

## MOUNT EDGCUMBE JOINT COMMITTEE

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Mount  
Edgcumbe  
Britain's historic park by the sea

#mountedgcumbe

Published Thursday, 29 October 2015

## MOUNT EDGCUMBE JOINT COMMITTEE

**DATE: FRIDAY 6 NOVEMBER 2015**

**TIME: 10AM**

**PLACE: BELVEDERE ROOM, BARROW PARK COMPLEX,  
MOUNT EDGCUMBE, CREMYLL, CORNWALL**

### Committee Members–

#### Plymouth City Councillors-

Councillors Damarell, Fletcher, Fry, Mrs Pengelly, Smith (Joint Chair), Sparling and Vincent.

#### Cornwall Councillors-

Councillors Austin, Candy, Duffin (Joint Chair), Ellison, Frank, Hobbs and Trubody.

#### Co-opted Members-

Sir Richard Carew Pole Bt, Cdr Crocker, Mr D L Richards and Mr T Savery.

Members of the Committee are invited to attend the above meeting to consider the items of business overleaf.

For further information on attending Council meetings and how to engage in the democratic process please follow this link - <http://www.plymouth.gov.uk/accesstomeetings>

Tracey Lee and Trevor Doughty  
Joint Clerks

# **MOUNT EDGCUMBE JOINT COMMITTEE**

## **AGENDA**

### **PART I – PUBLIC MEETING**

#### **1. APOLOGIES**

To receive apologies for non-attendance submitted by Joint Committee Members.

#### **2. DECLARATIONS OF INTEREST**

Members will be asked to make any declarations of interest in respect of items on this agenda.

#### **3. MINUTES (Pages 1 - 10)**

To confirm the minutes of the meeting held on 17 July 2015 as a correct record.

#### **4. CHAIR'S URGENT BUSINESS**

To receive reports on business, which in the opinion of the Chair, should be brought forward for urgent consideration.

#### **5. REVENUE BUDGET MONITORING 2015/16 (Pages 11 - 16)**

The Joint Committee will receive a monitoring report on the revenue budget 2015/16.

#### **6. UPDATE ON DEVELOPING WATER TRANSPORT LINKS AND INCREASING ATTRACTION TO THE PARK (Pages 17 - 20)**

The Joint Committee will receive an update report on developing water transport links and increasing attraction to the Park.

#### **7. PARK PROGRAMME OF ACTIVITIES (Pages 21 - 26)**

The Joint Committee will receive a report on the Park's programme of activities.

#### **8. UPDATE OF SUGGESTED ADDITIONAL ACTIVITIES ON THE PARK (Pages 27 - 30)**

The Joint Committee will receive an update report on the suggested additional activities on the Park.

**9. REVIEW OF GOVERNANCE AT MOUNT EDGCUMBE PARK (Pages 31 - 42)**

The Joint Committee will receive a report on the review of governance at Mount Edgcumbe Park.

**10. FRIENDS OF MOUNT EDGCUMBE COUNTRY PARK UPDATE (Pages 43 - 46)**

The Joint Committee will receive an update report from the Friends of Mount Edgcumbe Country Park.

**11. REPAIR WORKS TO THE SEA WALL**

The Joint Committee will receive a verbal report on the repair works to the sea wall.

**12. EXEMPT BUSINESS**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s)..... of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

**PART II (PRIVATE COMMITTEE)**

**PART II (PRIVATE MEETING)**

**AGENDA**

**MEMBERS OF THE PUBLIC TO NOTE**

that under the law, the Panel is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

Nil.

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## Mount Edgcumbe Joint Committee

Friday 17 July 2015

### PRESENT:

Councillor Smith, Co-Chair in the Chair.

Councillors Austin, Candy, Duffin (Co-Chair), Ellison, Fletcher, Hobbs, Rennie (substitute for Councillor Vincent), Sparling and Trubody.

Co-opted Representatives: Cdr Crocker, Mr D L Richards and Mr T Savery.

Apologies for absence: Councillors Damarell, Frank, Fry, Mrs Pengelly and Vincent and Sir Richard Carew Pole Bt.

Also in attendance: Simon Arthurs (Lead Accountant PCC), Angela Bruce (Principal Technical Accountant PCC), (Nick Butcher (Head Gardener/Ranger PCC), David Marshall (Business Development Manager PCC), Pete Marsh (Head of Commissioning and Asset Management CC), Jerry Masters (Interim Park Manager PCC), Nicola Moyle (City Curator Museum and Archives PCC) and Helen Wright (Democratic Support Officer PCC).

The meeting started at 11.00 am and finished at 12.40 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 JOINT CHAIRS

The Joint Committee noted the appointment of Councillor Smith and Councillor Duffin as Joint Chairs for this municipal year 2015/16.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members in accordance with the code of conduct relating to items on the agenda.

### 3. MINUTES

The Joint Committee agreed that the minutes of the meeting held on 28 November 2014 are confirmed as a correct record.

### 4. CHAIR'S URGENT BUSINESS

There were no items of Chair' urgent business.

5. **BUDGET OUTTURN 2014/15**

The Strategic Director for Place submitted the budget outturn 2014/15 report which outlined the final outturn position of Mount Edgumbe for the financial year 2014/15. The report highlighted the following key areas –

- (a) the previous outturn position reported to the Joint Committee on 28 November 2014 detailed a forecast overspend of just under £40,000; since that date, other ways of increasing revenue had been explored, a review of expenditure had been undertaken and some expenditure had been capitalised (relating to the Higher Level Stewardship) which had resulted in an outturn position of £21,833 over budget;
- (b) the main areas of variations included -
  - Mount Edgumbe House outturn £28,090 (over budget);
  - Mount Edgumbe Park outturn £29,903 (savings);
  - Mount Edgumbe trading outturn £23,645 (over budget);
- (c) the budget for 2016/17 remained at £284,000 (£142,000 per statutory authority);
- (d) the Annual Small Bodies, annual return for the financial year ended 31 March 2015;
- (e) the capital outturn included capital schemes made up of the phase I initiatives and the capital element of the Higher Level Stewardship scheme.

The Joint Committee agreed –

- (1) that the accounting statements are recommended for approval for the Annual Small Bodies Return (as set out in Appendix B);
- (2) that the Annual Governance Statement is recommended for approval for the Annual Small Bodies Return (as set out Appendix B);
- (3) that the Internal Audit Report in supporting the sign off of the Annual Small Bodies Return (as set out in Appendix C).

The Joint Committee also noted the report.

6. **REVENUE BUDGET MONITORING 2015/16**

The Strategic Director for Place submitted a report on the revenue budget monitoring 2015/16 which provided an update on the current financial position. The report highlighted the following key areas –

- (a) the first monitoring report in 2015/16 forecast a balanced budget at the year-end;
- (b) an external adviser had been appointed to investigate options for the Park to improve current income streams and introduce new ones by using the capital receipt from the sale of Picklecombe Cottage, in order to fund the improvements needed to drive these new income streams;
- (c) there were regular reviews of outstanding orders, all expenditure and the maximisation of income through lettings and other opportunities.

In response to questions raised by the Joint Committee, it was reported that –

- (d) it was difficult to ascertain why there had been a reduction in the number of visits to the House, although the weather may be accountable; however, Members were assured that this situation would be closely monitored;
- (e) the proposed caravan facilities would be provided for casual visits and would be sensitive to the Park's environment;
- (f) the Park had benefited from a large increase in the number of school visits, an increase in traders and the Higher Level Stewardship scheme.

It was important to note that Cornwall Council had set a cost neutral budget for Mount Edgcumbe in 2018/19 and in order to achieve this position, it was vital to drive through the phase 2 initiatives such as the camping and holiday lets whilst remaining sensitive to the Park's environment.

The Joint Committee noted the report.

## 7. **MOUNT EDGCUMBE RISK REGISTER**

The Strategic Director for Place submitted a report on the risk register for the Park which formed a key document in recognising areas of weakness (either operational or strategic) and sought ways of addressing the matters which had been identified. The report highlighted the following key areas –

- (a) the risk register had been identified as a requirement by the external auditors (Grant Thornton) as part of the Small Bodies Return process; the register would also need to be updated on an annual basis;
- (b) part of the audit process was to assess whether the Joint Committee was reviewing all the high risk management issues and putting in place controls that would monitor, reduce or resolve the issues that had been identified;

- (c) in many cases, staff were currently managing the risks through inspections and undertaking maintenance on a daily basis however, in some cases the requirements were beyond the scope of the revenue maintenance budget;
- (d) capital funding and/or grant funding would be required to address some of the identified risks; it may be possible to gain funding through organisations such as the Heritage Lottery and the European Union.

The Joint Committee noted the report.

## 8. **MOUNT EDGCUMBE STORM REPAIRS PROGRESS REPORT**

The Strategic Director for Place submitted a progress report on the storm repairs which had affected a number of structures in the Park such as sea walls and quays. The report highlighted the following key areas –

- (a) the damage to the coastline had been extensive and had affected a number of structures; following the storms an initial assessment of the damage had been undertaken;
- (b) following the assessment of the coastal damage, the damage had been broken down into four distinct areas of work which included –
  - Cremyll Quay – structure had now collapsed and required rebuilding;
  - Cremyll slipway – void appeared under the upper part of the slipway, works had not commenced;
  - Lower Lodge entrance sea wall – rebuilding of sections of the sea wall were required;
  - Battery Beach sea wall – sections of the wall had been compromised and required rebuilding and voids backfilled;
- (c) the estimates provided for the works were in the region of £550,000; however, additional costs may be incurred to meet the requirements of the Marine Management Organisation and Natural England at an approximate total cost of £5,000;
- (d) an application had been made to the Environment Agency to try and secure funding towards the works at Cremyll Quay, Lower Lodge and Battery Beach; the works on the Cremyll slipway were outside of the scope of funding from the Environment Agency however, other funding streams were being investigated;
- (e) once confirmation of the level of funding from the Environment Agency had been received, work would be able to commence to secure the additional funding required; a programme of works had been drafted with a view to completing the works prior to winter.



In response to questions raised by the Joint Committee, it was reported that –

- (f) the Environment Agency were fully aware of the urgency of carrying out the repair works;
- (g) a delay in the commencement of the repair works would result in further erosion or storm damage;
- (h) the five options for the strengthening of the Cremyll Quay had been proposed by Cormac;
- (i) all the estimates for the repair works would be subject to stringent procurement processes; it was anticipated that this process would drive down costs;
- (j) following the successful securement of funding from the Environment Agency, it was anticipated that the various repair works would commence in September/October 2015;
- (k) officers undertook to contact the Ministry of Defence, regarding the tidal waves caused by the liberty boats using the estuary.

Cornwall Council had received significant funding from the Environment Agency for repair works following damage caused by the storms; some of these schemes had been brought in under budget; the remaining monies had been allocated to prioritised schemes within the County; however, there was the potential for this scheme to be included within this process.

The Joint Committee agreed that –

- (1) when the level of Environment Agency grant funding is known, the Park Manager prepares a business case for funding the residual cost through a capital scheme to be considered by Plymouth City Council's Cabinet for inclusion in the City Council's capital programme;
- (2) a similar business case is put to Cornwall Council for 50% match funding as its contribution.

The Joint Committee also noted the report.

### 9. **MOUNT EDGCUMBE PROGRESS REPORT**

The Strategic Director for Place submitted a progress report which outlined the works that had been undertaken in 2014/15, the events and current bookings. The report highlighted the following key areas –

- (a) Park matters including the High Level Stewardship -

- work had continued to replace the 4620m of fencing across the Park;
  - the High Level Stewardship Mount Edgcombe Parkland Plan was currently being finalised;
- (b) the use of Mount Edgcombe House and Country Park by schools and colleges -
- 3000 school children had used the lower park;
  - 450 children had enjoyed the bushcraft days which had been led by the Rangers;
- (c) building and Park infrastructure –
- repair works to the main water pipe had been undertaken which had included the replacement of the seized stopcock;
  - the sewerage system at the lower end of the Park had been pumped out following an effluent leak;
  - the Barrow Park holiday-let building work had been completed;
  - Alternative heating scheme for the House and the Barrow Centre were being explored with the Plymouth Energy Community (there was a possibility of gaining funding from the European Regional Development Fund);
- (d) walks, talks and workshops -
- 35 workshops and talks had taken place with a similar number planned for 2015/16;
- (e) conferences -
- there had been 17 conferences/meeting bookings with 10 bookings plus a two day international conference planned for 2015/16;
  - the Park was working in partnership with the Plymouth College of Art and the Craft Council to host their internationally renowned 'Making Futures' conference;
- (f) weddings –
- the wedding business continued to provide a consistent and strong income stream for the Park, 23 wedding ceremonies had taken place;
  - there were 24 wedding ceremonies booked for 2015/16;
- (g) events -

- the main red letter day events included the Classic Car Rally and Fayre, the King's Troop Royal Horse Artillery Summer Camp and the Christmas Fayre;
  - the Classic Car event had been very successful with an estimated 12,000 to 14,000 people attending;
- (h) promotion, press and publicity -
- in 2015, every event had been linked to the Edgcumbe 500 strapline which recognised the anniversary of Henry VIII's licence to empark;
  - the Mount Edgcumbe Facebook page had received over 20,000 visits in the week running up to the Green Man event;
- (i) occupation of rentable spaces -
- in 2014/15 12 new commercial tenants were introduced to the Park representing £62,000 of income through rents;
  - In 2015/16 occupancy would increase to 16 tenants, renting 21 commercial spaces which represented a potential annual rental income of £92,000.

Commander Crocker expressed his disappointment that the Friends of Mount Edgcumbe's contribution had not been included with the report. The Interim Park Manager apologised for the oversight and gave an assurance that this would be included in future reports.

In response to questions raised by the Joint Committee, it was reported that -

- (j) social media was an important part of promoting the Park particularly Facebook and developing a twitter account would be the next stage;
- (k) hot drinks were on sale at the firework event; a food outlet had proved to be unsuccessful at previous events;
- (l) whilst schools were able to use the Park for free, other activities were offered such as seashore walks which could be charged for and resulted in additional income for the Park;
- (m) an undertaking was given that the feasibility of holding events on the Park, such as a park run, horse events and swimming galas would be reported to the next meeting of the Joint Committee; an update on the water transport links to the Park would also be provided at the next Joint Committee meeting;
- (n) a traffic management plan has been put in place for the Classic Car event which would reduce the impact on the local community.

The Joint Committee noted the report.

10. **MOUNT EDGCUMBE MEANS BUSINESS**

The Strategic Director for Place submitted a report on Mount Edgcumbe Means Business which outlined the progress to date in respect of the transformation change project. The report highlighted the following key areas –

- (a) in 2014 the Mount Edgcumbe Means Business strategic vision and action plan had been adopted by the Joint Committee; the vision outlined a number of quick wins, together with longer term proposals which would steer the development of the Park towards a more sustainable future;
- (b) many of the projects in phase I, such as the allocation and let of commercial unit spaces, the development of the existing series of events and converting the Cremyll shop building into a holiday property (whilst retaining the gift shop at the front of the building) had been completed;
- (c) phase II of the transformation programme which included the longer term programmes included –
  - development of three glamping units;
  - development of camping and caravan pitches by the Dry Walk car park;
  - external electricity services for markets and fayres adjoining the House and the Barrow Centre;
- (d) both Plymouth City Council and Cornwall Council were currently in the process of confirming agreement on the proposed terms of sale for the land at Polhawn Fort; the proceeds from the sale would be shared between the tenant and the two councils; this would provide a capital income of £30,000;
- (e) an options appraisal had been undertaken on Captain's Blake Hut at Whitsand Bay, to ascertain its future use; one option would be to put the property on the market for a leasehold sale; early estimates suggested that the sale of the hut would raise approximately £80,000 to £100,000.

In response to questions raised by the Joint Committee, it was reported that –

- (f) following planning consent for the glamping site, a robust procurement exercise would be undertaken; it was anticipated that this would drive down the cost of this initiative;
- (g) it was proposed to install shepherd huts, although the initial investment was higher, the long term life of the huts would outweigh this;

- (h) the governance options for Mount Edgcumbe would be revisited;
- (i) the Park Manager position had been advertised with interviews scheduled to take place on 4 September 2015.

Commander Crocker (Chair of the Friends of Mount Edgcumbe) advised that the Friends of Mount Edgcumbe –

- (a) had over 515 members with 60 volunteers who worked in the Park;
- (b) had to date financially contributed nearly £250,000 towards funding various initiatives;
- (c) had commissioned two statues one of a stag and one of a doe to celebrate the 500<sup>th</sup> anniversary of Henry VIII's granting the 'licence to empark';
- (d) were keen to purchase a land train to transport visitors from the lower park to the top (two previous electric vehicles had been purchased but had been unable to manage the slope).

The Joint Committee took the opportunity to thank the Friends of Mount Edgcumbe for their continued support and invaluable contribution to Mount Edgcumbe.

The Joint Committee noted the report.

The Joint Committee agreed to recommend to the constituent authorities that any capital receipts from Polhawn Fort and Captain Blake's hut are ring-fenced for investment in to the Park, to generate further revenue savings.

### 11. **EXEMPT BUSINESS**

There were no items of exempt business.

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**PLYMOUTH CITY COUNCIL**

<b>Subject:</b>	Revenue Budget Monitoring 2015/16
<b>Committee:</b>	Mount Edgumbe Joint Committee
<b>Date:</b>	6 November 2015
<b>Cabinet Member:</b>	Councillor Smith (Plymouth City Council) Councillor Duffin,(Cornwall Council)
<b>CMT Member:</b>	Antony Payne (Strategic Director for Place, Plymouth City Council) Peter Marsh, (Head of Commissioning and Asset Management, Cornwall Council)
<b>Author:</b>	Jerry Masters (Interim Mount Edgumbe Park Manager), Angela Bruce (Principal Technical Accountant Plymouth City Council)
<b>Contact:</b>	Tel: 01752 822236 E-mail: <a href="mailto:jerry.masters@plymouth.gov.uk">jerry.masters@plymouth.gov.uk</a>
<b>Ref:</b>	ME
<b>Key Decision:</b>	No
<b>Part:</b>	I

**Purpose of the report:**

This report presents an update of the financial position for the Mount Edgumbe Joint Committee for financial year 2015/16.

**The Brilliant Co-operative Council Corporate Plan 2013/14 – 2016/17:****Plymouth City Council:**

This monitoring report links to delivering the priorities within the Council's Corporate Plan.

**Cornwall Council:**

Business Plan Immediate Priorities: Use of resources and performance management

Environment, Planning and Economy Directorate Plan priorities:

Creating a Green Cornwall

Creating Better Places to Live

Delivering Excellent Services

**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land**

The current year end forecast in 2015/16 is that the budget will be delivered on target. Management continue to review expenditure and income opportunities in order to achieve this.

**Other Implications: e.g. Child Poverty, Community Safety, Health & Safety and Risk Management:**

Increased risk management will need to take place to manage the impact of the challenging financial position.

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**Recommendations and Reasons for recommended action:**

It is recommended that the Joint Committee notes the report.

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**Alternative options considered and rejected:**

None

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**Published work / information:**

None

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**Background papers:**

None

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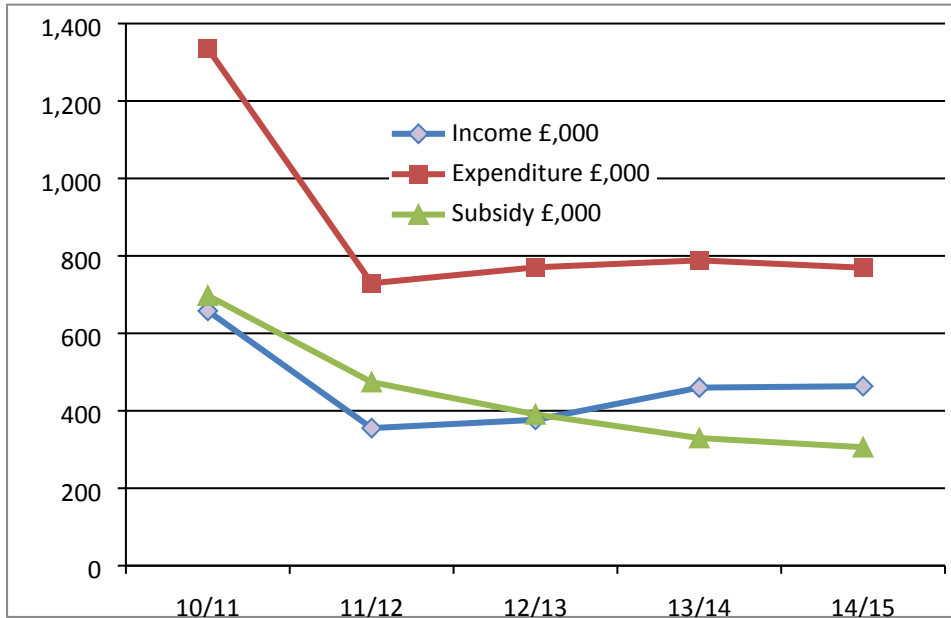
**Sign off:**

Fin	ABPlaceFEDD 1516008.201015	Leg	N/A	Mon Off	N/A	HR	N/A	Assets	N/A	IT	N/A	Strat Proc	N/A
Originating SMT Member: David Draffan													
Has the Cabinet Member(s) agreed the contents of the report? Yes/No													



## I. INTRODUCTION

- 1.1 This Report has been produced to update the Mount Edgumbe Joint Committee with the forecast year end monitoring position as at 30 September 2015.
- 1.2 Variations are reported below and analysed by park operations. 50% of the budget is funded by each constituent authority at £142,000 each. The graph below shows the actual financial performance for the last 5 years.



## 2. 2015/16 MONITORING VARIATIONS – OVERVIEW

- 2.1 This is the second monitoring report in 2015/16 and the forecast is that there will be a balanced net budget at year end.

Area	Sum of 2014/15 Actual	Sum of 2015/16 Latest Budget	Sum of 2015/16 Forecast	Difference Forecast V Budget
	£	£	£	£
Mount Edgumbe House	293,555	256,911	247,003	-9,908
<i>Income</i>	-238,683	-274,076	-304,860	-30,784
<i>Expenditure</i>	532,238	530,987	551,863	20,876
Mount Edgumbe Park	28,904	60,907	59,879	-1,028
<i>Income</i>	-120,363	-119,600	-129,600	-10,000
<i>Expenditure</i>	149,267	180,507	189,479	8,972
Mount Edgumbe Trading	-16,626	-33,818	-22,882	10,936
<i>Income</i>	-104,513	-70,032	-69,964	68
<i>Expenditure</i>	87,887	36,214	47,082	10,868
<i>Note: Trading 14/15 actuals included the Cremyll Shop</i>				
<b>Grand Total</b>	<b>305,833</b>	<b>284,000</b>	<b>284,000</b>	<b>0</b>
<b>Funded by Cornwall Council &amp; Plymouth City Council 50/50</b>	<b>-305,833</b>	<b>-284,000</b>	<b>-284,000</b>	

The 2015/16 latest budgets are shown in more detail below:

		2015/16 Budget	2015/16 Forecast
		£	£
Mount Edgcumbe House	Employees	364,811	377,852
	Premises	62,361	66,407
	Supplies and Services	62,107	63,379
	Support Services	14,765	14,765
	Transport	26,943	29,460
	Income	-274,076	-304,860
<b>Mount Edgcumbe House Total</b>		<b>256,911</b>	<b>247,003</b>
Mount Edgcumbe Park	Employees	96,736	100,485
	Premises	75,207	84,580
	Supplies and Services	8,564	4,414
	Income	-119,600	-129,600
<b>Mount Edgcumbe Park Total</b>		<b>60,907</b>	<b>59,879</b>
Mount Edgcumbe Trading	Capital Financing	5,000	11,000
	Employees	6,662	7,233
	Supplies and Services	24,260	28,557
	Transport	292	292
	Income	-70,032	-69,964
<b>Mount Edgcumbe Trading Total</b>		<b>-33,818</b>	<b>-22,882</b>
<b>Grand Total</b>		<b>284,000</b>	<b>284,000</b>
<b>Funded by Cornwall Council &amp; Plymouth City Council 50/50</b>		<b>-284,000</b>	<b>-284,000</b>

### **3. 2015/16 BACKGROUND**

- 3.1 An external advisor was brought in to look at options for the park to improve current income streams and introduce new ones, using the capital receipt from the sale of Picklecombe Cottage to fund the improvements needed to drive these new income streams.

### **4. 2015/16 REVENUE MONITORING**

#### **4.1 Mount Edgcumbe House**

This includes the main Mount Edgcumbe operating budget, weddings, meetings & conferences and Treninnow chalets income and there is currently a forecast (£10K) favourable variation. There are more weddings using the marquee this year and there has been a large Making Futures 2-day conference.

Other pressures are due to essential purchases and repairs, together with a small net overspend on staffing costs.

This favourable variation includes an assumption that approx. £30K of these works will be able to be capitalised and funded from income to be received from various land transactions. Any change to this assumption will be reported to the next Joint Committee.

#### **4.2 Mount Edgcumbe Park**

This includes the upkeep of the park, car parks, higher level stewardship (revenue) and initiatives e.g. Barrow Park units rental income. The favourable variation of (£1K) is due to a higher than budgeted level of rental income offset by emergency repairs to the Orangery roof.

## 4.3 **Mount Edgcumbe Trading**

This includes the house shop, catering income, special events and the new holiday lets for which bookings are now being taken. The forecast budget pressure of £11K is a result of hiring event facilities and services and also a revenue contribution to the additional capital expenditure required to complete the holiday accommodation so that bookings could be taken. This revenue contribution will not be required if the spend can be capitalised and funded from land transaction receipts and is offset by the assumption mentioned in 4.1 above.

## **5. BUDGET RISK**

- 5.1 There is a regular review of outstanding orders, all expenditure and the maximisation of income through lettings and other opportunities, in order to achieve a balanced budget position for this year.  
The Christmas Fayre is still to take place, which generates substantial income, but the level of visitor numbers is weather dependent.  
The budget forecast depends upon receipt of payments for some land transactions and these proceeds being used to fund revenue expenditure which will be capitalised.

## **6. FUTURE YEAR BUDGETS**

- 6.1 The level of future years budgets has yet to be agreed between Plymouth City Council and Cornwall Council but there are opportunities for increased income to be generated from lettings and glamping facilities, for example.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that the Joint Committee notes the report.

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**PLYMOUTH CITY COUNCIL**

**Subject:** Update on Developing Water Transport Links and Increasing Attraction to the Park

**Committee:** Mount Edgcumbe Joint Committee

**Date:** 6 November 2015

**Cabinet Members:** Councillor Smith (Plymouth City Council)  
Councillor Mrs Duffin (Cornwall Council)

**CMT Members:** Anthony Payne (Strategic Director for Place, Plymouth City Council)  
Peter Marsh (Head of Commissioning and Asset Management, Cornwall Council)

**Author:** Jerry Masters (Interim Park Manager)

**Contact details:** Tel: 01752 822236  
Email: jerry.masters@plymouth.gov.uk

**Ref:**

**Key Decision:** No

**Part:** Part I

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**Purpose of the report:**

At the July Joint Committee an update was requested at this meeting on progress in developing improved water transport links to the Park. It also gives information on a bid for funding to commence the process of refurbishing three listed properties on the Park which are currently closed to public access.

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**The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:**

Delivering excellent services and increasing levels of earned income

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land:**

None.

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**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

None.

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**Recommendations and Reasons for recommended action:**

The information be noted and where required, further updates be made to future Joint Committee meetings.

**Alternative options considered and rejected:**

None.

**Published work / information:**

Minutes of the Torpoint and Rame Peninsula Coast Communities Team (TRPCCT)  
 DCLG paper on Coast Community Teams

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	

**Sign off:**

Fin		Leg		Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the content of the report? Yes / No													

- 1.0 At the last Joint Committee, an update was requested on the development of improved water transport links with the Park, which would help to increase footfall into the Park and potentially therefore income.
- 1.1 The Department for Communities and Local Government (DCLG) launched an initiative to establish coastal communities' teams across the country. The intention was to reverse the trend of economic decline in coastal areas by linking together individual groups and organisations to:-
- Encourage greater local partnership working
  - Support the development of local solutions to economic issues facing coastal communities
  - Establish a network of teams across England who can work together and with the government to tackle issues facing local communities
  - Encourage the sustainable use of heritage/cultural assets to provide both focus for community activities and enhance economic opportunities.
- 1.2 To help establish the teams, the DCLG has set aside £1.1m in 2015/16 to start the process (approx. £10k per team), which could also be used to commission the preparation of the Economic Plan for the team area or if already established, progress initial priorities in advance of the Economic Plan being adopted.
- 1.3 A team has been established on the peninsula and is known as the Torpoint and Rame Peninsula Coastal Communities Team (TRPCCT). Participants come from most of the local organisations and groups with an interest in the coastal and tidal river frontage and tourism. A similar team has been established around the Saltash area.
- 1.4 The first meeting of the team established three initial priorities aimed at reconnecting the communities of Torpoint and the Rame Peninsula;
- A waterside jetty/pontoon in Torpoint (subsequently increased to include Mount Edgcumbe and other locations)
  - Improve the road junction on the A374 at Ring of Bells, Antony
  - Improve footpath and cycling network across the peninsula
- 1.5 Mount Edgcumbe is represented on this team and is supportive and working with the other team members on the first priority to improve water transport links within the peninsula as well as to Plymouth and further afield (hopefully working with the Saltash team to obtain greater benefit). This would follow the DCLG recommendation on joint working between neighbouring Teams as Saltash already has a landing pontoon at Waterside.
- 1.6 The TRPCCT has commenced the process of commissioning the Economic Plan for the peninsula and will work from that to secure funding toward the initial priorities as well as others that may be developed as part of the Economic Plan preparation.
- 1.7 Clearly, a network of landing provisions needs to be established in order to allow greater use of water transport and whilst Mount Edgcumbe does have a slipway at Cremyll, this is incorporated as the main landing facility for the Cremyll ferry which generally precludes its use by other operators.
- 1.8 We will keep you aware of progress as further development of this action occurs through the TRPCCT

- 2.0 Linked to the DCLG Coastal Communities Team work, a further sum of money was allocated by DCLG in a separate pot of £3m to be bid for and spent by end of February 2016. The maximum amount available is £50k . The intention is to commence the development of projects linked to the DCLG initiative priorities.
- 2.1 Details of this pot of money and the deadline for bids were only made available at the end of July 2015. As the closing date was set at 14<sup>th</sup> September 2015, a rapid decision was made to put in a bid for the Park.
- 2.1 As the economic plan was not in place and with the support of TRPCCT, Mount Edgcombe submitted a bid to prepare all the required documentation (detailed specifications, estimated costs and potential end use) on three structures on the Park – The English Garden House, French Conservatory and West Lodge to carry out a full refurbishment. The allocation applied for was £13.5k.
- 2.2 The intention is that this additional information will support approaches to grant funding organisations like the Heritage Lottery Fund for external capital funding to refurbish these building and bring them back into effective use and add additional attraction to the Park that will also realise potential income benefits.
- 2.3 It is understood that the number of bids for funding from the pot was high and the available funds well over subscribed. No information on success, or otherwise, has been released at this time.



**PLYMOUTH CITY COUNCIL**

**Subject:** Park Programme of Activities  
**Committee:** Mount Edgumbe Joint Committee  
**Date:** 6 November 2015  
**Cabinet Members:** Councillor Smith (Plymouth City Council)  
Councillor Mrs Duffin (Cornwall Council)  
**CMT Members:** Anthony Payne (Strategic Director for Place, Plymouth City Council)  
Peter Marsh (Head of Commissioning and Asset Management, Cornwall Council)  
**Author:** Jerry Masters (Interim Park Manager)  
**Contact details:** Tel: 01752 822236  
Email: jerry.masters@plymouth.gov.uk  
**Ref:** MEP /gen  
**Key Decision:** No  
**Part:** Part I

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**Purpose of the report:**

This report provides an update on activities in the park from May to September 2015/

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**The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:**

This report on park activity links to delivering the priorities within the Council's Corporate Plan by delivering excellent services and increasing levels of earned income.

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land:**

The current programme of activities are contributing to the delivering of the 2015-16 financial plan for Mount Edgumbe.

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**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

Increased risk management will need to take place to manage the impact of the challenging financial position.

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**Recommendations and Reasons for recommended action:**

The Joint Committee notes the information.

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**Alternative options considered and rejected:**

Revised Jul 2013

None.

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**Published work / information:**

None.

**Background papers:**

None.

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**Sign off:**

Fin		Leg		Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member Nicola Moyle													
Has the Cabinet Member(s) agreed the content of the report? Yes / No													

## **1.0 Introduction**

This report informs members of the works carried out since July 2015. It also updates members on events and current bookings within the Park.

## **2.0 Park matters including High Level Stewardship**

- 2.1 PWH Surveyors have been appointed (via a previously outlined selection procedure) to oversee the capital element of the Natural England High Level Stewardship (HLS) scheme for Mount Edgcumbe. A joint process has been agreed between PWH and Plymouth for the tender process for the detailed work packages. These will be placed by December 2015 for work to be completed by August 2016.
- 2.2 The Gardeners have been busy stripping out and making way for their plans for 2016 planting.
- 2.3 A new garden which was funded by the Friends of Mount Edgcumbe Country Park (FOMECP) has been created in the Barrow Centre which will soon be home to a centrepiece sculpture donated by the FOMECP marking the 500<sup>th</sup> anniversary of the first major Edgcumbe structure on the Peninsula – the deer wall.
- 2.4 With help from Cornwall Council the Park team have patched holes in the sea wall at Cremyll and along the front of the Artist Platt (the bowling green area in front of the Great Hedge).
- 2.5 General HLS work continues with fence work, scrub clearance and tree management.

## **3.0 Building and Park infrastructure**

- 3.0 Work has been undertaken (and continues) in and around the Barrow Centre to uplift and refresh the general presentation of the built environment. This work will be ongoing – with the notable exception of the Christmas Fayre period (see below).
- 3.1 A comprehensive fire audit has been completed for the Orangery with a view to expanding the occupancy capacity of the building for events. Fixtures and fittings work to the fabric of the building has been completed in line with advice to meet the requirements and in due course we expect the permitted capacity to increase from 150 to 200 persons.
- 3.2 A schedule is being drawn up for the annual over-winter maintenance in the main House.

## **4.0 Walks, Talks and Workshops**

- 4.1 Between August and December we will be hosting 12 in-house talks, walks and creative workshops including an in depth focus on the historic paintings in the House, felt workshops, garden tours, dowsing for beginners, bat walks and an introduction to the furniture collection.
- 4.2 In addition Mount Edgcumbe has hosted two major art installations as a part of the Plymouth wide 'Acts of Making' festival of contemporary craft (working with Plymouth's Arts and Heritage team and Crafts Council England). Workshops (with the artists) were delivered on-site here at Mount Edgcumbe.
- 4.3 Park staff worked with the FOMECP to deliver their annual Halloween Hunt on Saturday 31 October.

## 5.0 Conferences

- 5.1 ME staff worked very hard to transform the House, Earl's Garden Marquee and the Belvedere into a conference centre to host the Plymouth College of Art 'Making Futures' conference (24 and 25 September). This international conference was a great success and the venue proved very popular with the delegates who travelled here from across the world. The House was then set for a wedding on the Saturday and reset again to open as a public attraction on the Sunday.
- 5.2 Mount Edgcumbe hosted the South West Rangers Forum in the Belvedere – with over 40 Rangers from across the whole of the south west region attending. Following a presentation about Mount Edgcumbe the forum concentrated on issues such as best practice in retaining volunteer support.

## 6.0 Weddings

- 6.1 We currently have 18 weddings and 9 marquee receptions on the books for 2016 with the Christmas and Valentines rush still to come. That compares with 24 weddings and 7 marquee receptions delivered in 2015.

Feedback from clients indicates that having both a fully serviced reception venue (the Orangery) and 'free choice' option (The Marquee) is often what draws them to the Park.

The current trend of the bookings where we are seeing more marquee only receptions returns a higher revenue per booking to the park taking into account the man power required operate them which is reflected in the current booking value. Achieving a balance of offering the widest choice to clients and meet their highest expectations, whilst utilising the minimum manpower to safely deliver the event but still returning the highest revenue is a primary concern.

## 7.0 Events

- 7.1 Since the last Joint Committee meeting the team has delivered 'Run to the Fun' the South West Scouts Jamboree. This international gathering attracted young people from all over Europe and during the week on-site the camp site hosted 2,500 scouts with the venue proving to be a great success despite some difficult weather conditions at the beginning of their stay. The organisers have vowed to return in 4 years' time – the normal cycle for these events.
- 7.2 The Classic Car Rally on the first Sunday in August was blessed by a rare day of sunshine and once again the event attracted around 11,000 visitors. For the first time visitor satisfaction surveys were undertaken suggesting that the public really enjoy the format. Congratulations to the FOMECP and to Cornwall Hospice Care for a well organised day.
- 7.3 The Military Vehicle Trust event – Mount Edgcumbe at War – went off with a bang and a crash this year as visitors enjoyed an investigation of warfare through the ages – from the Vikings to Vietnam. The Saturday proved very popular, but the weather closed in for the Sunday. However the organisers (working closely with Park staff) are much encouraged by the public's response and have already indicated that they wish to work with us to grow the event further.

- 7.4 The Sealed Knot weekend at the beginning of September was also well attended (although always a smaller event in aspiration) it is well suited to the area around the Tudor Blockhouse.
- 7.5 We also worked in partnership with the Ocean Film Festival World Tour to screen one of their films in the Italian Garden. 259 people bought tickets in this the first joint venture of its kind at Mount Edgcumbe.
- 7.6 As this is written we are looking forward to working with our commercial tenants to deliver an Open Day for the Barrow Centre on 30 October. This will include all the traders, plus local arts and crafts stalls, live music, workshops, demonstrations, children's activities and a prize draw.
- 7.7 In October we will also be working with the Flyers Disc Golf operators to deliver the first 'Disc Golf National Championship' hosted at Mount Edgcumbe. The event is already attracting the fledgling stars of this new sport and has generated considerable press coverage.
- 7.8 Plans are well advanced for the 2015 Christmas Fayre (12 and 13 December). Once again the event will be bigger than ever – with additional floor space and stallholders adding to the spectacle. The mix of the 'offer' is carefully structured so that nothing is repeated or in direct competition – but each year the diversity increases – as does the entertainment. We hope that Joint Committee members can join us from 10.00 each day.

### **8.0 Occupation of Rentable Business Spaces**

- 8.1 We have recently decanted the artefacts in the Wheelwrights Workshop to create a new display beside the Fire Station in the Barrow Centre. This has allowed us to bring in a new commercial tenant to rent the old Wheelwrights to create a new gallery space.
- 8.2 A bid has been received for Unit 6 to convert it into office space for a commercial tenant – this is being processed with a view to the new tenancy starting at beginning of November.
- 8.3 Following notice from The Parlour tenant (unit 1) at the end of September, there have been two expressions of interest by new applicants. These will be investigated along with another possible strand of income development.

### **9.0 Park Manager Update**

- 9.1 Following interviews in September, a new Park Manager, Chris Burton will be joining the park team in mid-December. Chris is currently working in Tanzania and will be relocating back to Cornwall to take up his new role. Chris is a trained ecologist and has had previous experience running parks in this both this country and abroad.

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**PLYMOUTH CITY COUNCIL**

**Subject:** Update of Suggested Additional Activities on the Park

**Committee:** Mount Edgcumbe Joint Committee

**Date:** 6 November 2015

**Cabinet Member:** Councillor Smith (Plymouth City Council)  
Councillor Mrs Duffin (Cornwall Council)

**CMT Member:** Anthony Payne (Strategic Director for Place, Plymouth City Council)  
Peter Marsh (Head of Commissioning and Asset Management, Cornwall Council)

**Author:** Jerry Masters (Interim Park Manager)

**Contact details:** Tel: 01752 822236 E  
Email jerry.masters@plymouth.gov.uk

**Ref:**

**Key Decision:** No

**Part:** Part I

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**Purpose of the report:**

To appraise members on progress of suggested activities on the Park following the last Joint Committee meeting.

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**The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:**

This report will deliver priorities within the Council's Corporate Plan by providing excellent services.

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land:**

There may be a small additional cost of £2,500 to purchase 'Parkrun' software, which will be recovered from extra car park income from those travelling to the Park to participate.

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**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

The 'Parkrun' Manager will undertake a risk assessment of the selected route to ensure wherever possible risks are mitigated. A review will be undertaken on each event to take into account any unfore before the run to ensure that the event can be undertaken safely. Appropriate DBS checks will be made for those marshals who may come into contact with 'minors' as there is the potential for young people to participate.

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**Recommendations and Reasons for recommended action:**

The Joint Committee notes the information, and that as other initiatives develop, the Joint Committee is kept informed at subsequent meetings.

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**Alternative options considered and rejected:**

None.

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**Published work / information:**

Parkrun web site available for further details.

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	

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**Sign off:**

Fin		Leg		Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member Nicola Moyle													
Has the Cabinet Member(s) agreed the content of the report? Yes / No													



- 1.0 At the Joint Committee meeting in July, a few suggestions were made of possible additional events or activities that might be undertaken on the Park and help to develop additional income.
- 1.1 One of the ideas was a suggestion that a regular 'Parkrun' activity could be introduced as the Park had the potential to offer the terrain suitable to meet the Parkrun requirements. The event briefly is a regular Saturday morning (9am) start where participants run around a set course of 5km and time themselves against previously recorded runs. It is not a race, more of an individual challenge.
- 1.2 Each participant wears a band which is scanned at the start and again at the end of the run and the time recorded on the Parkrun web site where the individual can access and monitor increased (or decreased!) improvements on the previous week/s recorded times.
- 1.3 Following the meeting, contact was established with Cornwall's sports development team and a race manager has been identified who is currently developing the event by getting an agreed route sanctioned by Parkrun, organising volunteers to marshal the route and ensure that the logging equipment is in place ready for a first run.
- 1.4 It is hoped the route will be challenging which will attract participants from the local area and Plymouth. Currently, the two nearest Parkrun locations are at Plym Valley in Plymouth and Lanhydrock in Cornwall, both of which attract good numbers of runners, (average between 35 and 60) to the regular runs.
- 1.5 The initial registration fee and software to operate as an official Parkrun event costs £2,500 however with the increase number of people who travel to participate, it is anticipated the additional car park income will recover this expenditure through additional income of £3 – 3,500 per annum, with of course the additional trade to our onsite caterers.
- 2.0 An equine event was also promoted such as a gymkhana or a pony club event. These are being investigated as a possible event in 2016, but have to be considered in respect of weather conditions and potential damage, if the ground is too soft. Local contacts are being used to broker a link with a Club to hold an event at an agreed time.
- 3.0 A further suggestion was a swimming gala although we have no recognised pool where this could be undertaken. The area of the Park known as Barn Pool is part of the River Tamar and has a swift shelving of the river bed close to the shore (the area was formerly a private boat landing area for the Edgcumbe family).
- 3.1 For this reason, it is considered unsafe to use the area for an organised event as the difficulties of ensuring younger swimmers safety and the water quality would be impossible to overcome. The existing ponds in the Park are not deep enough or the water quality good enough to contemplate their use.

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**PLYMOUTH CITY COUNCIL**

**Subject:** Review of Governance at Mount Edgumbe Park

**Committee:** Mount Edgumbe Joint Committee

**Date:** 6 November 2015

**Cabinet Member:** Councillor Smith (Plymouth City Council)  
Councillor Mrs Duffin (Cornwall Council)

**CMT Member:** Anthony Payne (Strategic Director for Place, Plymouth City Council)  
Peter Marsh (Head of Commissioning and Asset Management, Cornwall Council)

**Author:** Jerry Masters (Interim Park Manager)

**Contact details:** Tel: 01752 822236  
Email: jerry.masters@plymouth.gov.uk

**Ref:** MEP/general

**Key Decision:** No

**Part:** Part I

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**Purpose of the report:**

At the July 2015 Joint Committee meeting, Members requested an update report on the present situation regarding governance on the Park.

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**The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:**

**Pioneering Plymouth** – seeking new and better ways of delivering services.

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land:**

None.

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**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

None at this stage.

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**Recommendations and Reasons for recommended action:**

The Joint Committee notes the report.

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**Alternative options considered and rejected:**

All options.

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**Published work / information:**

Charity Commissioners guides on options for setting up and running a charity.

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Part of the 2013 Mount Edgcumbe officer working groups report	Yes									

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**Sign off:**

Fin		Leg		Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member Nicola Moyle													
Has the Cabinet Member(s) agreed the content of the report? Yes / No													

- I.0 In 2012-2013, a Mount Edgcumbe officer working group explored the option of developing a Trust to manage the Park. In particular it looked at how an independent trust set up by Torbay Borough Council had developed to be able to take on and operate all the open space assets owned by the Council. A discussion document was produced that set out some of the issues and considerations that would need to be taken into account, and it is reproduced as Appendix A.
- I.1 Since that time, the priority for officers has been to identify and develop projects designed to generate income into the revenue budget with a view to meeting a target of zero support from Cornwall Council and Plymouth City Council by 2018-19.
- I.2 In 2014 an external advisor was brought in to look at and implement options for the park to improve its current income streams and introduce new one, using the capital receipts from the sale of Picklecombe Cottage to fund the improvements needed to drive these income streams.
- I.3 The revenue budget monitoring report highlights the improved levels of income to date, and officers are currently developing detailed business cases for both Plymouth City and Cornwall Councils' capital investment boards that set out capital investment proposals designed to increase levels of earned income.

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## **Asset Transfer Background Research: Produced by David Marshall (January 2013)**

### **Mount Edgcumbe - Community Asset Transfer – the basic building blocks?**

*This paper is designed as a catalyst - a starting point intended to trigger discussion and response – especially in terms of the legal, democratic governance and financial processes that might be involved in such a project.*

#### **Mount Edgcumbe Trust**

The management of public perception following asset transfer to a new governance regime for Mount Edgcumbe will be the key to the long term success of the new organisation. It is very important to start the process with the right ‘message’ (see Torbay Coast and Countryside Trust case study below).

The key messages of change must be simple, straightforward, and appear to be a natural progression for the ‘story’ of the asset (Mount Edgcumbe).

The public readily understand the general concept and reasoning behind a ‘Trust’ – as distinct and more familiar to them than any other type of Third Sector Organisation (TSO). A ‘Trust’ does not need explanation. Mount Edgcumbe Trust – ‘it does exactly what it says on the tin’.

In the light of present financial constraints on local authority budgets the move to form a ‘Trust’ to ensure the future of Mount Edgcumbe will be widely understood as a prudent move to protect the landscape and buildings.

The idea of ‘Trust’ status fits comfortably with the public image of Mount Edgcumbe. This will save the new organisation many battles, questions, resistance and recrimination. It will also make recruitment and retention of key Trustees with the relevant skills required more likely – as it will lend status to individuals joining an organisation retaining its kudos.

#### **What is a Trust?**

At its most simple a Trust is a legal arrangement where one or more appointed ‘trustees’ are made legally responsible for holding specified assets (buildings, land, paintings, furniture, money).

#### **The Purpose of a Trust?**

A Trust (in England and Wales) must demonstrate a charitable purpose and provide a public benefit. The fundamental purpose of the Trust is set out in its mission statement (and a code of conduct) which will be considered binding to the organisation and its charitable status.

## **Creating a Trust**

Key points:

- Defining the purpose
- What are the advantages and disadvantages of Trust status?
- How will the wider community be involved?
- What are the critical success factors?
- What core skills, funds and infrastructure are required at start-up?
- Sustainability – how will the Trust be maintained?

Critical success factors will include:

- A clear objective and shared core values
- A clearly understood and Trustee supported Business Plan
- Community involvement – local accountability
- Environmental awareness and an adherence to best practice
- Commitment and clarity of relationship with key partners (LA's)
- An investment in targeted people and skills
- An ability to attract and secure external funding
- A commitment to the long term
- The central drive to develop a robust Trust Fund
- The ability to be flexible and responsive
- Effective communication – a strong and consistent exposition of 'core value'
- The ability to take calculated risks
- The development of an asset base
- A strong joint working agreement (see below)
- The commitment and long term support of both Councils

## **How would assets be transferred from Local Authority control to a Trust (Powers to dispose)?**

There are powers in place through which local authorities can transfer the management or ownership of assets to communities or trusts. One route is via the Public Request to Order Disposal (PROD).

Obviously any such transfer will be scrutinised and as such the local authority asset transfer policy or asset management strategy (or similar) should be considered at the earliest point in this process. Local authorities need to dispose of underused, surplus or unaffordable assets and they will be looking at a balance between either their community use transfer, commercial lease or the outright sale of such assets.

In addition the proposed transfer of assets will need to fit with the local authority's core strategies and any local development framework. This will need to be researched and drawn out to provide a clearly stated case in line with the relevant strategies in support of the asset transfer.



The key assessment criteria that should be applied would be:

- The benefits to the local community of transferring the asset
- The ability of the voluntary or Trust organisation to sustain the asset over the period of the lease

This might mean that before any such proposal could be properly considered by a local authority the trust organisation would have to outline its potential use of such assets and identify the specific undertakings, organisational structures, outcomes and objectives it would engage in whilst in control of the assets. The relationship between a Trust and any potential commercial sub-structures, trading companies, partners, and franchises etc. would have to be mapped out.

Certainly the trust organisation would have to prove that the use of the asset would be genuinely primarily for the benefit of the local community and the wider public – and that it would offer a real opportunity to create a successful, independent and sustainable third sector organisation.

The trust would also have to show a fundamental awareness of its role as a resource for local groups, working with disadvantaged communities and be (where possible within heritage restrictions) compliant with the Disability Discrimination Act. The trust may also be required to show environmentally sustainable strategies with plans to reduce any carbon footprint and adherence to best practice in energy efficiency.

The trust would also have to satisfy the local authority of its being 'fit for purpose' in terms of financial capability and facilities management and to that end it would have to satisfy the following criteria:

- The financial viability of the transfer – the organisation may need to show a five year cash flow and budget forecast that demonstrate that the project is sustainable and that assets would be maintained adequately
- Experience of and a commitment to partnership working – demonstrating that the assets would be put to a variety of uses to benefit the public and local community
- The organisation and key individuals, managing the assets and associated projects, have appropriate skills, knowledge and expertise to sustain the project in the long term
- Clearly defined structures, roles and responsibilities within the organisation appropriate to deliver the project, whether voluntary or paid. The inclusion of local authority representation within the governance committee associated with the assets.
- Clarity of decision making processes – adequate constitution, governance arrangements and management controls in place. In the case of a charitable trust – compliance with Charity Commission guidance
- Clarity of aims and objectives as set-out in the organisation's mission statement (and that these meet the local authority key community plan objectives or similar)
- All legislation and regulatory controls are in place – meeting equality standards, child protection, health and safety and licensing requirements.

- The project has the support of the local community – and can demonstrate local need, community support through consultation, and that the proposed organisation is not aligned with a single interest group.
- Monitoring and evaluation processes are in place to demonstrate successful delivery of objectives and targets – and that proper financial controls are in operation to prevent impropriety.

### **Commissioning Meeting**

It will be vital for local authority officers (especially with two authorities involved) to understand who is leading the process in considering asset transfer. At the outset all involved need to be clear about their individual terms of reference, the role that each officer will be expected to play and the independent work streams that will need to be brought together to complete the process.

This needs to be defined and agreed at a senior level within each Council. During this process the key people with the relevant skills and level of authority need to be identified (in both Councils) to assist in the smooth transfer of assets (especially in relation to democratic governance and legal and financial scrutiny).

This body of officers will not only be responsible for the process of transfer, they must also undertake a role in scrutinising the Third Sector Organisation (TSO) to ensure that the organisation will be fit for purpose.

### **Community Asset Transfer – From Local Authority Control to a Third Sector Organisation (TSO)**

#### Legal advice

Local authority officers should seek to involve in-house legal teams at the earliest possible moment in the process.

TSO's should seek independent legal advice on the proposed terms of transfer – this should be done before undertaking the business planning process as these terms may create significant restrictions for business opportunity and business planning.

It should be noted that no matter how helpful local authority officers may wish to be they cannot ignore legal advice given by their own lawyers. Only after in-house legal advice has been given will a TSO truly know the council's position.

There are examples of a 'legal process map' for local authority asset transfers available – they include sections on: Impetus; property transfer and property law; powers; obtaining support; formal processes; policy; managing processes; Heads of Terms; timescales (memoranda of understanding); repairs and refurbishments; governance; state aid; contractual matters; risk management; procurement; development; managing development; property use and covenants; lettings; employment; premises management; business rates; insurances and accountability.

## **The Scope of the Asset**

The first task for any legal team is to ascertain the legal title to an asset or assets and to identify whether the asset is constrained in any way (for example if the public body holds the asset in trust). The definition of any constraints will be a key determining factor in any Heads of Terms agreement.

It will be crucially important to involve any future funding stakeholders for the TSO (Trust) in this process from the outset – with Mount Edgcumbe it may be relevant to include the Heritage Lottery Fund, the Big Lottery Fund, Natural England and English Heritage – and any other future funders identified in the scope of the Trust's business plan (European agencies?).

These stakeholder funding bodies will have their own comprehensive policies on asset transfer which they will expect to see confirmed in the detailed documentation of any agreement.

## **Powers and Policy Considerations in Relation to the Transfer Transaction**

With a public sector transfer it will be vital to establish at the earliest opportunity whether the authorities have the power to transfer assets at less than market value (in other words at nominal levels). This will have to relate to both PCC and CC and their policy considerations. Both Plymouth and Cornwall will need to be clear about:

- Whether this can be a community asset transfer at a nominal sum
- Whether this might fall under considerations as a community asset purchase further to the Right to Bid under the Localism Act 2011
- The power on which they (PCC and CC) are relying to take this action (Section 2 of the Local Government Act 2000?)
- The clear link with the relevant policy frameworks for both Council's (Asset Management Strategy or Corporate Plan) – and the ongoing commitment to a defined relationship with the TSO thereafter

## **Timescales**

There may be little to prevent the creation of a Trust or other TSO organisation – other than the need to consult with future funders. The complexity and delay will be with the local authority transfer of assets.

Ian Berry and I have arranged a meeting with Dominic Ackland of the Torbay Coast and Countryside Trust (TCCT). Over a number of years they have transferred similar assets from local authority control to the TCCT. Even from initial discussion by phone the answer seems to be 'think of how long you would expect such a process to take – and double it at the very least'.

For such a process to be successfully completed we need to inject a healthy dose of realism into our thinking – the process is bound to be longer and more involved than we currently anticipate.

Let's plan with that realism in mind – albeit framed by the necessary consideration of the wider local government funding situation – but we must ensure that the scheme is achievable if we are to undertake it. As has already been pointed out – if the process is under way – and the planning is sound – then the future funding scenario should be secure as it will show decreasing financial liability for both authorities over a defined period of time.

Please see below for the TCCT report

### **Condition of Assets**

It is very likely that the TSO (through its own proper governance considerations) will be required to complete an independent condition survey before accepting lease responsibility for any asset (this may be a basic requirement made by external funding organisations – they may not accept a local authority instigated condition survey – this needs to be checked ASAP).

We (PCC and CC) will be completing 'independent' condition surveys via E.H. Harris (subject to cost and agreement on budget allocation) and will make these available to a Trust or TSO. However we need to be aware that the survey itself may highlight issues that will hamper the process; reduce the likelihood of a TSO accepting asset responsibility or indicate works required before a particular asset might be considered fit for purpose by the TSO.

Collateral warranties also need investigation (the residual local authority liability). These may be insisted upon in the case of Mount Edgumbe (especially in relation to the ancient monuments and listed structures). A collateral warranty generally defines an agreement ancillary to another principal contract. It would impose an extended duty of care and a broader liability on the two or more separate parties involved in the contract. The need for collateral warranties exists when the party that accepts responsibility for an asset may not carry the final 'duty of care' in the event of fundamental defects or failures.

### **Documentation (This is a General Sub-Heading – There will be More Detail in Other Sections Below)**

Background information required:

- Details of the title to the property/land/asset
- All planning matters relevant to or affecting the site
- The full name, constitution and mission statement of the TSO
- The names of the relevant contacts and identification of those authorised for sign-off/negotiation on both sides

- The details of any external funders along with their terms and conditions (including European funding) and the inclusion of any security or guarantees that they may require
- Any physical or development work proposed for the asset either before or after the transfer
- A robust and scrutinised business plan for the TSO
- A scope of the licenses to trade required and involved in any transfer
- A route map of the key milestones for the ratification of decision making through the democratic governance within each authority
- HR advice and timescales on staff consultation and the inclusion of a TUPE process
- An overall project plan outlining delivery and timescales

Formal documentation:

- The **leasehold transfer** documentation itself
- A **development agreement** covering the broad scope of what the authorities would deem reasonable as improvements; adaptations; changes of use under a TSO led business development process
- A **service level agreement** (or perhaps a **joint working agreement** – see below) setting out the minimum requirements for local engagement and public benefit to be provided by the TSO – probably against a **management fee** levied by the TSO against the LA's over an agreed period – with milestones and review dates built in (this needs to be looked at carefully – it might be an issue of 'procurement')
- An inclusion of any **funding documentation** and the associated obligations therein received prior to any transfer of assets
- All existing **licenses or leases** relevant to the transfer of the assets (and their terms and conditions)
- **Staff** – are they transferring to the TSO? Is a TUPE transfer to take place? Existing staff will need to be managed and consulted as an integral part of the transfer process. If so clauses in the documentation will have to address this specifically.
- **Transferred rights** – the TSO's rights to the governance of public behaviour and activity across its assets – its ability and powers to police those assets; or to work jointly with the local authorities to enforce?

### **Joint Working Agreement – Balancing TSO Interests and Public Sector Concerns**

In the context of an asset transfer the TSO and the local authorities will want certainty and reassurance about the management of the relationship going forward.

A Joint Working Agreement (JWA) is designed to be used to help both the local authorities and the TSO to work together over the long term. It should be entered into at the same time as the asset transfer and should be prepared **before** the transfer.

Whatever the circumstance the TSO would be automatically involved in a number of key strategic relationships upon their acceptance of the assets. These will include the local authorities themselves, local stakeholders, external funding bodies and any existing framework agreements.

A JWA can help to consolidate these relationships in a more formal way – they are common in regeneration partnerships. The JWA is a contract between the TSO and the local authorities which can set the parameters for the work of the TSO in relationship to the assets in the long term – ensuring that the TSO is appropriately accountable to the local authorities whilst also allowing it to have the freedom to pursue its aims as an organisation.

A model agreement will acknowledge the fundamentals – namely that both Councils and the TSO are working together for the successful transfer and alternative governance of the asset.

The JWA would commit all three parties to the following:

- Working together for the success of the TSO
- In particular working together on the business plan for the assets in question
- The appointment and commitment of named contacts on both sides (successor bound to ensure continuity)
- An agreement in principal committing the Councils and the TSO to work together for the good of the asset and the community should financial difficulty be experienced
- Key obligations will be included for the TSO – adopting the business plan for the asset and working jointly with local authority representatives on business planning in the future
- The TSO will be obliged to carry out its work in a proper and transparent way providing full reports on its business and the transferred assets on a regular basis to both Councils
- The TSO would be obliged to promote equality of opportunity
- The JWA would also provide a clause that would prevent certain decisions from being made without the consent of, or notice to, both Councils – these would include changing the structure of the TSO and changing the membership or board structure of the TSO
- The JWA would also include a positive obligation on the TSO to prepare plans for its assets in conjunction with its local authority partners and any local area agreements and community plans.
- The JWA will have a finite duration – and during the lifetime of the existing JWA a further JWA can be worked up. During the period that the JWA is relevant neither side can transfer their obligations. The JWA would represent a binding legal commitment to which the assets would be attached as a schedule, with a further attached schedule that would outline dispute resolution procedures.

## **Friends of Mount Edgumbe Country Park Update Report November 2015**



In 1985 a small group of enthusiasts came together to form the Friends of Mount Edgumbe Country Park. A Constitution was drawn up which stated that the aim of the Friends would be to support the Park Management in their endeavours to preserve and maintain the House and Park for the benefit of all; with minor amendments that Constitution remains extant today. From very humble beginnings the membership has steadily grown and now numbers 536 of whom 35 are Life Members. The benefits of membership are recorded on our web site [www.friends-of-mount-edgumbe.org.uk](http://www.friends-of-mount-edgumbe.org.uk) and we have a reciprocal arrangement with the Friends of Plymouth City Museum and Art Gallery. One benefit of membership is three free editions of The Journal each year; currently we distribute 350 copies each issue.

### **Support**

#### Financial

In compliance with the Constitution the Friends support the Park Management both financially and physically. Regarding financial support we have, over the years, donated in excess of £240,000 to the park in support of various projects. Recently we have pledged £10,000 in support of the Park's bid to the HLF for a grant to refurbish the French Conservatory and in addition we have agreed to fund the purchase of 100 folding chairs. We have also agreed to commission a garden to commemorate the 500<sup>th</sup> anniversary of the granting of a licence by King Henry VIII to Sir Piers Edgumbe to empark part of the Rame Peninsula to form a deer park; work to create this garden is close to completion. Among other significant projects that we have funded recently are the children's play area at Cremyll gate, the production of the booklet entitled 'Five walks around Mt. Edgumbe and the Rame Peninsula', the Metta Catharina Exhibition, the Marquee, the Jubilee and Relic gardens, the tractor and the two buggies. We also commissioned a survey of the statuary in the Park.

#### Practical

Volunteers continue to play a prominent role in the day to day activities around the House and Park fulfilling many roles including acting as House stewards, assistant gardeners and rangers and driving the buggies. During the 2015 season in excess of 40 volunteers offered their services on a regular basis and the majority of these were members of the Friends. The buggy drivers collected over £3,000 in donations whilst driving visitors around the park. In addition volunteers play a significant

role in supporting various events staged in the Park such as Military Vehicles weekend, Green Man event, Smugglers' Market, Fairy Fest, Dog Show, Parking for the Fireworks Championships and the Christmas Fayre.

### **Social Events**

Each year the Friends aim to have a full and varied Social Programme with at least 2 events specifically for children both of which always prove to be extremely popular; the Easter Egg Hunt in 2014 attracted over 500 participants whilst the Halloween event attracted over 300. Social events recently staged include a concert by the Plymouth Military Wives Choir, a children's Halloween event and a Curry Lunch.

The main event of our Social Calendar is the Classic Car Show and Fayre traditionally held in the Park on the first Sunday in August. This year was the 20<sup>th</sup> year that the event has been staged and whilst all the figures have yet to be finalised we are optimistic that it will prove to be the most successful show that we have held. We were blessed with excellent weather and conservative estimates put the numbers of the public attending to be in the order of 10,000. There were in excess of 670 show vehicles on display in Chapel Lands and over 100 stalls situated in the Avenue and at Barn Pool. Profits from these shows are shared equally between The Friends of Mt. Edgcumbe Country Park and Cornwall Hospice Care (originally Mt. Edgcumbe Hospice). Profit from the 20 events now exceeds £200,000.

Staging an event of this magnitude is however, not without its problems. On the day in excess of 60 volunteers are needed to set up the fields, control gates, direct and marshal the show cars, organise the parking of visitors' cars, collect money and to clear up the fields once everyone has gone. This year we used the Saltash Air Cadets to carry out a survey of visitors' opinion of the event and it is gratifying to report that the responses were overwhelmingly positive and appreciative.

For an event of this size access to Mount Edgcumbe however, remains problematical. On the plus side the survey revealed that 20% of those attending came via the Cremyll ferry. This shows that the event is very popular with Plymouth residents and that the ferry provides a valuable service in relieving the local road network.

On the negative side ultimately vehicular traffic has to pass through local villages; either through Crafhole (from the A38) or Antony (from Torpoint) and then either Millbrook or Kingsand/Cawsand and none of these routes are particularly vehicle friendly. The Friends' aim is for these villages to enjoy and embrace the event and to compensate for the one day a year disruption local organisations are offered a reduced rate for stall pitches at which they can raise funds. For many years, the organising sub-committee has produced a Traffic Management Plan in association with the Police and Cornwall Council to mitigate the impact of traffic. However, in 2014, Sheviocck Parish Council registered a complaint with Cornwall Council and as a result; this year traffic from the A38 was directed away from Crafhole and diverted through Antony. The fact that the advisory route signs were displaced suggests that the residents of Antony were less than impressed with this diversion. The imposition of the diversion necessitated the provision of a complex set of traffic lights at Antony.



To relieve congestion at Millbrook signs were placed at Tregantle and Fourlanesend advising vehicles to use Military Road (along Whitsand Bay) however, the road had earlier in the year suffered a partial collapse which the Council had coned off but not repaired. Instead of letting motorists sort out priorities in accordance with the signage we were instructed to install a further set of traffic lights. The provision of the required signage and traffic lights deprived the two Registered Charities of more than £1,800.

### **World War I Project**

Earlier this year the Friends' were successful in their bid to the Heritage Lottery Fund for a grant of £10,000 to facilitate research into the fate of the staff at Mount Edgcumbe before, during and after WWI. A small team of dedicated volunteers has been hard at work for a number of months delving through archives held in Plymouth and Truro and the archives of a range of local organisations. The project is to be divided into three sections namely pre-war, WWI and post war. The team has now completed the pre-war section and are currently working on the WWI section. The aim is to have all three sections completed by the end of the year. Each section will include an introduction, photographs, documents and additional information. A digital designer, who worked on the Metta Catharina project, has been commissioned to design the digital archive and the website which it is hoped will be available for viewing during summer 2016 to be followed, at a later date, by an exhibition. It is intended that members of the Friends will be given an insight into the project following the AGM in February next year.

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