

# LOWER CENTRAL GARDENS TRUST BOARD



Report subject	<b>Lower Central Gardens Trust Board Meeting</b>
Meeting date	5 December 2022
Status	Public Report
Executive summary	<p>The report provides a range of Trust and Service update information to the Lower Gardens Trust Board on specific items as requested by the Board of Trustees.</p> <p>Items covered include:</p> <ul style="list-style-type: none"> <li>• Governance</li> <li>• Finance</li> <li>• Events</li> <li>• Concessions trading</li> <li>• Operational service updates</li> </ul> <p>The report provides information to updates to note whilst also seeking support and approval from the board for confirmation of Terms of Reference and of associated operational delegation of business-as-usual activities. The report furthermore asks for support for the implementation of an Events Policy and for the board to give consideration as to topic items for future reports.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>a) The trustees support and approve the following:</b></p> <ol style="list-style-type: none"> <li><b>I. reaffirming the Terms of Reference for the Trust</b></li> <li><b>II. reaffirming a delegation of day-to-day and business as usual activities to the Director of Environment and Director of Destination and Culture. Any major changes or new activities are to be referred to the trust board.</b></li> <li><b>III. the implementation of a Lower Central Gardens Events Policy.</b></li> <li><b>IV. allow Street Food Corner Licences to be signed by the Head of Parks &amp; Bereavement Services on behalf of the Trust.</b></li> <li><b>V. the trustees indicate which matters they require to be on the Forward Plan for the Lower Central Gardens Trust and the scope of any formal report from BCP Council officers.</b></li> </ol>
Reason for recommendations	To allow the smooth running of the gardens and for time sensitive matters to be dealt with by officers.

Portfolio Holder(s):	Councillor Mark Anderson
Corporate Director	Jess Gibbons - Chief Operations Officer
Report Authors	Ian Poultney – Head of Strategic Development Andy McDonald – Head of Parks and Bereavement Services Martin Whitchurch – Strategic Lead for Greenspace Jon Weaver - Head of Resort Marketing and Events
Wards	Not applicable
Classification	For update, information and decision

## Background

1. The Lower & Central Gardens Trust (LCGT) was created in 1873 under an Indenture (legal agreement) 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 in its capacity as Trustee the general power to use, control and manage the Lower Central Gardens within the scope of the powers set out in the 1985 Act and for the purposes of the charitable trust – the provision of open space for the purpose of recreation and enjoyment of the public.
2. The object of the charity is the provision of open space for the purpose of recreation and enjoyment of the public.

### Lower & Central Gardens Trust Governance and Role of Trustees

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### Lower & Central Gardens Trust Governance and Role of Trustees

3. At the request of the Chair of the Trust Board, BCP Council Legal Services will provide the board with a verbal overview of:
  - a) The purpose of the charity and its governance arrangements
  - b) The role of a trustee
4. The Board are asked to consider the Terms of Reference and associated documents, and re-affirm them. Refer to Appendix 1.

### Delegation of authority

5. There has been some uncertainty recently as to the level of authority the Lower Central Gardens Trust (LCGT) delegates its duties to the relevant council Officers. Historically the LCGT would delegate day to day and business as usual decisions

and activities such as operational matters to the Director of Environment Services who took the lead on the majority of these decisions and with the council events team being authorised to make decisions on smaller activities within the trust land. This was to allow the smooth running of the gardens and allowed for time sensitive matters to be dealt with.

5. Any activity that had 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. It would assist the internal decision making if this delegated authority could be reaffirmed as we move forward with further decisions on the operation and activities within the gardens.
6. The LCGT board is asked to reaffirm the delegation of day to day and business as usual activities to the Directors of Environment and Director of Destination and Culture within BCP Council, with the Director of Environment taking the lead role and enabled to delegate as appropriate to services within the Directorates. Any major changes or new activities are to be referred to the LCGT board.

### **Draft Financial Accounts for 2021/2022**

7. Trust board members have been provided with draft accounts which are subject to external auditing. Board members are asked to review and raise any points with Financial Services ahead of January 2023 formal sign off.

### **LCGT Activities and Events Policy**

8. The object of the charity is the provision of open space for the purpose of recreation and enjoyment of the public.
9. The Lower and Central Gardens are for the use of everyone and freely available to both residents and visitors to enjoy. They are primarily used for informal recreation such as walking, dog walking, relaxation, picnics and enjoyment of the natural environment. LCGT welcome large and small events that engage, add vibrancy, community cohesion and opportunities for new experiences.
10. The Lower Gardens provides the centre piece, that links seafront to the town centre and as such is vital in being a catalyst to animating the area through events that contribute towards the vibrant and safer space for the benefit and enjoyment of residents, visitors, and local business. The importance of ensuring such events do not detract from the open spaces primary purpose or result in extended periods of post event grounds recovery rendering sections of the public open space unusable by the public is recognised.
11. The fundamental approach to programming has been to ensure that major events are organised later in the year. This provides a balance in having events that help animate and raise the profile of the town centre, for the benefit of local businesses, residents, and visitors, whilst mitigating the impact on the use of the Gardens as an attractive green space.
12. There is the opportunity in the future for further cultural and destination events necessary to further help support a vibrant town centre. This could only be achieved through looking at technological and investment options for some grassed areas to be more resilient whilst maintaining the Gardens integrity.
13. To support the future evaluation of event proposals, outline delegated event decision parameters and provide clarity for when an event should be referred to the LCGT board, a draft LCG Events Policy has been developed, detailed in Appendix 2.

## Events Programme

14. Whilst it is too early in the year to confirm a programme for 2023 it very likely to be a similar programme in 2023 (sadly with the Yellow Buses anniversary). Below are the events held in 2022.

- April - Easter March of Witness
- April - Rifles Freedom Parade
- May and September - PDSW dance festival
- July - Yellow buses anniversary
- July/August Festival Coast Live!
- June/July/August Sept 42 Bandstand bookings
- July - Duck race
- August - Children's Party in the Park
- September - Bournemouth Air Festival
- October - Arts by the Sea
- November/December - Christmas Tree Wonderland/ Ice Rink
- November - Remembrance Day

## Concessions Trading

### Westover Kiosk –Picnic Park Deli

15. The original lease for the Kiosk expired in November 2022. Due to resources and following discussions with the Head of Strategic Procurement it was agreed that a further one-year extension could be offered to the current operator which would allow time for a full tender to be carried out in 2023. The tender will be to the full open market as before and likely to be for 10 years with Landlord instigated breaks.

### Lower Gardens Mini Golf

16. Visitor numbers and income has recovered well post-pandemic, with an improved net balance of (£195.5k) compared with the pandemic year 2020-2021 (£58k), Some minor maintenance works have been carried out recently, noting it has been around 15 years since its last major refurbishment. The surfacing is now showing signs of wear and break up in places, along with other maintenance and infrastructure repairs being required. A costed proposal will be developed over winter 22/23.

### Hedgehog Kiosk

17. The kiosk has faced some operational challenges during the year including the coffee machine and till functionality and consequently has performed £6.5k lower than the previous Pandemic year, but still producing a surplus of (£31.5k). Both issues have since been resolved.

### Street Food Corner

18. The location continues to perform well with income to date, including for the forthcoming Christmas period, at £34,500 an increase on last year of c £3,000. Due to the volume of licences and side letters for additional dates these are still signed off by the Planning & Contracts Manager.

### Westover Art & Makers Market

19. The market has had a difficult year as manufacturing issues delayed the delivery of new canopies. This meant the market had very limited available pitches which impacted on the number of exhibitors booking during the year. The new canopies are now in place and the market is looking at possibly operating over the 2022 Christmas period.

## **Grounds Maintenance & Cleansing Operational Updates**

### Planting

20. In support of BCP Council's Climate and Biodiversity Emergency Declaration, we are launching a new and more effective approach to planting in council-maintained flower beds in our destination parks and spaces.
21. The aim is to move away from more traditional planting of 'annuals' and replace them with perennial plants. Perennials live for several years and regrow every spring, while annual plants live for only one growing season, then die off, meaning that they need to be replaced each year and are anecdotally more at risk of vandalism. Annuals require more frequent propagation, growing and watering, as well as transportation and staff time for planting, therefore moving to perennials reduces the carbon used in the planting operation each year and keeps carbon in the soil and plants for longer.
22. New plants will be chosen to provide a variety of foliage, texture, flowering periods, colour and fragrance and planting will start early next year. Improving biodiversity was an important consideration and the new planting will help to create habitats for pollinators and other insects and enhance soil quality. The perennials can also create more visually striking displays and points of interest.
23. Consideration will be given to plants' tolerance of coastal conditions and exposure to salt, as well as being chosen for their respective conditions, be that in wet areas or to be drought tolerant. The new perennial plants will be lifted and divided every three to four years. As well as keeping the plants in top condition, the new approach means that the council is able to use these beds as stock beds, growing its own plants which will be divided and transplanted to other locations, reducing the long term cost of planting and helping to drive sustainability.
24. Appendix 3 provides a draft illustration of scheme design for LCG.

### Green Flag Accreditation

25. The standard and quality of the lower gardens is paramount to its destination status. This quality has been proven year on year by the award of a Green Flag. The cost of entering Green Flag does though unfortunately take away from what can be invested in the Park itself, for example in the above perennial planning. To be financially efficient and focus resource on impact on the ground BCP Council will not be entering the Green Flag Quality Award Accreditation scheme in 2023/24. As such Lower & Central Gardens will not be entered for the award in 2023. We will continue to review the impact of this and would welcome the Trust's engagement on alternative more local and community focused means of monitoring the standard and quality of this important green space.

### Summer Response

26. To manage increased footfall and associated excess levels of litter, the Grounds teams provided additional bin provision including 7 large Euro bins and operated additional bin empties and litter picking (2.5 extra seasonal staff) with up to 3 empties a day on peak usage days.

### Winter Response

27. The Grounds team are resourced to respond to expected additional seasonal footfall levels with the evening team and a funded additional member of staff programmed

to carrying out extra litter picks and bin empties and the public toilet in LCG remaining open until 22:00 during this period. This resource will also check on and maintain the safety fencing that is part of the Christmas Tree Wonderland event.

#### Arts by the Sea Festival

28. This large event was very successful with strong attendance levels. No repairs/reinstatement to LCG assets were necessary following the event.

#### Grounds repairs from Christmas Tree Wonderland & Ice rink

29. Post event, officers will assess any damage and required works to reinstate the ground condition. Usually this involves relieving compacted ground, levelling areas and preparing and grass seeding areas (when weather allows) and associated after care.

#### Winter works

30. Routine planned works are underway including the pruning of shrubs, lifting trees to maintain vistas and retain the open feel of the Gardens.

#### Flooding in Lower Gardens

31. Discussions have been held with Wessex Water resulting in the manhole cover in Lower Gardens (the one that surcharges in the event of flooding) being changed. The new one is hinged so it will lift in flood conditions to release the pressure but then stay in place and drop back afterwards.

#### The Parks Foundation - Contactless giving station

32. The donation station in Lower Gardens has been replaced with an improved new display and the area around it will be planted once the planting scheme for Lower Gardens is finalised.

#### **Anti-Social Behaviour (ASB) Lower & Central Gardens**

33. Community Safety Accreditation Scheme (CSAS) proactively patrol the area to prevent and detect street based ASB. Any individuals who comes to their notice are signposted to support services. Behaviours deemed to be anti-social are documented and reported to the ASB Team.
34. The ASB officer for the area works closely with Neighbourhood Policing team and the CSAS team to identify those causing issues in the area. Information and evidence is collated and action will be taken against individuals as necessary, this can include warnings, formal notices, or injunctions.
35. The ASB and CSAS teams carry out joint patrols with the Police to identify hot spot areas and ensure appropriate resources are deployed at times when the issues occur. During busier periods such as the summer season and during events such as Christmas Tree Wonderland additional resources are deployed to the area.
36. Since the last LCGT report in April 2022 additional funding for CCTV has been placed on hold. To allow for future deployment approval requested for two additional/replacement columns to be installed with cameras in Pinewalk, covering the path behind the bandstand. Once installed these would be managed by the Council's CCTV Control Room to be used in conjunction with our partner agencies to monitor ASB and criminal activity.

### **Summary of financial implications**

37. It is a statutory requirement to agree the annual financial statements for the Lower Central Gardens and submit these to the Charity Commission by 31 January each year. The Board are asked to review the draft accounts separately circulated that are subject to external auditing prior to them being signed off by the Leader and Portfolio Holder for Finance and Transformation. In the event there are any changes to the accounts then there will have to be an Extra-Ordinary meeting in January 2023 to sign off the accounts.

### **Summary of legal implications**

38. In order for there to be clarity as to the powers officers have to make decisions on behalf of the Council as Trustee it is important that the Board consider the scope of delegation from it to officers and make a decision as to whether to approve the scope recommended within this report, or an alternative. When officers are authorised by the Board to make decisions those officers will be making decisions on behalf of the Council as Trustee and must ensure therefore that the matters considered are those that relate to the objects and purposes of the Trust, the parameters of the 1985 Act and the interests of the Trust.

### **Summary of human resources implications**

39. There are no human resource implications arising from this report.

### **Summary of sustainability impact**

40. The land contained within the Trust continues to be managed in a way that seeks to protect its future and move to more sustainable planting to improve biodiversity

### **Summary of public health implications**

41. Access to good-quality, well-maintained public spaces can help to improve physical and mental health by encouraging individuals to walk more, to play sport, or simply to enjoy a green and natural environment. Parks create important opportunities for social integration and health and wellbeing outcomes. Lower Central Gardens positively contributes towards this outcome.

### **Summary of equality implications**

42. An Equalities Impact Assessment conversation/screening document has been completed with no additional measures required.

### **Summary of risk assessment**

43. None identified

### **Background papers**

44. None

### **Appendices**

Appendix 1 – LCG Terms of Reference

Appendix 2 – Draft LCG Events Policy

Appendix 2 –Draft planting illustration LCG