



OFFICER DECISION RECORD

This form should be used to record Executive decisions taken by Officers

Type of Decision:	Major Operational Decision		
	<p>A Major Operational Decision is an Officer decision which is not a Key Decision, and which is likely to meet one of the following criteria:</p> <ul style="list-style-type: none"> (a) it will result in the Council incurring expenditure, including the loss of income – in excess of £100,000, with the exception of operational expenditure identified within the agreed Service Plan and Service Budget; (b) it is a decision which has been specifically delegated to Officers – for example to conclude an agreement or contract within the outline terms agreed by the Cabinet; and/or (c) it is a decision which is controversial and/or politically sensitive in nature or is, in the opinion of the Director, of such significance that a published record of the decision would ensure transparency and accountability in relation to decision making within the Council. 		
Decision Maker:	Jess Gibbons – Chief Operations Officer		
Service Area:	Leisure	Date:	19.12.23
Contact Name:	Helen Wildman	Tel No:	
E-mail:	Helen.wildman@bcpcouncil.gov.uk		
Subject:	Closure of Kings Park Nursery		
Decision taken:	<p>To permanently cease the operation of a plant nursery at King's Park Drive (King's Park Nursery) and seek alternative community uses for the site in line with the Bournemouth Borough Council Act 1985. To implement this decision from the end of February 2024 to support the Medium Term Financial Plan (MTFP). This will initially enable a £85,800 saving per annum to be realised.</p>		
Options considered:			

Option 1 (not recommended) – move to a cost neutral position over the next three years

It is estimated to take 3 years to turn the nursery to a cost neutral position through more seed growth, additional propagation and increasing volunteer / apprentice led programmes. This is largely due to the lead in time from plant growth. It would also need capital investment to turn it into an income generating service for the council replacing old equipment and adding in a café area as seen in other garden centre models. As the nursery is a non-statutory service for the Council, it needs to be operating at no cost to the Council with full cost recovery from April 2024 and therefore this option was not taken forward.

Option 2 (recommended) – To cease the operation of the plant nursery from the end of February 2024 and seek alternative community use of the site.

Due to the lead in time for the spring bedding, the future of the nursery needs to be made by January 2024 in order to either begin growing or not and to advise customers whether orders could be taken. Failure to do this could have led to an increase in the financial subsidy. Making the decision before the main winter season will provide additional utility savings ahead of the winter. This is the only option which will mean that the saving can be met by April 2024, this is the recommended option.

Option 3 (not recommended)– Outsource the operation of the plant nursery

The restrictions of the Bournemouth Borough Council Act 1985 mean a private commercial plant nursery would not be permitted on this site. Option 2 includes the exploration of alternative community uses for the site in line with the Act.

Reasons for the decision:

Kings Park Plant Nursery has a budgeted subsidy to the Council of £95,800. Last financial year the subsidy was £225,400 and the team have worked hard to reduce this with 2023/24 forecast to cost £100,000, slightly higher than budget. Options to make the nursery cost neutral, cannot be completed quickly enough and would need at least 3 years, therefore ceasing the plant nursery activity immediately is the recommended option. This will ultimately remove the £95,800 budgeted subsidy from the council's medium term financial plan, initially providing £85,800 of required savings for 2024/25 with a further £10,000 in 2025/26 and allow the team to explore alternative community uses for the site.

Background:

- The plant nursery has been in situ for 99 years and sits on five parks land under the Bournemouth Borough Council Act 1985.
- The nursery supplies plants to the general public and also to trade and opens from March – November each year.
- Since April 2023 the plant nursery has worked towards reducing its need for a subsidy and is heading towards an outturn in line with budget however is still costing the Council a forecast £100k to operate in 2023/24.

- The site also includes an area for Linwood school and Adult social care to undertake horticultural activities. We will seek to maintain these activities within the future use of the site.
- There will be a cost for securing and repurposing the site for community use during 2024/25. This is currently estimated at £10,000 and is being retained from the existing budget for one year only.
- Closing the plant nursery operation puts 5 FTE posts will be at risk of redundancy.

Consultations undertaken:

Portfolio Holder for Commercial Operations Councillor Mike Cox – The saving was discussed within a Portfolio Holder briefing on 17 November with a further meeting with Councillor Mike Cox and the Portfolio Holder for Leisure Councillor Millie Earl on 30 November where the options were checked and the decision was agreed with the need to ensure future options for the use of the space focuses on community use.

Director of Commercial Operations, Head of Leisure and the Nursery Manager were involved in option discussions prior to the decision being made.

Stakeholders – a full list of stakeholders have been identified alongside a plan for engagement on the decision and options for further community use. This will be held on completion of this decision record. Stakeholders include Ward Councillors, public who use the facilities, trade including other councils and supply to businesses, suppliers and community users of the space.

Note: It is the responsibility of the ‘Responsible Officer’ – that is the Officer making the decision – to obtain the comments and signature of the Chief Finance Officer and Monitoring Officer **before** taking the decision and then send the completed record of the decision to Democratic Services for publication.

Finance and Resourcing Implications:

The financial figures expressed in the body of the report have been validated and reconciled to the council’s medium term financial plan (MTFP) and Q3 budget monitoring forecast.

Removal of this non statutory service will enable a £85,800 saving to be realised in the MTFP in 2024/25, with a further £10,000 saving in 2025/26.

As part of the orderly closure of the site, internal audit will be consulted to validate the proposed approach to disposal of the obsolete stock and equipment, which may be at less than normal values. This will be carried out in line with procurement and financial regulations.

The council’s revenue and benefit team have confirmed there will be no ongoing National Non Domestic Rates (NNDR) liability to the council relating to the site.

Other council services which presently rely on products and support from this service have been informed of the recommendation and any impact to them will be managed locally.

Name: Adam Richens

Date: 04/01/23

Signature (of Chief Finance Officer):



Legal Implications:

Any future use of the land and/or building will need to comply with Schedule 2 to the Bournemouth Borough Council Act 1985 such as (where applicable) in respect of any provision of facilities (whether indoor or outdoor) for sports and recreations for the benefit of the community or public at large with facilities and amenities ancillary thereto.

BCP Council will need to have regard to the council's best consideration requirements pursuant to section 123 Local Government Act 1972 such as (where applicable) in respect of any grant of lease to any third party of the land and/or building. Any leases would also need to comply with the Charities Act 2011 (as amended by the Charities Act 2022).

BCP Council will need to comply with any open space requirements set out in section 123(2A) Local Government Act 1972 such as (where applicable) the requirement for the council to advertise any intended lease of any land designated as open space in a local newspaper in two consecutive weeks and to consider any objections that are made before taking a decision to proceed with any such lease.

Where applicable, consent of any interested third party may need to be obtained for the grant of any leases / licences to any third party of the land or property.

The relevant legal power will need to be determined such as (where applicable) for the grant of any lease / licence to any third party and/or any in-house operation of the property.

It will be necessary to have regard to all relevant procurement, subsidy control, planning, property title and legal requirements and any requirements under BCP Council's Constitution and Financial Regulations such as in respect of the grant of any lease and/or licence to any third party and/or any works to the land and/or building (where applicable).

Where applicable, any grant funding terms will need to be reviewed regarding any future use of the property. Legal advice should be sought to confirm the proposed use of any such funding will be compliant with subsidy control rules.

It would be necessary to have regard to all relevant procurement requirements, including BCP Council's Financial Regulations and the Public Contracts Regulations 2015, Concession Contracts Regulations 2016 and the Procurement Act 2023 (where

applicable) for any works or development of the land and/or building that may be carried out by any third party under contract.

It would be necessary to comply with any relevant employment and Human Resources (HR) requirements (where applicable).

Name: Janie Berry

Date: 04 January 2024



Signature (of Monitoring Officer):

Risk Assessment:

Community – loss of community asset for the public to engage with locally leading to reduced accessibility of a garden centre for those less mobile or able to travel longer distances. Alternative plant nurseries are at Stewarts in Christchurch and in Longham. Plants are also available at local supermarkets on a seasonal basis. The loss of this will be mitigated by working on how the space is used by the community and opening this up for community use.

Community – loss of volunteer programme protecting and giving purpose to the volunteers at the nursery, this will be mitigated through identifying other opportunities for these volunteers.

Staff – closure will result in 5 FTE posts being at risk of Redundancy, HR team will be supporting this process including identifying options for possible redeployment.

Reputational – the nursery has been operating for 99 years and 2024 would be the 100 year anniversary, however we will be working with the community for future use of the site.

Name: Helen Wildman

Date: 19.12.23

Signature (of Officer Completing Assessment):



Impact Assessments:

- An EIA screening has been completed for this decision and can be found here [EIA Conversation Screening - Kings Park Nursery.docx](#)

Information for publication / not for publication

This information is for publication as it is a major operational decision.

Background Papers

Bournemouth Borough Council Act 1985.

Any declaration of interest by the Officer responsible for the decision

Nature of Interest

Yes/No*

Note: No Officer having an personal financial interest in any matter should take a decision on that matter. Other interests of a non-disqualifying matter should be recorded here.

Any conflict of interest declared by a Cabinet Member who is consulted by the Officer taking the decision

Name of Cabinet Member

Nature of interest

Details of any dispensation granted by the Monitoring Officer

Yes/No*

Decision taken by: (print name and designation) Jess Gibbons

Signature: 

Date of Decision: 8/1/23

Date Decision Effective: 8/1/23

Date of Publication of record of Major Operational decision: As shown on web site

Note: A record of this decision should be kept by the Service Area within which the decision falls.