

## **Lower Central Gardens Trust Proposed Scheme of Delegation**

### **Object of the Charity & Role of Board Members**

The object of the charity through the Trust Board as detailed in the Bournemouth Borough Council Act 1985 and the Charity Scheme dated 13 May 2011 (required and approved by the Charity Commission) is to ensure the provision of open space, and public building for the purpose of recreation and enjoyment of the public.

The cost of managing, maintaining, and developing the garden in accordance with the Act is largely met through the Council's revenue accounts, any ad hoc allocated capital, community infrastructure levy (CIL) or external grant funding. Some income is received by the Trust from concessions and events undertaken within the gardens and donations; however this income does not match overall expenditure incurred within the Trust land.

### **Historical Undertakings**

Since formation of the Charity, day to day management of the Trust assets has historically informally been undertaken by a group of officers representing Parks, Events, Property Services (now Estates), Communities, Finance and Legal Services. The Board meets formally twice per year for updates on activities and to sign off annual accounts.

### **Officer Scheme of Delegations – Lower Central Gardens Trust**

To formalise arrangements for day to day management of the trust land; The Board delegates the day to day trustee functions and decision making to the Chief Operations Officer through the Operations Directors Management Team in consultation where necessary with the Director of Finance and Director of Law & Governance who shall collectively be known as the Lower Central Gardens Trust Management Team, to whom are delegated such executive powers relating to their service areas as are necessary to carry out the day to day trustee functions and, in so far as they relate to Lower Central Gardens Trust matters.

To oversee the operational management of Lower Central Gardens on behalf of the Trust acting in its charitable purpose of a garden for recreation and enjoyment of the public in doing so:

- ensure Trust Board Members are kept informed and that appropriate matters are raised at the Board for decision.
- ensure annual accounts are presented for submission to the Charity Commission.
- to meet as and when required to make a discrete decision noting the Charity Trust Board must hold at least two ordinary meetings each year. One such meeting in each year must involve the physical presence of those formally appointed as Trust Board Members.

Under this Scheme of Delegation all powers are vested in the relevant Corporate and Service Director with the overall management responsibility for the functions who may delegate further to Officers within the service responsible for specific activities.

### **General operational**

To have overall responsibility for the operational management of the relevant area of service and for bringing forward such strategic plans and policies, and implementing all decisions,

including the allocation of resources within approved estimates, as are necessary to exercise the functions for which the service is responsible.

#### Director of Environment

The management & provision of business-as-usual grounds maintenance functions, cleansing services and public open space management. These are a guide as to typical types of activity and not an exhaustive list:

- a) Provision and management of BCP Council Grounds Maintenance & Cleansing employees appointed to work within the gardens and surrounding area
- b) Management response of flood & other severe weather incidents
- c) Provision and management of horticultural standards in line with BCP Council's area-wide Climate & Ecological Declaration
- d) Provision of litter bins including style of and management of cleansing standards in line with the Environmental Protection Act 1990 code of Practice for Litter & Refuse
- e) Undertaking of any necessary reinstatements/repairs following event activity and associated reimbursement of costs
- f) Management of minor lease and wayleaves (aviary, utilities, access agreements etc.)
- g) The procurement & purchase of materials to support business as usual activities.
- h) Provision of repairs from wear & tear of hard landscape features, street furniture, bins signage, and drainage.
- i) Management of relationship between BCP Council & The Parks Foundation and volunteers in relation to the Aviary within the gardens.

#### Director of Commercial Operations

The management and provision of business-as-usual concessions & events. These are a guide and not an exhaustive list:

- a) Authorisation of low impact events, representation & input for high impact events, a high impact event would encompass an event commercial in nature, and/or any event with substantial infrastructure that could impact the aesthetics or future maintenance of the gardens)
- b) Management of minor lease and wayleaves (café, utilities, etc)
- c) Management of BCP Council catering outlets, street food corner, art exhibition & LG mini golf
- d) Management of Pavilion and Pavillon Car Park in line with existing BH Live contract conditions
- e) The procurement & purchase of materials and commissioned works to support business as usual activities

#### Director of Planning & Destination

- a) Tree inspections, risk management and arboricultural works including planting

#### Director of Customer, Arts & Property

- a) Toilets provision and maintenance
- b) Bandstand
- c) Building Stock maintenance
- d) Lighting provision and maintenance

#### Director of Housing & Communities

- a) Anti-social behaviour management

- b) Bylaw enforcement
- c) Liaison with Dorset Police on activities involving the gardens
- d) CCTV installation, monitoring and maintenance
- e) Regulation of food premises and licensable premises in the LCG

#### Director of Finance

- a) Production of annual LCGTB accounts for Charity Commission  
The Trust is required to submit annual accounts and returns to the Charity Commission within ten months of the end of the financial year. The accounts summarise the money received and paid out by the Trust in the financial year and a statement is provided giving details of its assets and liabilities at the end of the year. The annual return is used to provide the Charity Commission with basic financial information, details of contacts, trustees and activities of the Trust.

#### Urgent Action

To act on behalf of the LCGTB & BCP Council in cases of urgency in the discharge of any function of the Council for which their Directorate or Service has responsibility, other than those functions which by law can be discharged only by the Council or a specific committee. This delegation is subject to the conditions that any urgent action:

(a) shall be reported to, and where practicable exercised in consultation with, the LCGT Board.

(b) shall take account of the advice of the Monitoring Officer and the Section 151 Officer

Matters for referral to LCGTB would include:

- a) Development of a future Strategic Management Plan of the Garden
- b) Sign off annual accounts
- c) High impact events, festivals or activities
- d) New infrastructure design and concepts
- e) Annual events programme
- f) New income generating schemes and initiatives.
- g) Grant bid applications
- h) Any proposed significant reduction or cessation of services