

Agenda Item 18

CABINET

09 January 2013

12/1231



Seaton Discovery Centre

Exempt Information

Para 3 Schedule 12A information relating to the finance or business affairs of any particular person

Summary

Further to consideration at its meeting on 6 December, the Asset Management Forum recommended approval of draft Heads of Terms for an agreement between the Council and the Devon Wildlife Trust (DWT). This report seeks approval to now enter into a legal agreement with DWT based on these Heads of Terms.

Recommendation

- 1. That authority be granted to the Principal Estates Surveyor to commit the Council to a legal agreement with Devon Wildlife Trust based on the draft Head of Terms set out within this report, in consultation with the Portfolio Holder Economy and Head of Legal & Democratic Services.**

a) Reasons for Recommendation

The reasons for reaching the recommendation are set out in the main body of this report.

b) Alternative Options

To disagree with the recommendation

c) Risk Considerations

There are risks, both financial and reputational. A large financial and staff resource has already been committed by the Council. There is also an expectation of delivery from our partners and more generally, the Seaton Community.

d) Policy and Budgetary Considerations

The Council has committed £1.83M of the £1.955M capital receipt through the land deal with Tesco Stores Limited to the Visitor Centre project (Discovery Centre). Devon County Council has committed £500,000 grant funding.

e) Date for Review of Decision

When the outcome of the Heritage Lottery Fund Bid is known.

1 Draft Heads of Terms between the Council & the Devon Wildlife Trust

1.2 Draft heads of terms to form the basis of the partnership agreement between the Council and the Devon Wildlife Trust (DWT), were considered by the Asset Management Forum on 6 December 2012. It is proposed that both parties will enter the agreement with the intention to:-

- construct a high quality visitor facility (the Centre), including outdoor space, focusing on the Jurassic Coast and associated natural heritage;
- secure the support and involvement of the local community;
- run the Centre as a commercial operation – but not at the expense of the heritage and educational aims of the centre;
- run the Centre in a spirit of partnership, linking to Axe Estuary Wetlands and neighbouring facilities.

In addition, EDDC will wish to:-

- secure a reasonable financial return from the Centre and avoid ongoing financial liability;
- ensure the Centre helps to regenerate the economy of Seaton.

In addition, DWT will wish to: -

- establish a clear and visible presence, promote its brand and recruit members;
- further its mission in education and awareness raising.

1.3 A copy of the draft Heads of Terms is attached at Appendix 1. These were agreed by the Trustees of DWT's Executive Committee in October.

Legal Implications

The detail of the manner proposed for securing delivery of this project has been the subject of Legal Services input and is accordingly supported in broad terms. The formula for ascertaining rent to be paid under the Lease to DWT requires further consideration, to achieve an income that is timely as well as adequate.

Financial Implications

As mentioned in the report there is a budget in the capital programme for the Discovery Centre. However the VAT implications of any agreement between DWT & EDDC need to be clarified so any impact on the capital & future revenue budgets can be quantified

Consultation on Reports to the Executive

Asset Management Forum 6 December 2012

Appendix

- Appendix 1 – Draft Heads of Terms between the Council and Devon Wildlife Trust