

LOWER CENTRAL GARDENS TRUST BOARD

TUESDAY, 19TH SEPTEMBER, 2023

Present:

**Councillors Cllr S Bartlett, Cllr M Gillett,
Cllr J Martin and Cllr B Nanovo**

Apologies: Cllr L Williams

23 Election of Chairman

Councillor Gillett was elected as Chairman of the Board until the first meeting of the 2024/25 municipal year.

Voting Unanimous

24 Election of Vice-Chairman

Councillor Bartlett was elected as Vice Chairman of the board until the first meeting of the 2024/25 municipal year.

Voting: Unanimous

25 Apologies for Absence

Apologies for absence were received from Councillor Williams

26 Declarations of Interests

Councillor Bartlett declared a non-Pecuniary interest, in that he was a Director of BH Live Enterprises.

27 Minutes of the Previous Meeting

The clerk advised the Board that, due to the longstanding unavailability of the previous clerk, the minutes of the previous meeting were not available for the Board to review.

Councillor Bartlett expressed his concerns over the unavailability of the minutes and highlighted points made at that meeting, including his requests for items to be considered at future Board meetings that he felt had not been addressed, with particular reference to the budget of the trust. In response, officers advised they would work alongside the clerk to schedule an additional meeting to discuss the finances of the Trust. This would be confirmed with the Board following the meeting with an agreed date.

28 Lower Central Gardens Trust Board September Report

Kate Langdown - Director for 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.

Tuesday, 19th September, 2023

The report provided service update information to the Lower Gardens Trust Board to demonstrate the Council's commitment to maintain the public gardens known as "The Lower Central Gardens" in Bournemouth for the recreation and enjoyment of the public in accordance with the terms of the Charity Scheme made by the Charity Commission on the 13 May 2011.

Topics highlighted included:

- Council Directorates updates
- Proposed Scheme of Officer Delegations
- Events programme
- Concessions trading
- Operational service updates:
 - o Grounds maintenance
 - o Cleansing
 - o Public conveniences
 - o Community safety

The Board was reminded of the training with legal services that took place in July, which explained the role of the Trust Board. The Board confirmed that they had signed the conflict-of-interest and Charity Scheme documents prior to the meeting.

The Board was asked to note the challenging financial situation the council was facing. It was confirmed that the Trust would receive updates on the matter at future meetings.

Officers advised that included within the report were the details of internal restructuring, which took place in April 2023, including the new service leads covering the Lower Central Garden, and their roles within that new structure.

The Board queried who had the overall responsibility for the management of the activities set out within the report officers advised that matters that impacted the park were managed by the Council's Environment team, while commercial operations were managed by the Operations team and were not the exclusive responsibility of one person. Officers confirmed that anything outside of operational would then be brought to the Board.

The Board queried why the report did not include the financial details as well as commercial operation details.

The officers confirmed that the commercial operation of the Lower Central Gardens sat with the Commercial Operations team and did, and the report did not include finance as it sat under a separate service area.

The Board asked why the Pavilion was not mentioned in the report and queried who would be responsible for the Pavilion within the new structure. The Board suggested that if the Pavilion was under lease, then it would fall under the responsibility of the Trust. If the Trust was not responsible for the pavilion's maintenance, the Board asked why the charges for the site were reflected in the Trust's account. The Board went on to suggest that the internal aspects of the building would be managed by the leaseholder, but the maintenance of the building was the responsibility of the Council and was therefore reflected in the Trust's accounts. Officers advised that they would seek more information as to who managed the Pavilion, what licensing contract it was under and whether the trust should be considering the Pavilion as part of their responsibilities and would feedback accordingly. The matter of parking charges at the Pavilion was currently being reviewed by the Council's Legal Services.

ACTION: Officers to seek further detail on management and licensing of the Pavilion, before feeding back to the Board.

Officers advised that a training session was being scheduled to enable the Board to discuss the finances of the Lower Gardens Central Trust in detail. This would also provide the Board

Tuesday, 19th September, 2023

with an early view of draft accounts ahead of their formal approval in January 2024. It was agreed that a date for this session be confirmed to the Board as soon as possible following the meeting.

ACTION: That officers confirm a date for the training session as soon as possible.

The Board referred to the officer scheme of delegation and suggested that this be reviewed to clarify officer responsibilities versus Board responsibilities. It was suggested that a single officer be appointed to have overall responsibility. An example of the blurred responsibilities was given, regarding planting in lower gardens which had resulted in flowerbeds being grassed over. This was felt to be a major long-term change that altered the character of the Lower Gardens, and as such should have been brought to the Board for approval.

Officers reminded the Board of the training held in July, at which the role of the Board was made clear, which was that it was not about becoming involved in day-to-day decisions on what the gardens looked like, but instead about permissions and structures of how the Trust was being developed and thereby ensuring that the Council was acting in accordance with the objectives of the Trust. Officers advised that the operations management team was where day-to-day actions were discussed before these were put forward for approval at Cabinet/Full Council, if necessary. Anything outside of these operational decisions would be brought to the Board.

A charitable event could take place as long as it was in accordance with the charitable objectives of the Trust, while a commercial event would not be permitted unless it was referred to the Board first. For example, installation of CCTV could be deemed to be a restriction on the use of the gardens and could be brought to the Board for its view, though would likely be determined to have no material impact on the public's enjoyment of the gardens. Similarly, a new concession, that occupied a new footprint, would be brought to the Board for its views (i.e., the ice rink).

It was agreed that officers would circulate the presentation from the training session in July.

ACTION: Officers to circulate the presentation from the training session in July.

The Board referred to the officer's report presented to them on the 5th of November, paragraph eight, which stated, *'any activity that has a long-term impact, a major change from the norm or was new to the gardens was to be referred to the LCGT board for approval'*.

The Board also highlighted a previous request for a list to be created highlighting what was to be agreed by the Board and what was not. The board again requested that this list be provided to the board.

The officers agreed to review the provision of the requested list and the appointment of a single point of contact with overall responsibility with the Council's legal team.

ACTION: That officers review the provision of a list of responsibilities and the appointment of a single point for contact with overall responsibility for the Lower Central Gardens in consultation with the Council's Legal team.

Officers went on to provide an update on events and concessions that sat under leisure, including detail on the upcoming events within the lower central gardens. The report set out a recommendation that the Board approve the reduction of the ice rink footprint and that the Council tendered for the operation for a further six years on the basis footprint be reduced.

The Board queried whether they were to be involved in the decision regarding the tender and raised concerns about profits from the ice rink. The board maintained that the gardens were intended to be enjoyed as an open green space but faced significant damage because of the ice rink and suggested that there was a conflict between commercialisation and the charity's objective of prioritising the garden's availability for the public. The Board suggested that it was

Tuesday, 19th September, 2023

for the Trust to decide what happened in the gardens and if necessary, officer decisions such as the installation of the ice rink should be referred from the Board to Cabinet.

Officers advised that the Council owned the land, and the charity had been created to have a third party consider its charitable objectives, which were very broad. Therefore, if the Board disagreed with the actions of the Council, it would need to refer these concerns to the Charities Trust who would then have to challenge the Council's decision. Historically, there was ongoing approval to continue with installation of the ice rink year on year.

Officers explained the level of damage the ice rink could cause was very weather dependant and varied year on year. The officer's advised that regular conversations were being held regarding use of the gardens, and it was a balancing act between maintain them as open space versus providing public activities. Regarding the ice rink and its size, previous comments of the board had been taken on board and officers for its provision this year.

The Board raised concerns over planting decisions carried out. Officers advised that planting had not been carried out whilst a decision on budgets was pending. Once a decision was made in November 2022 not to carry out winter planting, but instead plant perennials, plants being grown at the time were either sold through retail outlets or composted and re-used within the gardens. at Full Council in February 2019.

The Board raised concerns regarding the possible loss of colourful bedding that has historically been planted in the Lower Gardens and suggested that officers enquire into possible sponsorship for such planting.

ACTION: that officers enquire into possible sponsorship for colourful planting/bedding in consultation with the Corporate Communications team.

Officers highlighted the cleansing of the gardens and advised they had been in receipt of additional funding over the last two years, but which had come to an end on the 1st of April 2023. Due to this, only core service standards were being maintained. Additional bins had been kept, but it was a challenge to keep up with bin maintenance in light of the reduced budget. Additionally, a procurement exercise had been undertaken to replace two toilet cleaning contracts that ended in March 2023, with Churchill's Cleaning Services awarded the contract, meaning the Council was now engaging with one service provider rather than two. The Changing Places facility was no longer an attended service, but additional resources had been made available for busy periods.

Regarding antisocial behaviour in the Gardens, this had been seen to have increased to address this, officers were working in partnership with the community safety officer, the Police and other partners to provide increased presence within the gardens. The Board raised queries regarding enforcement actions within the gardens, and it was agreed that further information would be provided to the Board at a future meeting.

ACTION: Officers to provide further detail on enforcement actions taken within the Gardens at a future meeting.

Officers confirmed that the accounts for the Trust were in the process of being produced, subject to external audit. As referred to earlier, d a separate briefing/training session on Trust finances would be scheduled ahead of the formal approval of the accounts in January 2024.

The Board referred to opportunities to raise queries on the accounts at previous meetings. Officers advised that the 2020/21 accounts had been issued to the Board for comment and queries in November 2022. As no queries had been received, the accounts had then been put forward for approval in January 2023 before being submitted to the Charities Commission.

The Board suggested that the proposed session include detail on where revenue is received from, and where it was allocated. It was unclear why some revenues were included in the accounts, but others were not.

Regarding the ice rink, the Board noted that this year's installation was already under contract but requested that they be provided with early details on the tender for the ice rink in future years so that feedback could be incorporated.

RESOLVED:

- a) That Trustees confirm they have signed a declaration of compliance with the Conflict of Interest Policy;**
- b) That the forthcoming briefing session on the Charities Accounts be noted.**
- c) That the delegations for operational activities to the relevant Directorate Director be deferred pending provision of further detail on a list of delegated responsibilities and the potential appointment of a single point of contact for overall management for the Gardens.**
- d) That support for the Ice Rink at Christmas be tendered for 6 years (2024 -2029) exploring a reduced ice pad footprint and priority in offering a more family friendly secondary offer.**

29 Next Steps - Future Meeting Dates and Work Programme

The date of the next meeting was confirmed to be 15 January 2024.

The Board suggested that the schedule of meetings be expanded to include a third meeting per year, potentially between January and May, to allow for earlier sight of potential issues. Officers advised that any new meeting would need to be considered based on whether there was a need for business to be conducted. It was agreed that officers review the request in consultation with the Chair.

Regarding the tender of the ice rink, it was suggested that an informal meeting be held prior to January 2024 to discuss this.

It was agreed that the topics of revenue recognition and the Pavilion (condition/defects etc) be brought as items to a future meeting.

Duration of the meeting: 11.00 am - 12.21 pm

Chairman at the meeting on
Tuesday, 19 September 2023