

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Leader and Cabinet 12 April 2007
AUTHOR/S: Chief Executive / Corporate Manager, Policy Performance and Partnerships

FUTURE MANAGEMENT OF MILTON COUNTRY PARK

Purpose

1. This report sets out the current position on establishing an alternative manager for Milton Country Park, and seeks cabinet's guidance on the way to proceed.

Background

2. Officers have been preparing documentation to enable a tender process to be undertaken, to seek an alternative manager for the park. The timetable for this work has been constrained by the requirement to achieve an outcome by the deadline set by Cabinet, to have an alternative manager identified by 31 August this year. Cabinet considered a previous report in March. Following the support expressed by Cabinet at this meeting, officers were developing the tender on the basis of the new organisation taking on a long lease of the Council's land, and negotiating a similar lease of the County Council's land.
3. In order to ensure that the process was robust, a workshop for all interested parties was arranged, working with Cambridge Preservation Society and Cambridgeshire Horizons. This workshop took place on 29 March at Wandlebury, and was well attended.

Considerations

4. The key aims of the workshop were to scrutinise and advise on the options and process being pursued by the Council, and to provide guidance on the way forward and the tendering process. Peter Studdert of Horizons chaired the workshop, as they are involved in the issues of strategic open spaces management as part of the growth to the sub-region. The format included a presentation by the Portfolio Holder, Cllr Vicky Ford, and the Corporate Manager, Simon McIntosh, followed by questions and discussion; there was then further discussion in groups and a plenary.
5. Participants were given a copy of the draft tender specification document prepared over recent weeks by officers. The documents were not in a finalised state, with further work continuing to enable them to be used for a tender process beginning on 30 April. Officers originally expected to be attaching the documents to this report, requesting approval to proceed.
6. A number of key messages emerged, with apparent widespread support from the organisations represented, which have altered the approach being recommended. These were:
 - (a) There was strong support from all parties for the need for Milton Country Park to continue to provide access to the countryside. It was essential that the park

remain open, and the majority of the participant's felt that a way could be found to ensure that this is achieved.

- (b) The workshop participants understood the difficult financial position in which the Council finds itself, and the squeeze from the demands of a growing area within constrained budgets.
 - (c) The financial position of the park is one where expenditure still exceeds income, with a considerable funding gap. This presents a very considerable risk to any organisation considering taking on the management.
 - (d) All those present were charitable organisations and they have to act prudently. In order to make the park sustainable they would need to secure income-generating potential from land or property assets, subsidy from the Council, or endowment.
 - (e) Creative solutions are needed to find a way to bridge the funding gap in a way that is likely to present a manageable level of risk.
 - (f) Long-term security for holding all the land in the park would be essential to allow organisations to raise funds to develop the park.
 - (g) The conclusion was that a formal tender process was not appropriate in these circumstances, as organisations would be unlikely to bid. Some form of collaborative process, rather than a competitive one, was suggested.
 - (h) A process allowing organisations to put forward expressions of interest, based on guidance of what was required rather than a strict specification, would be a better way forward. This would allow each organisation to put forward what freedoms or financial support they would require.
7. Discussions with county council officers have been progressing on the basis of preparing a legal agreement between the County and this Council for them to lease the land to us for a period approaching 99 years, so that we could then join the land to our holdings and grant a 99 year lease to the organisation taking over. The county will require any disposal at less than best consideration to be justified on the grounds of the public benefit to be achieved.
8. The District Council will also need to agree the principle of leasing its land in the park for 99 years to the new managers of the park, and to sub-lease the Stokes land to the new manager, in order to secure the public benefit of the park for local residents. This disposal needs confirmation by the Council; in order to ensure that potential managers can have confidence in the process, a decision in principle at this stage would increase the certainty.

Options

9. The option to continue with the tender specification as prepared could be pursued, with a 52 day tender period in May and June, with tender analysis scheduled in late June/early July. However, after the workshop there is a great risk that this process would not produce many, if any, tender returns. If this happened, it would be most unlikely that we could meet the deadline to find a new organisation to take on the park by the end of August.

10. The alternative is to adapt the prepared documentation to be used as guidance for a process of inviting Expressions of Interest. This process could follow a similar timetable to that prepared for the tender process and use some of the same criteria in assessing the offers, but the assessment process would need to be different. In order to allow a decision to be made on the basis of the offers, the standing orders for contracts would have to be waived.
11. A panel would need to assess the Expressions of Interest in order to select a preferred partner. The recommendation of the panel would need to be considered by cabinet, with a final recommendation to Council for a decision.

Implications

12. Financial	The successful transfer of the park should reduce the Council's financial support for the park, but it may not end it entirely, depending on the outcome of the process undertaken. Park closure would also involve significant continuing costs.
Legal	The Standing Orders for contracts requires a competitive tender process, and waiving this requires a Council decision. Any sub-lease granted to a new managing organisation will need to match the lease terms of the land of which the Stokes family are the freeholder that the land is to be used as a country park.
Staffing	Discussions are continuing to take place with the Ranger staff about their possible employment by a new organisation, in line with the TUPE regulations.
Risk Management	Any transfer will need to address the risks from the park's environment, including the lakes. If the park were to close, considerable work would still be required to reduce risks to an acceptable level.
Equal Opportunities	The country park needs to provide equal access to all sections of the population.

Consultations

13. The workshop enabled all interested parties to be consulted.

Effect on Annual Priorities and Corporate Objectives

14. Affordable Homes	The park offers a high quality, accessible countryside environment to the residents of South Cambs and Cambridge. With sustainable woodland and a programme of events it is an important resource for the village and surrounding area at a time when major growth pressures face the district. Partnership arrangements are in place to help maintain and run the park and these will need to continue if a solution to the management of the park is to develop.
Customer Service	
Northstowe and other growth areas	
Quality, Accessible Services	
Village Life	
Sustainability	
Partnership	

Conclusions/Summary

15. Flexibility is required to meet members' requirement of finding a new manager for the park within the agreed deadline. The tender process would not provide sufficient flexibility and would reduce the chances of a successful outcome; the Expressions of Interest process, on the other hand, should allow organisations to put forward

proposals on a basis they could sustain, and allow the Council to assess the relative merits of such proposals. The appropriate members of the assessment panel are suggested as being: the Leader, Deputy Leader, Community Development Portfolio Holder, a Local Member for Milton and the Chief Executive.

16. A recommendation to Council is needed at this stage to dispose of the Council's land to a new manager, subject to agreement being reached on who that manager will be, on a 99-year lease for a peppercorn. This will provide an additional degree of certainty to partner organisations, and encourage them that they could expect to have good security if selected by south Cambs as a preferred partner. At the same time we need to formally request the County Council to confirm that we can include their land in our negotiations, and that they are willing to dispose of it on a term just less than 99 years for a peppercorn. This will then allow us to join up the different parcels of land in the park into a single parcel for the new manager to take on.

Recommendations

16. Cabinet is requested to agree:
 - (a) To waive standing orders in order for a negotiated expression of interest procedure to take place.
 - (b) The establishment of a review/interview panel in order to select the best option for the Council, in line with paragraph 15.
 - (c) To recommend to Council that it approves in principle the disposal of the SCDC land in the park, and the land on a 999 year lease from the Stokes, on the basis of a 99 year lease on a peppercorn basis to the organisation who are selected to take on the management.
 - (d) To request the County Council to confirm its willingness to dispose of its land in the park on a similar basis to South Cambs to enable the public benefit of the park to be secured.

Background Papers: the following background papers were used in the preparation of this report:

Milton country Park Cabinet Report of March 2007
Information pack for the Workshop held on 29 March 07.
Draft specification for tender to lease and run Milton Country Park.

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