

# Notice of Lower Central Gardens Trust Board



Date: Monday, 15 January 2024 at 10.00 am

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

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## Membership:

### Chairman:

Cllr M Gillett

### Vice Chairman:

Cllr S Bartlett

Cllr L Williams

Cllr J Martin

Cllr B Nanovo

Mr R Boon

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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?MId=5742>

If you would like any further information on the items to be considered at the meeting please contact: Sinead O'Callaghan or email [sinead.ocallaghan@bcpCouncil.gov.uk](mailto:sinead.ocallaghan@bcpCouncil.gov.uk)

Press enquiries should be directed to the Press Office: Tel: 01202 454668 or email [press.office@bcpCouncil.gov.uk](mailto:press.office@bcpCouncil.gov.uk)

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](https://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

Date Not Specified

**DEBATE  
NOT HATE**



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on the Mod.gov app



## 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  
([janie.berry@bcpcouncil.gov.uk](mailto:janie.berry@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 for Absence**

To receive any apologies for absence.

**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. Minutes of the Previous Meetings**

To receive the minutes of the meetings held on 30 January and 19 September 2023.

1 - 8

**4. Verbal Update on Enforcement actions taken in the Lower Central Gardens**

To receive a verbal update on the Enforcement actions taken in the Lower Central Garden as request at the last meeting of the Lower Central Gardens Trust Board.

Verbal  
Report

**5. Financial Statements 2022/23**

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 Dynamic Places.

9 - 48

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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## **LOWER CENTRAL GARDENS TRUST BOARD**

**MONDAY, 30TH JANUARY, 2023**

**Present:** Councillor Lawrence Williams in the Chair

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

**Apologies:** Cllr M Greene and Cllr V Slade

**19 Apologies**

Apologies were received from Cllr Green and Cllr Slade.

**20 Declarations of Interests**

Councillor Bartlett declared a non-pecuniary interest in respect of his position as a Director of BH Live.

**21 Confirmation of Minutes**

The Board considered the minutes of the meeting held on 05 December 2022.

A query was raised concerning what was felt to be continued ambiguity regarding the assignation of day-to-day responsibilities to the Board and Council officers. Officers advised that further information on the matter would be forthcoming at a future meeting.

**RESOLVED: That the minutes of the meeting held on 05 December 2022 be approved as a correct record.**

**22 Financial Statements 2021/22**

The Board received a report detailing the Financial Statements 2021/22, 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 Board was advised that it was a statutory requirement to agree the annual financial statements for the Lower Central Gardens and submit to the Charity Commission by 31 January each year. The Board were asked to review and agree the accounts prior to them being signed off by the Leader and Portfolio Holder for Finance and Transformation.

Officers advised that it was the opinion of the auditor that the accounts were unmodified, with no issues, and confirmed that the portfolio holder was ready to sign the accounts for submission to the Charities Commission by its deadline.

Officers highlighted a minor adjustment of £802.00 to the draft accounts issued in November.

Income had risen by circa £450k when compared to the 2020/21 accounts. Expenditure had also risen by £500k, with the net effect being an increase of the donation by BCP Council at just over £460k.

The Board sought clarity on the reason for the asset revaluation which had been reduced in 2021 by £1.357m, though had now been increased by over £4m. This was linked to Board

**Monday, 30th January, 2023**

concerns regarding the provision of resources for the updating of the Pavilion, which was felt to be very dated. Officers explained that the figures had been provided by BCP Council valuers. It was agreed that the officer would provide further information to the Board following consultation with Corporate Finance.

The Board raised a query regarding the costs of the installation of the ice rink and the subsequent reimbursement received by the Trust that appeared to be lower than those total costs. Additional concerns were raised over the detrimental impact of the ice rink on the gardens and whether the ice rink should be continued for future years. Officers advised that the income set out in the accounts referred to an electricity recharge that totalled £23,142. The ice rink was run by the Events team on a concessions basis and the resultant revenue they received was used to offset the costs of running the event. Ground maintenance costs to address any damage to the gardens were reimbursed to the Council in full.

The Board agreed that the request for further information did not preclude the approval of the financial statements, and the statements for 2021/22 were accepted for submission to the Charities Commission by the deadline.

**RESOLVED: that the Board agree the financial statements and the Letter of Representation for the financial year 2021/22.**

Voting: Unanimous.

**Duration of the meeting:** 11.00 - 11.15 am

Chairman at the meeting on  
Monday, 30 January 2023

**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.

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



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

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

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## LOWER CENTRAL GARDENS TRUST BOARD



Report subject	<b>Financial Statements 2022/23</b>
Meeting date	15 January 2024
Status	Public Report
Executive summary	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 Dynamic Places.
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>The Committee agree the financial statements and the Letter of Representation for the financial year 2022/23.</b></p>
Reason for recommendations	The Committee agree the financial statements and the Letter of Representation for the financial year 2022/23.

Portfolio Holder(s):	Cllr Vikki Slade – Portfolio Holder for Dynamic Places
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 2022/23 Lower Central Gardens Trust financial statements before they are submitted to the Charity Commission by the 31 January 2024. 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 Dynamics Places 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 2023 are required by the Charity Commission to be filed by 31 January 2024 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.

**Summary of risk assessment**

10. The annual financial statements for the period ending 31 March 2023 are required by the Charity Commission to be filed by 31 January 2024 in accordance with The Charities (Accounts and Reports) Regulations 2008. Failure to file by this date would be non-compliant and could lead to reputational damage for the sole trustee BCP Council.

**Background papers**

None.

**Appendices**

Appendix 1 – Final financial statements 2022/23.

Appendix 2 – Letter of Representation 2022/23.

Appendix 3 – Audit Findings 2022/23.

Appendix 4 – Comfort Letter 2022/23.

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Lower Central Gardens Bournemouth

Charity No. 299739

Trustee's Report and Audited Accounts

31 March 2023

	Pages
Trustee's Annual Report	2 to 5
Auditor's Report	6 to 8
Statement of Financial Activities	9
Balance Sheet	10
Statement of Cash flows	11
Notes to the Accounts	12 to 21
Detailed Statement of Financial Activities	22 to 23

The trustee presents their report with the audited financial statements of the charity for the year ended 31 March 2023.

#### REFERENCE AND ADMINISTRATIVE DETAILS

Charity No. 299739

Principal Office

Civic Centre

Bourne Avenue

Bournemouth

Dorset

BH2 6DY

Trustee

The following trustee served during the year:

BCP Council

#### Key Management Personnel

Councillor Lawrence Williams

Councillor Stephen Bartlett

Councillor Vikki Slade

Councillor Matthew Gillett

Councillor Bernadette Nanovo

Chief Executive Officer - Mr Ian Poultney

Auditor

Hixsons

24 Cecil Avenue

Bournemouth

BH8 9EJ

Councillor Simon Bull

Councillor Mike Greene

Mr Roger Boon

Councillor Jamie Martin

#### OBJECTIVES AND ACTIVITIES

The object of the charity is the provision of open space for the recreation and enjoyment of the public. The Gardens are Listed Grade II in the Historic England "Register of Parks and Gardens".

The Charity is subject to several strategies that design the way that objectives are being fulfilled. The main document is Lower, Central & Upper Gardens 5-year Management Plan which was drafted in conjunction with: Bournemouth 2026 Community Strategy, Green Space Strategy, Playground Strategy, Nature Conservation Strategy.

The Management Plan and Lower Gardens Masterplan are providing details of proposals to improve the visitors' experience in the Gardens. The examples of these are: to review planting and phase replacement with new water tolerant planting, to refine and improve Christmas events in Lower Gardens to ensure smooth running, 4-year plan to renovate all the shrubs/tree borders along Westover Road, to develop Westover Gardens as an area for the arts and other community events.

#### ACHIEVEMENTS AND PERFORMANCE

The event highlights were the Air Festival (August 2022), the Bournemouth Marathon (October 2022), the Arts By The Sea Festival (September 2022) and winter ice rink and Christmas Tree Wonderland (November 2022 - January 2023).

#### FINANCIAL REVIEW

Historically the Council, in its role as local authority and corporate trustee, has provided donated services each year sufficient for the charity to achieve breakeven and meet any liabilities as they fall due. This is currently the policy that is expected to continue and so the accounts have been prepared on a going concern basis. The trustee considers that there are no material uncertainties about the charity's ability to continue as a going concern. The restricted income fund of £2,729,600 represents change in the fixed assets value and is not used for distribution. The endowment fund of £19,212,000 is held on trust to be retained for the benefit of the charity as a capital fund. The trustee must permanently maintain the whole of the fund. The fund consists of assets that are used for the purposes of the charity and cannot be spent as if it were income. The net revenue expenditure supports the objective of the Trust.

The Charity holds an unrestricted income fund of £9,559 is the value of the donated stock.

#### PLANS FOR FUTURE PERIODS

Maintaining and improving the public's access to the Charity's land for use as pleasure gardens will continue to be the main focus in the years ahead.

#### PUBLIC BENEFIT

The Trustee have taken the Charity Commission's guidance on public benefit into consideration. The Lower Central Gardens are provided for the enjoyment of the public without charge and there continues to be investment in and improvements to the main pleasure garden infrastructure. Furthermore, a series of events have been held that were designed to have broad appeal to the public - both local and visitors alike.

#### PRINCIPAL RISKS AND UNCERTAINTIES

The Trustee has considered the risks that the charity is exposed to but do not deem there to be any significant risk arising from its activities.

#### STRUCTURE, GOVERNANCE AND MANAGEMENT

The accounts recognise the treatment of the Charity as a separate entity with its own transactions distinct from those of BCP Council.

The Trust was created in 1873 under an Indenture between BCP Council's predecessor body the Bournemouth Commissioners and Sir George Eliot Meyrick Tapps Gervis. The day to day control and management of the Lower Central Gardens and hence the charity, was varied by s.29 Bournemouth Borough Council Act 1985. This vested in the Council the general power to use, control and manage the Lower Central Gardens. BCP Council manages the Charity in its role as trustee. Recommendations from the Council Cabinet on Charity issues are referred to full meetings of the Council acting as trustee for appropriate decisions.

There is a separate Charity Board. The composition and remit of the board has been made consistent with the requirements identified in the Maidment tribunal case that addressed a similar open space known as Dartford Central Park. The board of the Trustee meets periodically and receives reports from operational staff and determines strategy and policy for the Charity. Operational decisions on day to day management of the Charity are the responsibility of the Environment Service Director and Service Managers. Charity related items are clearly separated and identified in all reports and papers. A clear distinction is drawn between the Council acting in its role as local authority and in its role of trustee of the Lower Central Gardens Trust. The trustee has considered the risks that the charity is exposed to but do not deem there to be any significant risk arising from its activities. The Charity's main relationship is with BCP Council who delivers all maintenance and management services to the Charity. The Council also operates a plant nursery in King's Park, which supplies flowers to the Lower Central Gardens Trust at commercial rates.

The trustee recruitment process is carried out by existing trustees on behalf of Members of the Trust. The trustee vacancy is advertised in the local media and interested parties are then provided with: a. Briefing Note b. Application Form c. Draft Scheme of Management d. Master Plan drawing e. Lower Gardens summary. The applicants are then interviewed and appointed using the Charity Commission Operational Guidance, Trustee Act 2000, OG 86 B4 'Power to employ nominees and custodians'. On the appointment the trustees are provided with a copy of the Charity Scheme for the new Trust together with the rules for conflicts of interest.

There are no formal policies or procedures adopted for the induction and training of trustees.

The law applicable to charities requires the charity trustee to prepare financial statements which give a true and fair view of the state of affairs of the charity and of the incoming resources and application of resources of the charity for that period. In preparing these financial statements, the trustee is required to:

- \* select suitable accounting policies and then apply them consistently;
- \* observe the methods and principles in the Charities SORP;
- \* make judgements and estimates that are reasonable and prudent;  
state whether applicable UK accounting standards have been followed,
- \* subject to any material departures disclosed and explained in the financial statements;
- \* prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charity will continue in business.

The trustee is responsible for keeping proper accounting records that disclose with reasonable accuracy at any time the financial position of the charity and to enable them to ensure that the financial statements comply with the Charities Act 2011, the applicable Charities (Accounts and Reports) Regulations, and the provisions of the Trust deed. The Trustee is also responsible for safeguarding the assets of the charity and hence taking reasonable steps for the prevention and detection of fraud and other irregularities.

Statement of disclosure of information to auditor

So far as the trustees are aware, there is no relevant audit information of which the company's auditors are unaware and each trustee has taken all the steps that he or she ought to have taken as a trustee in order to make himself or herself aware of any relevant information and to establish that the company's auditors are aware of that information.

Signed

BCP Council

Trustee

29 January 2024

Independent Auditor's Report to the Trustee of Lower Central Gardens Bournemouth

Opinion

We have audited the accounts of Lower Central Gardens Bournemouth (the 'charity') for the year ended 31 March 2023 which comprise the Statement of Financial Activities, the Balance Sheet, the Statement of Cash Flows and the Notes to the Accounts, including a summary of significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards, including FRS 102 'The Financial Reporting Standard applicable in the UK and Republic of Ireland' (United Kingdom Generally Accepted Accounting Practice).

In our opinion the accounts:

- give a true and fair view of the state of the charity's affairs as at 31 March 2023 ,and of its profit/loss for the year then ended;
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice; and
- have been prepared in accordance with the requirements of the Charities Act 2011.

Basis for opinion

We conducted our audit in accordance with International Standards on Auditing (UK) (ISAs (UK) and applicable law. Our responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the accounts section of our report. We are independent of the charity in accordance with the ethical requirements that are relevant to our audit of the accounts in the UK, including the FRC's Ethical Standard and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Conclusions relating to going concern

In auditing the accounts, we have concluded that the trustees' use of the going concern basis of accounting in the preparation of the accounts is appropriate.

Based on the work we have performed, we have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the group and parent charity's ability to continue as a going concern for a period of at least 12 months from when the accounts are authorised for issue.

Our responsibilities and the responsibilities of the trustees with respect to going concern are described in the relevant sections of this report.

Other information

The other information comprises the information included in the annual report, other than the accounts and our auditor's report thereon. The trustee is responsible for the other information.

Our opinion on the accounts does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the accounts, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the accounts or our knowledge obtained in the audit or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether there is a material misstatement in the accounts or a material misstatement of the other information. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact.

We have nothing to report in this regard.

Matters on which we are required to report by exception

We have nothing to report in respect of the following matters in relation to which the Charities (Accounts and Reports) Regulations 2008 requires us to report to you if, in our opinion:

- the information given in the accounts is inconsistent in any material respect with the trustee's report; or
- sufficient accounting records have not been kept; or
- the accounts are not in agreement with the accounting records; or
- we have not received all the information and explanations we require for our audit.

Responsibilities of trustee

As explained more fully in the trustee's responsibilities statement found in the trustee's report, the trustee is responsible for the preparation of accounts which give a true and fair view, and for such internal control as the trustees determine is necessary to enable the preparation of accounts that are free from material misstatement, whether due to fraud or error.

In preparing the accounts, the trustee is responsible for assessing the charity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the trustee intends to liquidate the charity or to cease operations, or have no realistic alternative but to do so.

Auditor's responsibilities for the audit of the accounts

We have been appointed under the Charities Act 2011, s. 145 and report in accordance with the regulations made under the Act and relevant regulations made or having effect thereunder.

Our objectives are to obtain reasonable assurance about whether the accounts as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these accounts.

The extent to which our procedures are capable of detecting irregularities, including fraud is detailed below:

A further description of our responsibilities for the audit of the accounts is located on the Financial Reporting Council's website at [www.frc.org.uk/auditorsresponsibilities](http://www.frc.org.uk/auditorsresponsibilities). This description forms part of our auditor's report.



Lower Central Gardens Bournemouth  
Audit Report Unqualified

Use of this report

This report is made solely to the charity's trustees, as a body, in accordance Part 4 of the Charities (Accounts and Reports) Regulations 2008. Our audit work has been undertaken so that we might state to the charity's trustees those matters we are required to state to them in an auditors' report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the charity and the charity's trustees as a body, for our audit work, for this report, or for the opinions we have formed.

Hixsons, Accountants and Statutory Auditors

24 Cecil Avenue

Bournemouth

BH8 9EJ

29 January 2024

Hixsons is eligible for appointment as auditor in terms of the Companies Act 2006, s.1212.

Lower Central Gardens Bournemouth  
Statement of Financial Activities  
for the year ended 31 March 2023

		Unrestricted funds 2023 £	Restricted funds 2023 £	Endowment funds 2023 £	Total funds 2023 £	Total funds 2022 £
	Notes					
Income and endowments from:						
Donations and legacies	3	336,064	205,291	-	541,355	460,672
Charitable activities	4	602,863	-	-	602,863	531,083
Other trading activities	6	207,424	-	-	207,424	247,188
Total		1,146,351	205,291	-	1,351,642	1,238,943
Expenditure on:						
Raising funds	7	191,444	-	-	191,444	206,963
Charitable activities	8	948,309	205,291	-	1,153,600	1,031,526
Other	10	-	8,152	625,932	634,084	423,644
Total		1,139,753	213,443	625,932	1,979,128	1,662,133
Net gains on investments		-	-	-	-	-
Net expenditure	11	6,598	(8,152)	(625,932)	(627,486)	(423,190)
Transfers between funds		-	-	-	-	-
Net expenditure before other gains/(losses)		6,598	(8,152)	(625,932)	(627,486)	(423,190)
Other gains and losses						
Other Gains		-	169,302	1,327,932	1,497,234	4,296,856
Net movement in funds		6,598	161,150	702,000	869,748	3,873,666
Reconciliation of funds:						
Total funds brought forward		2,961	2,568,450	18,510,000	21,081,411	17,207,745
Total funds carried forward		9,559	2,729,600	19,212,000	21,951,159	21,081,411

Lower Central Gardens Bournemouth

Balance Sheet

at 31 March 2023

Charity No. 299739

		2023	2022
		£	£
Fixed assets			
Tangible assets	13	21,941,600	21,078,450
		<u>21,941,600</u>	<u>21,078,450</u>
Current assets			
Stocks	14	9,559	2,961
Cash held on behalf of trust		17,919	13,894
		<u>27,478</u>	<u>16,855</u>
Creditors: Amount falling due within one year	15	(17,919)	(13,894)
Net current assets		<u>9,559</u>	<u>2,961</u>
Total assets less current liabilities		<u>21,951,159</u>	<u>21,081,411</u>
Net assets excluding pension asset or liability		<u>21,951,159</u>	<u>21,081,411</u>
Total net assets		<u><u>21,951,159</u></u>	<u><u>21,081,411</u></u>
The funds of the charity			
Restricted funds	16		
Endowment funds		19,212,000	18,510,000
Restricted income funds		2,729,600	2,568,450
		<u>21,941,600</u>	<u>21,078,450</u>
Unrestricted funds	16		
General funds		9,559	2,961
		<u>9,559</u>	<u>2,961</u>
Total funds		<u><u>21,951,159</u></u>	<u><u>21,081,411</u></u>

Approved by the trustees on 29 January 2024

And signed on their behalf by:

BCP Council

Trustee

29 January 2024

Lower Central Gardens Bournemouth  
Statement of Cash flows  
for the year ended 31 March 2023

	2023 £	2022 £
Cash flows from operating activities		
Net income per Statement of Financial Activities	869,748	3,873,666
Adjustments for:		
Depreciation of property, plant and equipment	634,084	423,644
Other gains/losses	(1,497,234)	-
Increase in stocks	(6,598)	(454)
Increase in trade and other payables	4,025	13,894
Net cash provided by operating activities	<u>4,025</u>	<u>4,310,750</u>
Net cash from investing activities	<u>-</u>	<u>-</u>
Net cash from financing activities	<u>-</u>	<u>-</u>
Net increase in cash and cash equivalents	4,025	4,310,750
Cash and cash equivalents at the beginning of the year	13,894	-
Cash and cash equivalents at the end of the year	<u>17,919</u>	<u>4,310,750</u>
Components of cash and cash equivalents		
Cash held on behalf of trust	17,919	13,894
	<u>17,919</u>	<u>13,894</u>

for the year ended 31 March 2023

## 1 Accounting policies

### Basis of preparation

The financial statements have been prepared in accordance with Statement of Recommended Practice: Accounting and Reporting by Charities preparing their accounts in accordance with the Financial Reporting Standard applicable in the UK and Republic of Ireland (FRS 102) issued on 1 January 2019 and the Financial Reporting Standard applicable in the United Kingdom and Republic of Ireland (FRS 102) and the Charities Act 2011.

The Lower Central Gardens Bournemouth's corporate trustee includes the charity in its consolidated financial statements. The consolidated financial statements are prepared under the International Financial Reporting Standards and are available to the public at:

<https://www.bcpccouncil.gov.uk/About-the-council/Budgets-and-finance/Annual-accounts.aspx>.

In these financial statements the Lower Central Gardens Bournemouth is considered to be a qualifying entity (for the purpose of this FRS) and has applied exemptions available under FRS 102 in respect of the requirement to present a cashflow statement. Having given regard to Public Benefit Entity guidance the corporate trustee considers the Lower Central Gardens Bournemouth to be a Public Benefit Entity.

### Going Concern

Historically the Council, in its role as local authority and corporate trustee, has provided donated services each year sufficient for the charity to achieve breakeven and meet any liabilities as they fall due. This is currently the policy that is expected to continue and so the accounts have been prepared on a going concern basis. The trustee considers that there are no material uncertainties about the Charity's ability to continue as a going concern.

As of 1st April 2019 the Council became part of a new authority Bournemouth, Christchurch & Poole Council (BCP) and the policy of donation has passed to the new authority. This is enshrined in the following two UK Statutory Instruments: 1) 2018 No. 648 The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 & 2) 2008 No. 2176 The Local Government (Structural Changes)(Transfer of Functions, Property, Rights and Liabilities) Regulations 2008.

### Change in basis of accounting or to previous accounts

There has been no change to the accounting policies (valuation rules and method of accounting) since last year and no changes have been made to accounts for previous years.

### Fund accounting

Unrestricted funds	These are available for use at the discretion of the trustees in furtherance of the general objects of the charity.
Designated funds	These are unrestricted funds earmarked by the trustees for particular purposes.
Revaluation funds	These are unrestricted funds which include a revaluation reserve representing the restatement of investment assets at their market values.
Restricted funds	These are available for use subject to restrictions imposed by the donor or through terms of an appeal.

## Income

Recognition of income      Income is included in the Statement of Financial Activities (SoFA) when the charity becomes entitled to, and virtually certain to receive, the income and the amount of the income can be measured with sufficient reliability.

Income with related expenditure      Where income has related expenditure the income and related expenditure is reported gross in the SoFA.

Donations and legacies      Voluntary income received by way of grants, donations and gifts is included in the the SoFA when receivable and only when the Charity has unconditional entitlement to the income.

Tax reclaims on donations and gifts      Income from tax reclaims is included in the SoFA at the same time as the gift/donation to which it relates.

Donated services and facilities      These are only included in income (with an equivalent amount in expenditure) where the benefit to the Charity is reasonably quantifiable, measurable and material.

Volunteer help      The value of any volunteer help received is not included in the accounts.

Investment income      This is included in the accounts when receivable.

Gains/(losses) on revaluation of fixed assets      This includes any gain or loss resulting from revaluing investments to market value at the end of the year.

Gains/(losses) on investment assets      This includes any gain or loss on the sale of investments.

## Expenditure

Recognition of expenditure      Expenditure is recognised on an accruals basis. Expenditure includes any VAT which cannot be fully recovered, and is reported as part of the expenditure to which it relates.

Expenditure on raising funds      These comprise the costs associated with attracting voluntary income, fundraising trading costs and investment management costs.

Expenditure on charitable activities      These comprise the costs incurred by the Charity in the delivery of its activities and services in the furtherance of its objects, including the making of grants and governance costs.

Grants payable      All grant expenditure is accounted for on an actual paid basis plus an accrual for grants that have been approved by the trustees at the end of the year but not yet paid.

Governance costs      These include those costs associated with meeting the constitutional and statutory requirements of the Charity, including any audit/independent examination fees, costs linked to the strategic management of the Charity, together with a share of other administration costs.

Other expenditure      These are support costs not allocated to a particular activity.

## Taxation

The charity is exempt from tax on its charitable activities.

#### Tangible fixed assets and depreciation

Depreciation is provided at the following annual rates in order to write off each asset over its estimated useful life:

Pavilion	2% Straight line
Gardens	4 - 10% Straight line

Pavilion asset (above) is Pavilion and Lower Gardens bandstand. Gardens asset (above) is Lower Gardens minor buildings, certain improvements to main buildings.

Assets are assessed at each year-end (in 2023 this was by the external company Wilks, Head & Eve whose employees are accredited by the Royal Institute of Chartered Surveyors (RICS) as to whether there is any indication that they may be impaired. Where indications exist and any possible differences are estimated to be material, the recoverable amount of the asset is estimated and any shortfall is recognised as an impairment loss.

Impairment losses are accounted for in the following ways: 1) where there is a balance of revaluation gains for the asset in the Restricted Income fund the carrying amount of the asset is written down against that balance, up to the amount of the accumulated gains; 2) where there is no balance in the Restricted Income fund or an insufficient balance the carrying amount of the asset is written down against the expenditure in the Statement of Financial Activities (SoFA).

Where an impairment loss is subsequently reversed the reversal is credited to the SoFA up to the amount of the original loss, adjusted for depreciation that would have been charged if the loss had not been recognised.

The assets of the Charity are treated as comprising the freehold interest (based on the Council as trustee's right to manage) in the land between Bournemouth Square and the seafront laid out as formal public pleasure gardens. The area is approximately six hectares. Furthermore it comprises the Charity's ownership of the Pavilion. Assets included in the Balance Sheet are re-valued annually.

The assets of the Charity are: 1) Pavilion - at the end of 2009-10 the land swap took place giving the Charity full ownership of the building. The value of the asset in the Balance Sheet is based on the full amount of the depreciated replacement cost and is subject to a full depreciation charge. The Pavilion is leased to BCP Council who under the agreement have sub-leased it to BH Live. Both leases are for £nil consideration. 2) Lower Central Gardens - a full share of the existing use valuation based on the concessions. The land now occupied by concessions is carried at nil value. The trustee recognises that there is an intrinsic value to the rest of the gardens but as there is no likelihood of a full or major disposal and because of the costs and difficulty in obtaining a valuation this is carried at £nil.

#### Freehold investment property

Investment properties are measured initially at cost and subsequently at fair value at each balance sheet date and are not depreciated. All gains or losses are taken to the Statement of Financial Activities as they arise.

#### Stocks

Stock is included at the lower of cost or net realisable value. Donated items of stock are recognised at fair value which is the amount the charity would have been willing to pay for the items on the open market.

#### Trade and other debtors

Trade and other debtors are recognised at the settlement amount due after any trade discount offered. Prepayments are valued at the amount prepaid net of any trade discounts due.

#### Cash and cash equivalents

Cash at bank is equal and opposite to the sum of the creditors. The charity does not have its own bank account, all receipts are paid into and all payments paid from the BCP Council's main bank account.

#### Trade and other creditors

Short term creditors are measured at the transaction price. Other creditors and provisions are recognised where the charity has a present obligation resulting from a past event that will probably result in the transfer of funds to a third party and the amount due to settle the obligation can be measured or estimated reliably. Creditors and provisions are normally recognised at their settlement amount after allowing for any trade discounts due.

#### Receipt of donated goods, facilities and services

All donated goods, facilities and services received are recognised within incoming resources and expenditure at an estimate of the value to the charity.

## 2 Statement of Financial Activities - prior year

	Unrestricted funds 2022 £	Restricted funds 2022 £	Endowment funds 2022 £	Total funds 2022 £
Income and endowments from:				
Donations and legacies	366,333	94,339	-	460,672
Charitable activities	531,082	-	-	531,082
Other trading activities	247,189	-	-	247,189
Total	1,144,604	94,339	-	1,238,943
Expenditure on:				
Raising funds	206,963	-	-	206,963
Charitable activities	937,187	94,339	-	1,031,526
Other	-	20,391	403,253	423,644
Total	1,144,150	114,730	403,253	1,662,133
Net income	454	(20,391)	(403,253)	(423,190)
Net income before other gains/(losses)	454	(20,391)	(403,253)	(423,190)
Other gains and losses:				
Gains on revaluation of fixed assets	-	218,838	4,078,018	4,296,856
Net movement in funds	454	198,447	3,674,765	3,873,666
Reconciliation of funds:				
Total funds brought forward	2,507	2,370,003	14,835,235	17,207,745
Total funds carried forward	2,961	2,568,450	18,510,000	21,081,411



3 Income from donations and legacies

	Unrestricted	Restricted	Total 2023	Total 2022
	£	£	£	£
Donated services received from BCP Council	336,064	-	336,064	366,333
Donated services received from BCP Council	-	205,291	205,291	94,339
	<u>336,064</u>	<u>205,291</u>	<u>541,355</u>	<u>460,672</u>

4 Income from charitable activities

	Unrestricted	Total 2023	Total 2022
	£	£	£
Commercial operations, activities and events (see Note 5)	602,863	602,863	531,083
	<u>602,863</u>	<u>602,863</u>	<u>531,083</u>

5 Income from charitable activities (detail)

	Unrestricted	Total 2023	Total 2022
	£	£	£
Refreshments & concessions	290,511	290,511	270,446
Ice rink costs reimbursement	82,540	82,540	23,142
Arts by the Sea	23,527	23,527	10,754
Christmas Tree Wonderland	206,285	206,285	226,740
	<u>602,863</u>	<u>602,863</u>	<u>531,082</u>

6 Income from other trading activities

	Unrestricted	Total 2023	Total 2022
	£	£	£
Mini-golf	201,414	201,414	242,965
Art exhibition	6,010	6,010	4,223
	<u>207,424</u>	<u>207,424</u>	<u>247,188</u>

7 Expenditure on raising funds

	Unrestricted	Total 2023	Total 2022
	£	£	£
<i>Fundraising trading costs</i>			
Commercial operations	191,444	191,444	206,963
	<u>191,444</u>	<u>191,444</u>	<u>206,963</u>

8 Expenditure on charitable activities

	Unrestricted	Restricted	Total 2023	Total 2022
	£	£	£	£
<i>Expenditure on charitable activities</i>				
Maintenance of gardens and public buildings (see Note 9)	400,718	205,291	606,009	455,718
Activities and events (see Note 9)	540,091	-	540,091	569,308
<i>Governance costs</i>				
Audit fees	7,500	-	7,500	6,500
	<u>948,309</u>	<u>205,291</u>	<u>1,153,600</u>	<u>1,031,526</u>

Expenditure on charitable activities

9 (detail)

	Unrestricted	Restricted	Total 2022	Total 2021
	£	£	£	£
Maintenance of gardens and public buildings				
Direct costs - maintenance and repairs	33,556	-	33,556	13,144
Maintenance team	349,868	-	349,868	336,113
Public conveniences	17,294	-	17,294	12,122
Asset maintenance	-	205,291	205,291	94,339
	<u>400,718</u>	<u>205,291</u>	<u>606,009</u>	<u>455,718</u>
Activities and events				
Art Exhibition	8,395	-	8,395	3,145
Bandstand	3,934	-	3,934	2,078
Arts by the Sea	57,970	-	57,970	23,107
Christmas Tree Wonderland	310,514	-	310,514	360,800
Festival Coast Live	52,011	-	52,011	93,845
Ice Rink	59,746	-	59,746	25,130
Events team	14,727	-	14,727	20,398
Mini-golf	32,794	-	32,794	40,805
	<u>540,091</u>	<u>-</u>	<u>540,091</u>	<u>569,308</u>

10 Other expenditure

	Restricted	Endowment	Total 2023	Total 2022
	£	£	£	£
Amortisation, depreciation, impairment, profit/loss on disposal of fixed assets	8,152	625,932	634,084	423,644
	<u>8,152</u>	<u>625,932</u>	<u>634,084</u>	<u>423,644</u>

11 Net expenditure before transfers

	2023	2022
	£	£
This is stated after charging:		
Depreciation of owned fixed assets	634,084	423,644

12 Staff costs

No employee received emoluments in excess of £60,000.

There were no direct staff costs in the year and that all staff were supplied by BCP Council. The maintenance staff are employed by the Council rather than directly by the Charity and only the proportion of cost relating to the Lower Gardens is recharged. This arrangement is in place as this is considered the most cost effective way for maintenance of the Lower Gardens to be carried out. The actual cost is based on the timesheets records and estimates where the timesheets are not available.

13 Tangible fixed assets

	Pavilion	Gardens	Total
	£	£	£
Cost or revaluation			
At 1 April 2022	18,510,000	2,568,450	21,078,450
Revaluation	702,000	161,150	863,150
At 31 March 2023	<u>19,212,000</u>	<u>2,729,600</u>	<u>21,941,600</u>
Depreciation and impairment			
Depreciation charge for the year	625,932	8,152	634,084
Revaluation	(625,932)	(8,152)	(634,084)
At 31 March 2023	<u>-</u>	<u>-</u>	<u>-</u>
Net book values			
At 31 March 2023	<u>19,212,000</u>	<u>2,729,600</u>	<u>21,941,600</u>
At 31 March 2022	<u>18,510,000</u>	<u>2,568,450</u>	<u>21,078,450</u>

14 Stocks

	2023	2022
	£	£
Goods for resale and consumables	9,559	2,961
	<u>9,559</u>	<u>2,961</u>
Carrying value analysed by activities	2023	2022
	£	£
Commercial operations	9,559	2,961
	<u>9,559</u>	<u>2,961</u>

15 Creditors:

amounts falling due within one year

	2023	2022
	£	£
Trade creditors	17,919	13,894
	<u>17,919</u>	<u>13,894</u>

## 16 Movement in funds

	At 1 April 2022	Incoming resources (including other gains/losses) £	Resources expended £	At 31 March 2023 £
Restricted funds:				
Endowment funds:				
Pavilion	18,510,000	1,327,932	(625,932)	19,212,000
<i>Total</i>	<u>18,510,000</u>	<u>1,327,932</u>	<u>(625,932)</u>	<u>19,212,000</u>
Restricted income funds:				
Gardens	2,568,450	374,593	(213,443)	2,729,600
<i>Total</i>	<u>2,568,450</u>	<u>374,593</u>	<u>(213,443)</u>	<u>2,729,600</u>
Unrestricted funds:				
General funds	2,961	1,146,351	(1,139,753)	9,559
 Total funds	 <u>21,081,411</u>	 <u>2,848,876</u>	 <u>(1,979,128)</u>	 <u>21,951,159</u>

### Purposes and restrictions in relation to the funds:

#### Endowment funds:

##### Pavilion

The Pavilion became fully owned by the Charity in 2009-10 and was reflected that year in the accounts as a donated asset and the endowment fund. This reserve is in the nature of an endowment i.e. it may not be spent as income nor disposed of.

#### Restricted funds:

##### Gardens

The full amount of total valuations and the cost of any subsequent routine fixed asset additions is credited to the restricted income fund as these assets can only be used for specific purposes. Any revaluations or disposals of assets within these sums is also adjusted through the reserve.

## 17 Analysis of net assets between funds

	Unrestricted funds £	Restricted funds £	Total £
Fixed assets	-	21,941,600	21,941,600
Net current assets	9,559	-	9,559
	<u>9,559</u>	<u>21,941,600</u>	<u>21,951,159</u>

18 Reconciliation of net debt

	At 1 April 2022 £	Cash flows £	At 31 March 2023 £
Cash and cash equivalents	13,894	4,025	17,919
	<u>13,894</u>	<u>4,025</u>	<u>17,919</u>
Net debt	<u>13,894</u>	<u>4,025</u>	<u>17,919</u>

19 Related party disclosures

	2023 £	2022 £
<i>Transactions with related parties</i>		
<i>Name of related party</i> BCP Council in its role as local authority		
<i>Description of relationship between the parties</i> Trustee		
<i>Donations received from related party</i>	541,355	460,671
Additional Information on Related Parties		

The Lower Central Gardens Bournemouth's corporate trustee includes the charity in its consolidated financial statements. The consolidated financial statements are prepared under International Financial Reporting Standards and are available to the public at <https://www.bcpccouncil.gov.uk/documents/about-the-council/Draft-Statement-of-Accounts-2022-23.pdf>. Having given regard to Public Benefit Entity guidance the corporate trustee considers the Lower Central Gardens Bournemouth to be a Public Benefit Entity.

The Council acting in its role as trustee of the charitable trust nominates certain Members to act as members of the Trust Board. The Trust Board has a Constitution setting out administration and management arrangements of the trust. The charity trustee was not paid or reimbursed expenses during the year and did not receive any emolument or payment for professional or other services. There were no transactions involving the trustee and related parties and there were no ex-gratia payments. The Council has historically subsidised the annual deficits of the Charity.

Lower Central Gardens Bournemouth  
Detailed Statement of Financial Activities  
for the year ended 31 March 2023

	Unrestricted funds 2023 £	Restricted funds 2023 £	Endowment funds 2023 £	Total funds 2023 £	Total funds 2022 £
Income and endowments from:					
Donations and legacies					
Donated services received from BCP Council	336,064	-	-	336,064	366,333
Donated services received from BCP Council	-	205,291	-	205,291	94,339
	<u>336,064</u>	<u>205,291</u>	<u>-</u>	<u>541,355</u>	<u>460,672</u>
Charitable activities					
Commercial operations, activities and events (see Note 5)	602,863	-	-	602,863	531,083
	<u>602,863</u>	<u>-</u>	<u>-</u>	<u>602,863</u>	<u>531,083</u>
Other trading activities					
Mini-golf	201,414	-	-	201,414	242,965
Art exhibition	6,010	-	-	6,010	4,223
	<u>207,424</u>	<u>-</u>	<u>-</u>	<u>207,424</u>	<u>247,188</u>
Total income and endowments	1,146,351	205,291	-	1,351,642	1,238,943
Expenditure on:					
Costs of other trading activities					
Commercial operations	191,444	-	-	191,444	206,963
	<u>191,444</u>	<u>-</u>	<u>-</u>	<u>191,444</u>	<u>206,963</u>
Total of expenditure on raising funds	191,444	-	-	191,444	206,963
Charitable activities					
Maintenance of gardens and public buildings (see Note 9)	400,718	205,291	-	606,009	455,718
Activities and events (see Note 9)	540,091	-	-	540,091	569,308
	<u>940,809</u>	<u>205,291</u>	<u>-</u>	<u>1,146,100</u>	<u>1,025,026</u>
Governance costs					
Audit fees	7,500	-	-	7,500	6,500
	<u>7,500</u>	<u>-</u>	<u>-</u>	<u>7,500</u>	<u>6,500</u>
Total of expenditure on charitable activities	948,309	205,291	-	1,153,600	1,031,526
General administrative costs, including depreciation and amortisation					
Depreciation of Pavilion	-	-	625,932	625,932	403,253
Depreciation of Gardens	-	8,152	-	8,152	20,391
	<u>-</u>	<u>8,152</u>	<u>625,932</u>	<u>634,084</u>	<u>423,644</u>

Lower Central Gardens Bournemouth  
Detailed Statement of Financial Activities

Total of expenditure of other costs	-	8,152	625,932	634,084	423,644
Total expenditure	1,139,753	213,443	625,932	1,979,128	1,662,133
Net gains on investments	-	-	-	-	-
Net expenditure	6,598	(8,152)	(625,932)	(627,486)	(423,190)
Net expenditure before other gains/(losses)	6,598	(8,152)	(625,932)	(627,486)	(423,190)
Other Gains	-	169,302	1,327,932	1,497,234	4,296,856
Net movement in funds	6,598	161,150	702,000	869,748	3,873,666
Reconciliation of funds:					
Total funds brought forward	2,961	2,568,450	18,510,000	21,081,411	17,207,745
Total funds carried forward	9,559	2,729,600	19,212,000	21,951,159	21,081,411



Hixsons Limited  
24 Cecil Avenue  
Bournemouth  
BH8 9EJ

Date: 29 January 2024  
Our Ref: LCG2223LoR  
Contact: Stephen White  
Email: [Stephen.White@bcpcouncil.gov.uk](mailto:Stephen.White@bcpcouncil.gov.uk)  
Tel: 01202 814 754

Dear Sirs

## Lower Central Gardens Bournemouth Financial Statements for the year ended 31 March 2023

The following representations are made on the basis of enquiries of management and staff with relevant knowledge and experience such as we consider necessary in connection with your audit of the charity's financial statements for the year ended 31 March 2023. These enquiries have included inspection of supporting documentation where appropriate and are sufficient to satisfy ourselves that we can make each of the following representations. All representations are made to the best of our knowledge and belief.

### General

1. We have fulfilled our responsibilities as trustees as set out in the terms of your engagement letter under the Charities Act for preparing financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice), for being satisfied that they give a true and fair view and for making accurate representations to you.
2. All the transactions undertaken by the charity have been properly reflected and recorded in the accounting records.
3. All the accounting records have been made available to you for the purpose of your audit. We have provided you with unrestricted access to all appropriate persons within the charity, and with all other records and related information requested, including minutes of all management and trustee meetings and correspondence with The Charity Commission.
4. The financial statements are free of material misstatements, including omissions.
5. The effects of uncorrected misstatements (as set out in the appendix to this letter) are immaterial both individually and in total.

### Internal control and fraud

6. We acknowledge our responsibility for the design, implementation and maintenance of internal control systems to prevent and detect fraud and error. We have disclosed to you the results of our risk assessment that the financial statements may be misstated as a result of fraud.
7. We have disclosed to you all instances of known or suspected fraud affecting the entity involving management, employees who have a significant role in internal control or others that could have a material effect on the financial statements.

8. We have also disclosed to you all information in relation to allegations of fraud or suspected fraud affecting the entity's financial statements communicated by current or former employees, analysts, regulators or others.

### **Assets and liabilities**

9. The charity has satisfactory title to all assets and there are no liens or encumbrances on the charity's assets, except for those that are disclosed in the notes to the financial statements.

10. All actual liabilities, contingent liabilities and guarantees given to third parties have been recorded or disclosed as appropriate.

11. We have no plans or intentions that may materially alter the carrying value and, where relevant, the fair value measurements or classification of assets and liabilities reflected in the financial statements.

### **Accounting estimates**

12. The methods, data and significant assumptions used by us in making accounting estimates, and their related disclosures, are appropriate to achieve recognition, measurement and disclosure that is reasonable in the context of the applicable financial reporting framework.

### **Legal claims**

13. We have disclosed to you all claims in connection with litigation that have been, or are expected to be, received and such matters, as appropriate, have been properly accounted for and disclosed in the financial statements.

### **Laws and regulations**

14. We have disclosed to you all known instances of non-compliance or suspected non-compliance with laws and regulations whose effects should be considered when preparing the financial statements.

### **Related parties**

15. Related party relationships and transactions have been appropriately accounted for and disclosed in the financial statements. We have disclosed to you all relevant information concerning such relationships and transactions and are not aware of any other matters which require disclosure in order to comply with legislative and accounting standards requirements.

### **Subsequent events**

16. All events subsequent to the date of the financial statements which require adjustment or disclosure have been properly accounted for and disclosed.

### **Going concern**

17. We believe that the charity's financial statements should be prepared on a going concern basis on the grounds that current and future sources of funding or support will be more than adequate for the charity's needs. We also confirm our plans for future action(s) required to enable the charity to continue as a going concern are feasible. We have considered a period of twelve months from the date of approval of the financial statements. We believe that no further disclosures relating to the charity's ability to continue as a going concern need to be made in the financial statements.

### **Grants and donations**

18. All grants, donations and other income, the receipt of which is subject to specific terms or conditions, have been notified to you. There have been no breaches of terms or conditions in the application of such income.

### **Restricted grants and donations are as follows / listed overleaf:**

We acknowledge our legal responsibilities regarding disclosure of information to you as auditors and confirm that so far as we are aware, there is no relevant audit information needed by you in connection with preparing your audit report of which you are unaware.

The Trustee has taken all the steps that he ought to have taken as a trustee in order to make himself aware of any relevant audit information and to establish that you are aware of that information.

Yours faithfully

.....

Signed by the trustee

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The Trustee  
Lower Central Gardens  
Bournemouth

Civic Centre  
Bourne Avenue  
Bournemouth BH2 6DY

4 January 2024

Dear Sirs

## **Lower Central Gardens 2023 audit**

### **Overview of the scope of our audit**

The following Audit Findings Report presents the observations arising from the audit that are significant to the responsibility of those charged with governance to oversee the financial reporting process, as required by International Standard on Auditing (UK) 260. Its contents have been discussed with management.

### **Conclusion**

We have substantially completed our audit of your financial statements and subject to outstanding queries being resolved, we anticipate that our audit opinion will be unmodified, subject to the outstanding matters detailed below:

Receipt of:

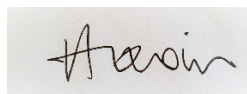
Signed management letter of representation  
Signed financial statements

Signed letter of comfort that the charity will be continued to be supported by BCP Council

Signed letter that there are no subsequent events that should be brought to our attention.

We very much appreciate the kind assistance provided by Council colleagues during our audit. They are a pleasure to work with

Yours faithfully



**Hixsons**

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Registered in  
England & Wales  
no. 4820558

## **Audit findings report**

As auditor we are responsible for performing the audit, in accordance with International Standards on Auditing (UK) and the Code, which is directed towards forming and expressing an opinion on the financial statements that have been prepared by management with the oversight of those charged with governance. The audit of the financial statements does not relieve management or those charged with governance of their responsibilities for the preparation of the financial statements.

The contents of this report relate only to those matters which came to our attention during the conduct of our normal audit procedures which are designed primarily for the purpose of expressing our opinion on the financial statements. We do not accept any responsibility for any loss occasioned to any third party acting or refraining from acting based on the content of this report, as this report was not prepared for, nor intended for, any other purpose.

## **Audit approach**

Our audit approach was based on a thorough understanding of the charity's business and is risk based, and in particular included:

An evaluation of the Charity's internal controls environment, including its IT systems and controls;

Substantive testing of significant transactions and material account balances

We have not had to alter or change our audit plan, as communicated to you.

## **Findings related to significant risks**

Significant risks are defined by professional standards as risks that, in the judgement of the auditor, requiring special audit consideration. In identifying risks, we consider the nature of the risk, the potential magnitude of misstatement, and its likelihood. Significant risks are those risks that have a higher risk of material misstatement.

## **Risk audit approach**

### **Fraud in revenue recognition**

Under ISA (UK) 240 there is a presumed risk of fraud in relation to revenue recognition. The presumption is that the charity could adopt accounting policies or recognise sales in such a way as to lead to a material misstatement in the reported revenue position.

Our audit approach was:

- Review and testing of revenue recognition policies.
- Detailed substantive testing on material revenue streams.

Based on the audit work performed, no evidence of fraud in revenue has been identified.

### **Management override of controls**

Under ISA (UK) 240 there is a presumed risk that management and directors have the ability to process transactions or make adjustments to financial records outside of the normal financial control processes. Such transactions could lead to a material misstatement in the financial statements.

Our approach was to:

- Make inquiries of management and key finance team members throughout the fieldwork.

- Review a sample of manual journals through the year to ensure that these are appropriate and agree to supporting documentation.

- Detailed review of significant estimates and judgements to ensure that these are appropriate.

- Substantive audit of any one off or significant unusual transactions.

Based on the audit work performed, no evidence of management override has been identified.

### **Going concern**

Under ISA 570 (UK) those charged with governance are responsible for the preparation of the financial statements and the assessment of the entity's ability to continue as a going concern. There is a risk that the going concern status of the charity is inappropriate due to the impact of Covid -19, the extent of which is uncertain currently.

Our approach was to:

- Review post period end position and performance.

- Review of forecasts and budgets and discuss with management to understand assumptions.

- Perform sensitivity analysis to identify the feasibility of going concern basis, Discussions with management including consideration of related disclosures in the financial statements.

Based on the audit work performed, going concern basis used to prepare financial statements is appropriate.

There were no changes to our audit plan previously communicated to you.

### **Going concern**

We concur with management's assessment that it is appropriate to continue to adopt the going concern and there are no material uncertainties relating to going concern which should be disclosed in the financial statements. However, because not all future events or conditions can be predicted, this statement is not a guarantee as to the charity's ability to continue as a going concern.

## **Accounting policies, estimates and disclosures**

The accounting policies used in preparing the financial statements are unchanged from the previous year.

Our work included a review of the adequacy of disclosures in the financial statements and consideration of the appropriateness of the accounting policies and estimation techniques adopted by the charity. We found the disclosed accounting policies, significant accounting estimates and the overall disclosure and presentation to be appropriate for the charity.

## **Other communication requirements**

### **Fraud or suspected fraud**

We have previously discussed the risk of fraud with you and we have not been made aware of any other incidents in the period and no other issues have been identified during the course of our audit.

Our work as auditor is not intended to identify any instances of fraud of a non-material nature and should not be relied upon for this purpose. If the directors wish to obtain enhanced assurance with regard to the effectiveness of internal control in preventing and detecting fraud we should be happy to provide additional services.

### **Non-compliance with laws and regulations**

As part of our standard audit testing, we have reviewed the laws and regulations impacting the business.

There are no indications from this work of any significant incidences of non-compliance or material

breaches of laws and regulations stopping the business from continuing as a going concern or that

would necessitate a provision or contingent liability.

There are also many other laws and regulations relating to health and safety as well as human resources generally and industry specific requirements. We are not aware of any significant incidences of non-compliance.

## **Internal controls**

The purpose of an audit is to express an opinion on the financial statements. As part of our work we considered internal controls relevant to the preparation of the financial statements such that we were able to design appropriate audit procedures. However, this work was not for the purpose of expressing an opinion on the effectiveness of internal controls.

We are required to report to you in writing, significant deficiencies in internal controls that we have identified during the audit. These matters are limited to those which we have concluded are of sufficient importance or merit being reported to you.

The scope of our work is not designed to be an extensive review of all internal controls. If we had performed more extensive procedures, we might have identified more recommendations.

## **Independence**

In accordance with our profession's ethical guidance there are no further matters to bring to your attention in relation to our integrity, objectivity and independence.



## **Recommendations**

### **Ledger system**

The charity's transactions are included within the Council's Ledger system and have to be extracted. This produces a potential risk that not all transactions will be extracted and therefore the charity's income and expenditure may be misstated. It is also difficult to always trace the charity's transactions through to source documents given they are part of a substantially larger set of transactions. We recommend that the charity has its own set of ledgers and bank account. We are aware in the past management response has been that this is unnecessary, but we think that our audit time and therefore cost would be reduced come on and the risk of misstatement would also be reduced.

### **Cash checks**

Whilst spot checks at the venues where cash is taken are conducted, no formal recording of these checks takes place. We recommend that these are recorded and a record kept of how often and by whom these checks take place.

### **VAT**

The charity does not have its own VAT registration, but all transactions are passed through the council's VAT account. This is unusual, and it is possible that this may misstate VAT particularly where charitable activities are concerned, as not all charity transactions allow for the recovery of VAT. We recommend that the charity has a separate VAT registration.

### **Management reporting**

We understand that no management reports are produced during the year. We appreciate that the extraction of charity balances from the Council's ledger system is burdensome. Nevertheless, regular reporting would enable monitoring costs and income, with a view to managing the Council's donations and donated services better.

### **Charity constitution and reporting**

The charity receives its own income and pays its own expenses, albeit topped up by Council donations and donated services. We do not have a full copy of the governing document, but only that which is lodged at the Charity Commission. Charitable objectives do not mention income generation. We wonder, therefore, whether it is necessary for the charity to generate its own income and expenses.

As a simpler alternative, the Council could lease the charity lands for a nominal sum, with the proviso that the Council would maintain the charity assets, and then take the income as its own, paying all necessary expenses, which in practical terms it does now. It would simplify bookkeeping, reporting internally and externally, and reduce costs significantly, including audit costs.

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Nick Hixson  
Hixsons Limited  
24 Cecil Avenue  
Bournemouth  
  
BH8 9EJ

Date: 04 01 2024  
Our Ref: AR/Lower Central Gardens  
Contact: Stephen White  
Email: [Stephen.white@bcpcouncil.gov.uk](mailto:Stephen.white@bcpcouncil.gov.uk)  
Tel: 01202 817 754

Dear Nick

### **Council Contributions made to The Lower Central Gardens during 2021/22 and 2022/23**

Please find below confirmation of the amounts contributed from the Council to the charity during 2021/22 and 2022/23.

<b>THE LOWER CENTRAL GARDENS BOURNEMOUTH CHARITABLE TRUST</b>	<b><u>2022/23</u></b>	<b><u>2021/22</u></b>
Total Council Contributions	541,355	460,671

Under the Bournemouth Council Act 1985, Bournemouth Council is responsible for donating services each year sufficient for the trust to achieve breakeven and meet any liabilities as they fall due. As of 1<sup>st</sup> April 2019 the Council became part of a new authority Bournemouth, Christchurch and Poole and the policy of donation has passed to the new authority under the two UK statutory instruments 2018 No.648 The Bournemouth, Dorset and Poole (Structural Change) Order 2018 and 2008 No.1276 The Local Government (structural change) (transfer of functions, property, rights and liabilities) regulations 2008. The council will continue to support the trust under statute for at least 12 months following the date of signing of the accounts. This support will be sufficient to meet the operating deficit of the charity.

Finally, I confirm for the above charity that there have been no subsequent events affecting it that need to be brought to your attention.

Yours sincerely



Adam Richens

Chief Financial Officer and Head of Financial Services - BCP Council

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