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Mount Edgcumbe Joint Committee

Friday 25 June 2010

PRESENT:

Councillor Trubody, Co-Chair in the Chair.

Councillors Mrs Bragg, Delbridge, Flashman, German, Holley, Pearn MBE, Riches (Substitute Councillor Preston) and Vincent.

Co-opted Representatives: Sir Richard Carew Pole Bt, Cdr Crocker, Mr D L Richards and Mrs Spring.

Apologies for absence: Councillors Austin, King, McDonald, Preston, Reynolds (Co-Chair) and Smith.

Also in attendance: Simon Arthurs, Geraldine Baker, Ian Berry, Steven Bolton, James Coulton, Charlie David, Rachel Dower, Mike East, Wendy Eldridge, Mark Harvey, Kate Johnson, David Marshall, Mark Porter and Linda Torney.

The meeting started at 10.45 am and finished at 2.15 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

1. APPOINTMENT OF THE JOINT CHAIRS

Agreed that –

- (1) Councillor Reynolds is appointed as Co-Chair (Plymouth City Council);
- (2) Councillor Trubody is appointed as Co-Chair (Cornwall Council).

2. DECLARATIONS OF INTEREST

In accordance with the code of conduct the following declarations of interest were made –

Name	Subject and Minute No,	Reason	Interest
Councillor Trubody	Cremyll Ferry Tender Minute 15	Acquainted with existing ferry operator	Personal
		Worked for Sound Cruising	Prejudicial
Commander Crocker	Cremyll Ferry Tender Minute 15	Relative works for Tamar Cruising	Personal

3. **MINUTES**

Agreed that the minutes of the meeting held on 5 February 2010 are confirmed as a correct record.

CHAIR'S URGENT BUSINESS

4. **Property Matter**

The Co-Chair advised that a property matter had arisen which required a decision from the Joint Committee; this item was confidential and as such would be considered under exempt business (minute 7 refers).

5. **Order of Business**

The order of business on the agenda was amended as set out below in the minutes.

(In accordance with Section 100 (B) (4)(b) of the Local Government Act, 1972, the Chair brought forward the above items for consideration because of the need to inform Councillors and seek a decision).

6. **AMENDED ACQUISITION AND DISPOSALS POLICY**

The Director for Community Services submitted a report on the amended Acquisition and Disposals Policy, which outlined the following –

- (a) the Joint Committee approved the amended Acquisition and Disposals Policy at its meeting held on 5 February 2010;
- (b) an amendment was proposed to the policy as information on 'disposal' had inadvertently been omitted;
- (c) the amendment was necessary as the existing policy was missing one key point and as such did not meet the Museums, Libraries and Archive Council's accreditation requirements;
- (d) early confirmation of the decision was required in order to meet the deadline for the accreditation application.

Following a question raised by the Joint Committee, it was advised that no human remains or items that were likely to be repatriated were held within the Mount Edgumbe collection; both the Joint Committee's new and existing terms of reference permitted any controversial items to be referred to the respective Chief Executives of each council for resolution.

Agreed that the Joint Committee approves the amended policy and provides early confirmation of the decision to meet the deadline for the accreditation application.

7. **EXEMPT BUSINESS**

Agreed that under Section 100(A)(4) of the Local Government Act, 1972, the press and public are excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in

paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

8. **CHAIR'S URGENT BUSINESS - PROPERTY MATTER**

The Director for Community Services presented a report outlining the request for an electricity wayleave across Country Park land to serve an address outlined in the report.

Agreed that the electricity wayleave is granted.

9. **UPDATE ON MEETINGS OF THE MOUNT EDGCUMBE OFFICERS' WORKING GROUP**

Ian Berry, the Park Manager, provided an update on the meetings of the Mount Edgumbe Officers' Group which were held on 28 April and 25 May 2010.

(Following consideration of the above items the meeting moved back into Part 1 public meeting).

PART I

10. **REVENUE AND CAPITAL OUTTURN 2009-10 INCORPORATING THE STATEMENT OF ACCOUNTS**

The Director for Community Services and the Director for Corporate Support submitted a report on the Revenue and Capital Outturn 2009/10 incorporating the Statement of Accounts 2009/10, which outlined the following issues –

- (a) the overall effect of the variations against the revenue budget had identified a shortfall of funding requirement of £300,000 in 2009/10;
- (b) ongoing additional costs had arisen as a result of the job evaluation exercise undertaken by Plymouth City Council which would require consideration as part of future year's business planning;
- (c) further costs had been incurred for additional staffing requirements for the new trading operations above the level of income projected during the first part of the trading year;
- (d) the challenge for the business plan and the 2010/11 budget report on 5 February 2010 to the Joint Committee was to deliver sustainable trading operations, aligned to the level of constituent authority support available and to build a minimum level of reserves.

The following responses were provided to questions raised by the Joint Committee –

- (e) there was an ongoing cost of £100,000 for the funding of job evaluation which had not been identified in the base budget for 2009/10;

- (f) it was difficult to predict unforeseen variances within the base budget; for example there had been a significant increase in the insurance premium due to the newly refurbished Barrow Park and the re-evaluation of the business rates which had increased from £700 to £5000;
- (g) it was anticipated that with the appointment of a commercial accountant the financial management would improve together with the accuracy of the budget, planning and monitoring;
- (h) the additional funding of £50,000 which the constituent authorities would be approached to fund had not been included within these figures;
- (i) there was the potential for the Objective One funding to be repaid at an estimated cost of £1.3m should the obligations not be met (Cornwall Council had obtained the Objective One funding); although due to the economic downturn these requirements may not remain the same;
- (j) the statement of accounts and annual governance was required to be submitted to the Audit Commission by 30 June 2010; the accounts for the past four years had not been submitted on time;
- (k) included in the core budget was a sum of £6,500 for the roads and footpaths within the Park; a review was currently being undertaken to ascertain what services could be stopped and all but essential works carried out.

Agreed that –

- (1) the report is noted;
- (2) each constituent authority is approached to consider additional financial support of up to £50,000 (per authority) to address the 2009/10 revenue shortfall;
- (3) the recommendation to note that each constituent authority consider conditions against this financial support and final details of this will be reported at the Joint Committee scheduled for 23 July 2010, is approved;
- (4) the 2010/11 Business Plan and the Medium Term Financial projection based on the 2009/10 performance are reviewed and reported at this meeting;
- (5) approval of the statement of accounts and the annual governance is deferred to the next Joint Committee meeting scheduled for 23 July 2010.

11. **CONSTITUTION** (Pages 1 - 6)

The Director for Corporate Support submitted a report on the Joint Committee's constitution/terms of reference, which outlined the following –

- (a) the proposals for the governance of the Mount Edgcumbe Joint Committee and the management of the undertaking;
- (b) as a result of concerns raised by councillors and officers who had been asking that the current officer support from the two parent authorities was clarified and that the constitution was improved;
- (c) the recommendation that the Cabinets of each of the constituent councils approve and adopt the changes to the terms of reference for the Joint Committee and that each Council makes any necessary consequential amendments to that Council's constitution;
- (d) a business planning framework is adopted that aligned the governance arrangements for the undertaking more closely with the cabinet style of governance in place in each Council.

Agreed that the terms of reference is amended to read at 'B5 the Director for Environment Planning and Economy in Cornwall in consultation with the Director for Community Services in Plymouth'.

Recommended that the Cabinets of each constituent council adopt the new terms of reference as set out at appendix 1 (attached to these minutes) and amend their respective constitutions to reflect this.

12. **EXEMPT BUSINESS**

Agreed that under Section 100(A)(4) of the Local Government Act, 1972, the press and public are excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

13. **REVENUE AND CAPITAL MONITORING 2010/11(2010/11 MONITORING - MAY 2010)**

The Director for Community Services and the Director for Corporate Support submitted a report on 2010/11 Monitoring – May 2010.

Agreed that –

- (1) the recommendation to note the report and authorise urgent remedial and medium term actions with the officers' working group and the Co-Chairs, to address the financial situation for 2010/11 and the medium term and to report progress at each future Joint Committee meeting is approved;

- (2) plans for a minimum level of reserves which preserves contingency for a sustainable long term future, in order to deal with unforeseen pressures but also to take opportunities as they arise is approved;
- (3) the funding of 2009/10 overspend is discussed by the joint authorities and communicated to the Joint Committee (options range from funding the adverse variation at year end or a loan with an agreed repayment schedule).

14. **APPOINTMENT OF CO-CHAIR**

Agreed that Councillor Flashman is appointed as Co-Chair for the consideration of the item on the Cremyll Ferry Tender.

15. **CREMYLL FERRY TENDER**

The Director for Development and Regeneration submitted a report on the Cremyll Ferry Tender.

Agreed that the Joint Committee grant the issue of the lease for the use of Cremyll Quay and associated buildings to the successful ferry operator.

(Councillor Trubody Co-Chair declared a personal and prejudicial interest in this matter and left the room; Commander Crocker declared a personal interest in this matter).

(Councillor Flashman was appointed the Chair for this item).

**TERMS OF REFERENCE
CORNWALL COUNCIL AND PLYMOUTH CITY COUNCIL
MOUNT EDGCUMBE HOUSE AND COUNTRY PARK
THE MOUNT EDGCUMBE JOINT COMMITTEE**

A Background

Cornwall Council and Plymouth City Council (the "Constituent Councils") being joint owners of the Mount Edgcumbe House and Country Park (the "House and Country Park") have agreed that the following arrangements will apply in relation to the House and Country Park. They have also agreed to form a Joint Committee (within the meaning of Section 102 Local Government Act 1972) to make sure that the House and Country Park are managed appropriately.

B Responsibilities

The Joint Council's are responsible for exercising the powers under sections 6, 7, 8 and 9 of the Countryside Act 1968 and section 19 of the Local Government Miscellaneous Provisions Act 1976 in relation to the House and Country Park.

Who carries out the responsibilities

B1 Each Council will:

- decide the annual budget for the Country Park and House as part of the budget setting process;
- decide whether to allow any extra spending outside the budget.

B2 Each Cabinet will:

- agree the business plan;
- recommend the annual budget to council as part of the budget process;
- take decisions that would result in each of the councils spending or saving more than £250,000;(in total £500,000);
- decide whether to recommend ways of meeting any additional spending requirements outside the agreed budget to Council;
- appoint a cabinet member with responsibility amongst other things for Mount Edgcumbe;
- agree the lease of a property or grant easements in the country park where this is for less than best consideration or ,more than ten years.

B3 The Cabinet members who have been appointed will:

- Decide whether to recommend that cabinet approves variations to the business plan that require extra spending and propose the means of meeting any additional costs to Council;
- Agree variations to the business plan that do not require extra spending.

- Take decisions that would result in each of the councils spending or saving more than [£100,000] – note the limits for this need to be decided

B4 The Joint Committee will:

- Propose an annual business plan to cabinet;
- Monitor performance of the undertaking against the business plan and recommend variations to the business plan to the Cabinet Members;
- Monitor performance of the undertaking to ensure value for money is achieved;
- Ensure the management of the country park and estate accords with proper financial and legal practice appropriate to local authorities;
- Ensure proper audit and risk management procedures are in place;
- Carry out an appropriate inspection of the house and country park on an annual basis;
- Undertake appropriate consultation with key stakeholders.

B5 The Director for Community Services in Plymouth in consultation with the Director for Environment Planning and Economy in Cornwall Assistant have delegated authority to make sure everything else is done.

C Committee Procedures

C1 Membership

1.1 The Joint Committee shall consist of fourteen members. Each Constituent Council shall appoint seven of their respective Members to act as Members of the Joint Committee and shall also have the power to appoint substitutes with full powers of their principals, (including the power to vote) to sit in place of the Members when any of those Members are unable to attend a meeting of the Joint Committee.

Support

1.2 The Chief Executives of the constituent councils have agreed that democratic support for the Joint Committee shall be provided by Plymouth City Council.

Appointment of Chair

1.3 In the first meeting of the year the Members of the Joint Committee shall appoint two Joint Chairs, one from each Council, and the first meeting will be chaired by the Joint Chair from Plymouth City Council following which at every subsequent meeting the Joint Chairs will alternate.

1.4 If either Joint Chair is not present at a meeting he or she should be chairing, his or her place will be taken by the other Joint Chair. If neither Joint Chair is present the members of the Joint Committee

who are present shall appoint one of their number to chair the meeting.

- 1.5 The Joint Committee shall have the power to appoint co-opted Members to the Joint Committee provided that such persons shall be treated as non-voting members of the Joint Committee in accordance with Section 13 of the Local Government and Housing Act 1989.

C2 Meetings of the Joint Committee

- 2.1 The Joint Committee shall not meet less than twice in each year commencing May of one year and ending in April of the next.
- 2.2 Members, including co-opted Members of the Joint Committee, shall be given not less than five clear working days notice of a meeting of the Joint Committee and the venue for that meeting. It shall be the responsibility of Members wishing to appoint substitutes for a meeting to notify those substitutes of the date and venue of the meeting and for these purposes it shall not be an invalid notice if the substitute is given less than five clear working days notice.
- 2.3 The venue for meetings of the Joint Committee shall normally be Mount Edgcumbe Country Park but the Chair may at his/her discretion fix alternative venues provided that in exercising this discretion the Chair shall have regard to the need to ensure that the venue is convenient to all Members.

Quorum

- 2.4 The quorum for any meeting of the Joint Committee shall be two Members from each Council or their substitutes.
- 2.5 The minutes of the business transacted at each meeting of the Joint Committee and the names of the Members present shall be entered in a book and signed by the Chair of the Committee and each page of the minutes shall be initialled by the Chair at the next meeting.
- 2.6 Any motion moved by the Chair or any Member or substitute of a Member of the Joint Committee shall require to be seconded by another Member of the Joint Committee before such a motion is put to the vote.
- 2.6 Any procedural requirements not specified in these standing orders shall be undertaken in accordance with Plymouth City Council's procedural rules.

C3 Voting at the Meeting

- 3.1 Voting shall be upon a show of hands unless a majority of the Members of the Joint Committee who are present and entitled to vote request that a recorded vote be taken.
- 3.2 In the case of an equality of votes the Chair of the Committee shall have a second or casting vote.

C4 Disorderly Conduct by Members

If a Member keeps on disrupting the meeting by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Joint Committee, the Chair may order the Member to leave the meeting room for the remainder of the Joint Committee's business for that day.

C5 Disclosure of Interests

5.1 The Code of Conduct for Councillors (as amended from time to time by legislation) shall apply to all meetings of the Joint Committee.

5.2 All members of the Joint Committee shall declare any interest they have in any business of the Joint Committee at the start of the item of business or when they realise they have an interest if that is later. They must say they have an interest and what the interest is unless they do not know they have the interest and could not be expected to know about it; or they cannot describe the interest without revealing sensitive information in which case they need to say they have an interest but they do not need to describe it.

5.3 Once a member has declared a personal interest they can stay in the meeting and speak and vote unless the personal interest is also a prejudicial interest in which case they must leave the meeting while the item is dealt with.

5.4 Disclosures, withdrawals and dispensations shall be recorded in the minutes of the meeting.

C6 Referral of Business to Constituent Councils

6.1 Where the Chief Executive of either Council considers any matters arising should be referred to the Cabinet of his/her Constituent Council no action shall be taken on that matter unless and until the same shall have been approved by the Cabinet of each Constituent Council.

C7 Disputes

7.1 Where the Constituent Councils do not agree on a matter, once every effort has been made to reconcile any differences between the authorities, the matter may be referred for mediation to a mediator to be agreed by the Constituent Councils, with each party bearing the cost of doing so.

C8 Revenue and Capital Expenditure

8.1 Revenue and Capital Budgets for each financial year shall be such as shall be agreed by each Constituent Council through the usual budget setting process. The Joint Committee will propose a business plan and budget to both Cabinets. If both Cabinets approve the business plan they will in turn recommend the budget to Council. Any variations to the business plan within the year that would result in extra spending need to be reported to each of the

relevant Cabinet Members, who will decide whether to recommend that Cabinet approve the changes and recommend that each of the Constituent Councils approve the additional spending. The Business Plan shall be available by 31 October in order to feed into the budget setting process.

- 8.2 Revenue and Capital Expenditure incurred by the Joint Committee shall be defrayed and income shared by the Constituent Councils in equal portions.

C9. Delegation to Working Groups and officers

The Joint Committee shall have the power to form working parties or other such groups as it may decide and may delegate to such working parties etc. such of its powers as it chooses. The Joint Committee may also delegate such of its powers as it chooses to an officer of either of the Constituent Councils.

Note it is recommended that further joint working arrangements in relation to the management of the country house and park, including:

- arrangements for dealing with contracts,
- liaison arrangements, and
- a protocol that states how any statutory and regulatory responsibilities arising from the work of the Joint Committee are addressed e.g. Health and Safety, carbon reduction

be agreed following the work of the Officer Working Group

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