

**CITY OF PLYMOUTH  
MOUNT EDGCUMBE JOINT COMMITTEE**

**Joint Chair:** Councillor Reynolds, Plymouth City Council  
Councillor Trubody, Cornwall Council

**CMT Member:** Director for Corporate Support.  
Plymouth City Council

**Senior CC Officer** Head of Environment, Environment, Planning  
and Economy Directorate, Cornwall Council

**Committee:** Mount Edgcumbe Joint Committee

**Date:** 25 June 2010

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**Ref:** LT/

**Part:** I

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**Executive Summary:**

1. This report sets out proposals in relation to the governance of Mount Edgcumbe Joint Committee and the management of the undertaking. These proposals have been formulated as a result of concerns raised by members and officers, who have been asking that the current officer support from the two parent authorities be clarified and that the constitution be improved.
2. It recommends that the Joint Committee recommends that the Cabinets of each of the constituent councils approve and adopt the changes to the terms of reference for the Joint Committee, as set out in the appendix to this report, and that each Council makes any necessary consequential amendments to that Council's constitution.
3. It also recommends that a business planning framework be adopted that aligns the governance arrangements for the undertaking more closely with the cabinet style of governance in place in each Council.

Additionally, proposals are put forward asking that the committee formally adopt a business planning approach so that the management of the undertaking aligns more closely with the parent authorities and gains the support of the respective cabinet members.

## Corporate Plan 2010-2013

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

Not applicable.

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### Background papers:

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Head of Fin SA		Head of Leg LT		Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Cornwall Council: M E											

## 1 Introduction

- 1.1 The present arrangements for governance of Mount Edgcumbe date back to 1973 when Joint Committee was established by Cornwall County Council and Plymouth City Council. Since that time there have been significant developments in the way both Councils are managed, Cornwall Council has been established as a successor authority to Cornwall County Council and both Councils have adopted a cabinet style of governance.
- 1.2 This makes a review of the constitutional arrangements for the Committee overdue, and at the same time the Joint Committee has established an officer working group to consider the future operation of and monitor the management of Mount Edgcumbe.
- 1.3 This report recommends the Joint Committee asks the Cabinet of each of its constituent councils to adopt new terms of reference set out at appendix 1 and amend their respective constitutions to reflect this.

## 2 Background

- 2.1 The Mount Edgcumbe Joint Committee is a Committee of Plymouth City Council and Cornwall Council and comprises 7 members from each authority. As a result of regulations, it carries out executive functions on behalf of the two councils, which means it is a Joint Committee of the Cabinet of each Council. It has not been regularly reporting to the Cabinet and the proposed arrangements will set out how it is anticipated this will happen in future.
- 2.2 At present the Committee currently has terms of reference, which are described as a Constitution, which may have led to some confusion. The

Committee operates much as any other Committee in terms of voting, quorum, minute taking, and the requirements for members to disclose any personal interest they have in the business of the Committee.

### **Purpose**

- 2.3 The Councils formed the Joint Committee “for the purposes of the management of the Country Park” within the budgets approved by the Councils on an annual basis and in line with agreed terms of reference about the general ethos of management of the Country Park and House (see Appendix 2). The emphasis for management is on the protection of the Parks and Environmental and Heritage Value, protection of public access, promotion of sustainable employment opportunities and ensuring the house remain a single entity. This is of course subject to variation by the parent authorities and future management options for the House and Country Park are the subject of the current debate by the Officer’s Working Group which has been set up by the Joint Committee.
- 2.4 The Joint Committee is required to comply with Plymouth City Council’s Contract Procedure Rules (Contract Standing Orders) when letting contracts and all tenders will need to be published in the name of both councils. In addition Cornwall requires all contracts for more than £50,000 to go through their procurement assurance scheme and this will apply to contracts relating to Mount Edgumbe.

### **Contracts**

- 2.5 Mount Edgumbe needs to be able to make contracts; however as the Joint Committee is not a separate legal organisation, either the contracts must be entered into by the cabinets of each of the joint councils, or they need to give delegated authority to permit officers of each of the councils to contract on their behalf. It is recommended that the power to approve contracts that are within the annual budget provision for that particular area of expenditure is delegated to the Director for Community Services in Plymouth in consultation with the Director for Environment Planning and Economy in Cornwall . It is recommended that any other contracts are approved by Cabinet.

## **3 Recommendations about who does what in the future**

- 3.1 This report recommends an annual business planning process is adopted which sets the framework for the development of Mount Edgumbe and allows members to monitor progress. Within such a process the Joint Committee would have a key role in proposing the business plan to Cabinet and monitoring performance against the business plan. The Joint Committee would also be responsible for ensuring appropriate systems are in place, for proper financial and legal management practices, proper audit and risk management procedures and proper strategic management of the business to achieve value for money. The Committee would also

carry out an appropriate inspection of the house and country park on an annual basis and undertake appropriate consultation with key stakeholders. It is recommended that the remaining day to day responsibilities for the management of Mount Edgcumbe are delegated to the Director for Community Services in Plymouth in consultation with the Director for Environment Planning and Economy in Cornwall.

- 3.2 To avoid confusion and make sure that the Cabinet of each authority are involved as appropriate it is recommended that the Mount Edgcumbe terms of reference are amended to show who in each Council is responsible for what functions as shown below:

**Each Council will:**

- decide the annual budget for the Country Park and House;
- decide whether to agree extra spending outside the budget.

**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 i.e. total 500,000;
- decide whether to recommend ways of meeting any extra spending outside the budget to Council;
- appoint a cabinet member with responsibility amongst other things for Mount Edgcumbe;
- lease property or grant easements in the country park where this is for less than best consideration or for more than 10 years.

**The Cabinet Members will:**

- Decide whether to recommend that cabinet approves variations to the business plan that require extra spending;
- Agree variations to the business plan that do not require extra spending.
- *In Plymouth spending between £100,000 and £500,000 must be agreed by Cabinet members; in Cornwall this level of spending can be agreed by the Director assuming it is within the business plan – appropriate limits for spending by Directors and cabinet members will need to be considered by the committee.*

**The Joint Committee will;**

- Propose a 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.

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

**4 Recommendation**

It is recommended that the Joint Committee asks the Cabinets of each of its constituent councils to adopt new terms of reference as set out at appendix 1 and amend their respective constitutions to reflect this.

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**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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