as Trustee for the operations and management of the Lower Central Gardens Trust.
5. The annual financial statements for the period ending 31 March 2022 are required by the Charity Commission to be filed by 31 January 2023 in accordance with The Charities (Accounts and Reports) Regulations 2008.

Summary of human resources implications

6. There are no human resource implications as a result of this report.

Summary of sustainability impact

7. There are no sustainability implications as a result of this report.

Summary of public health implications

8. There are no public health implications as a result of this report.

Summary of equality implications

9. The approval of financial statements is not a policy or service change and therefore there are no equality impacts. For this reason and equality impact assessment has

not been completed.

Background papers

Draft financial statements issued by email to the Board by Stephen White on 4 November 2022 (11 November to Cllr Bartlett).

Appendices

Appendix 1 - Final financial statements 2021/22 to follow – expected date of publication 25 January 2023.

Appendix 2 - Bridging document to compare final with draft financial statements highlighting material amendments – expected date of publication 25 January 2023.

Appendix 3 – Letter of Representation 2021/22 to follow - expected date of publication 25 January 2023.

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