

Report to: **Executive**
Date: **5 February 2008**
Report of: **Executive Member for Liveability**
Subject: **Castle Eden Dene Partnership**
Ward: **All, but in particular Passfield, Dene House, Horden South, Blackhall and Hutton
Henry Wards**

1. Purpose of Report

- 1.1 To consider entering a Memorandum of Agreement for the Castle Eden Dene Partnership, including a contribution of £11,450 for 2007/8 for which there is existing budgetary provision.

2. Consultation

- 2.1 Natural England (the Government body that promotes wildlife and the countryside) have consulted with Easington District Council, Durham County Council and Peterlee Town Council Officers in the development of this revised Memorandum of Agreement. This has taken some time to finalise. Arising from the District Councils response, Natural England have included a requirement in the agreement for an annual report, together with regular updates on performance.
- 2.2 The Councils Countryside Officer has had close involvement with the Castle Eden Dene Joint Management Committee and endorses this report. Management Team have been consulted and approve the proposal.
- 2.3 The Councils Head of Personnel and Payroll, notes that the revised agreement spreads the risk for any severance costs related to the four employees across all the partners proportionately (i.e. the majority to Natural England, the main funder, rather than solely Peterlee Town Council as currently the case). It is felt that this is a reasonable position to take.
- 2.4 The Councils Monitoring Officer has been consulted regarding the potential Agreement. It is noted that it is for one year only (2007/8), but there is scope, subject to a request being made from Natural England, to carry forward the agreement to 2008/9. Beyond this period, the new Unitary Council can determine the level of support, if any, it wishes to provide.
- 2.5 Councillors Milsom and Taylor-Gooby are the Council's Member representatives of the Castle Eden Dene Joint Management Committee. Councillor Taylor Gooby has previously expressed his strong support for the continuance of the Partnership.

3. Background

- 3.1 Castle Eden Dene is the largest area of semi-natural woodland in North East England. It occupies a deep, steep-sided ravine formed in the magnesian limestone and boulder clay. The rich assemblage of wildlife it contains and its high nature conservation value has led to the Government body, Natural England to declare the site as a National Nature Reserve.
- 3.2 The Castle Eden Dene Partnership was established in 1985 between the then Nature Conservancy Council (now Natural England), Peterlee Town Council, Easington District

Council and Durham County Council, to manage the Castle Eden Dene National Nature Reserve. Each partner agreed a financial allocation to support the management of the Dene in terms of access, education, research and interpretation.

- 3.3 A Management Committee was set up to manage the Reserve and to approve policy and work programmes. Representation on the Committee was agreed as follows:

6 Officers of English Nature
3 Members of Durham County Council
3 Members of Easington District Council
3 Members of Peterlee Town Council

The Membership can be at Officer or Member level, and the approach taken in Easington is to have two elected Members and one Officer.

- 3.4 All four partners contribute funding towards the employment of staff, and towards maintaining and running the reserve. Whilst English Nature own the site, the staff are actually employed by Peterlee Town Council. Three Estate Officers are currently employed and they have a wide range of responsibilities including path, tree and machinery maintenance. An Education Officer is also employed who last year held classes for over 2000 children, as well as organising a number of community events.

4. Position Statement and Option Appraisal

- 4.1 The Castle Eden Dene Partnership has not been considered by Members for several years. Since its inception, greater emphasis has now been given to realising the educational and recreational potential of the Dene, as well as the on-going habitat management. A revised Memorandum of Agreement (**Appendix 1**) has been developed by Natural England, in conjunction with Partners, which updates the previous agreement to include these more recent developments. The revised agreement now includes reference to:

- Educational facilities (a dedicated classroom and education officer) for use by local schools
- An extensive programme of educational and recreational events relating to the environment and its care and management
- Volunteering and life-long learning opportunities
- Access to an extensive maintained network of footpaths, both for informal use by people with a wide range physical abilities and as a facility for initiatives such as 'Walking your Way to Health'
- A sensory garden for quiet relaxation and contemplation
- Maintenance and management of the nature reserve

- 4.2 As part of an annual audit of Peterlee Town Council, the Castle Eden Dene Partnership has been examined. Auditors pointed out that as Peterlee Town Council was the employer of staff working in the Dene on behalf of the Partnership they alone would be liable for employer costs that could include redundancy payments. The Town Council feel that this liability should be shared across all partners, and that they would find it difficult to meet these costs on their own. It is therefore proposed in the revised Memorandum that this liability be shared between all four partners, proportionate to their contribution.

- 4.3 The period of the proposed agreement is proposed by Natural England as covering only 2007/8, although there is scope to extend, subject to Partners approval. The one year limit is on account of new procedures within Natural England which only enable the organisation to commit funds once they have been confirmed by an investment board or secured through annual corporate planning process.

4.4 In 2008/9, subject to an approach being made by Natural England, it is proposed to authorise the Director of Community Services, in conjunction with the Executive Member for Liveability to extend the agreement for a further year.

5. Implications

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The proposed financial allocations for financial year 2007/8 are as follows:

Peterlee Town Council -	£12,743
Easington District Council -	£11,450
Durham County Council -	£11,270
English Nature	<u>£108,492</u>
Total	<u>£143,955</u>

There is currently budgetary provision for this, as the Partnership has been a long-standing commitment. There is provision in the draft 2008/9 budgets for this if the agreement were to be extended for this year.

Currently all potential liabilities arising out of employment legislation fall on Peterlee Town Council as the employer of staff working in the Dene. In the revised Memorandum of Agreement, Natural England agrees to pay a 73.45% contribution, with the remaining partners (including Easington District Council) 8.85% each.

Whilst the financial liability is difficult to precisely quantify (the terms and conditions of the four staff and their length of service vary), it is nevertheless considered to be within the Councils risk appetite.

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The Council has the legal powers to enter into a Partnership of this kind. The Councils Monitoring Officer has examined the proposed agreement and suggested some minor amendments to the text of the document, which have been adopted by Natural England.

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No implications

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Main risks are financial (outlined in 5.2 above) and considered within the Councils appetite. =

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Subject to Members approval to the Partnership, there will be an opportunity to highlight the commitment from each of the partners to nature conservation in the District.

It is felt that there is scope to further increase the Councils association with the day to day work that is undertaken at the Dene. Measures are proposed which will include reference to the partnership in press releases issues concerning activities in the Dene.

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The proposals are consistent with the Corporate objective for clean and tidy communities, in particular CT3 *The built and natural environment is enhanced and conserved.*

The Partnership satisfies the criteria in the Councils Partnership checklist. The Steering Group would continue to have a role in overseeing the work undertaken, the outputs and outcomes achieved, as well as guide future priorities.

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The management of Castle Eden Dene helps to promote biodiversity and the conservation of nationally important yew tree woodlands, together with vulnerable species such as red squirrels.

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6. Recommendations

6.1 That the Memorandum of Agreement for the Castle Eden Dene Partnership be approved for 2007/8

6.2 That the Director of Community Services, in conjunction with the Executive Member for Liveability be authorised to agree a similar level of support (with inflation) for 2008/9, subject to a request being made by Natural England.

Background documents referred to:

Castle Eden Dene Partnership Agreement 1985
Correspondence from English Nature July 2006, March 2007
Revised draft terms for Castle Eden Dene Partnership

Terms:

National Nature Reserve is a Government conservation designation for a nature reserve of national significance, and are among the best examples nationally of a particular habitat.