

## The New Asset Transfer Proposal July 2023

### **Asset Transfer Considerations:**

Any assets transferred must be of benefit to the residents of Beer, its enhancement of the local environment and not to the detriment of local businesses. It should be capable of being self funding and sustaining financially, and should help to support local interest groups. Whilst it is not planned as a major provider of revenue, any funds it does raise over and above its complete operating costs, should be used to further enhance all aspects of the village.

### **The Proposal to be fully costed:**

In looking at the financial spread sheets from the previous Heads of Terms document, it is apparent that certain assets are much more liabilities than asset and BPC should not be taking them on. Whilst BPC is prepared to take over intrinsically important but high cost sites, with high income sites balancing costs, these must, as stated in many documents, be cost neutral or very near to it. These sites are to be completely costed and not as in the previous asset transfer business plan based on 66% of assumptions.

Using the existing data collected by the BPC Asset Working Group. The projected costs and income if BPC were to take on the following property are as follows: (however, many of these figures are out of date and need to be re-evaluated).

**Jubilee Gardens, Jubilee Hard Standing, Play Park and Beach Court Car Park:** Cost will be around £44,000 per year with Carpark income of £25,000 leaving a deficit of £19,000 per year or £1500 per month.

However, if BPC were to take complete financial control of Beach Court Car Park as was outlined in the EDDC Car Park agreement document, a further £20,000 per year plus in management charges, is removed from payments to EDDC, bringing the proposal closer to the breakeven position, however BPC will need to find a suitable car park fee collecting system, it now seems that this is a proposal worth progressing.

The Jubilee Gardens were formed to celebrate Queen Victoria's Diamond Jubilee in 1897, In 1924 the then Lord Clinton, gave the area as an open space for the enjoyment of the public at all times. In his wisdom he placed legally binding covenants to prevent commercialisation and development of the area, those covenants have served the village well. In 1955 further licences from Clinton Estates strengthened the covenants, which remain in force to this day. Whatever is done on the jubilee must comply with these covenants.

What is forgotten is that the flat central section is the 1960's Queen Elizabeth memorial garden, the garden was unveiled with all of the children from the school at that time present, surely, we owe it to both late Queens to keep the area clean, tidy and for the enjoyment of all.

Jubilee Gardens are planned to have sections of natural wild habitat, no intervention will be allowed with no or limited public access to help preserve the wildlife, the area will be just as nature intends it to be, this however does pose certain legal problems. Upper central areas will be cleared of dense undergrowth with areas of managed rewilding. With action to be taken against the unauthorised and illegal fly tipping of garden waste, illegal fencing and cutting back of trees by at least one of the houses adjoining the Jubilee. The lower central area should be left free of brambles and broken hard vegetation and is to continue to be used as a heritage adventure play area, as it has been for many generations of local children in the past. An educational nature trail will also be formed to cover

accessible central areas. The large grass area alongside Astons path to be kept as a “managed” wildflower meadow. The central flat grass area by the old WI garden (Queen Elizabeths Garden) to be kept trimmed and used as a grassed picnic area with several benches provided. The sloping grassed areas from the hard standing and upwards of the top hut path to be cleared, to enable the invasive Alexandar and Ragwort plants to be eradicated. The lower banks to be kept as trimmed grass whilst the higher banks to be planted with appropriate wildflowers. Memorial benches at vista points to be maintained as well as cutting back the overgrown vegetation to allow the sea views to be enjoyed once again. Areas around the benches to be planted with appropriate perennial shrubs and flowers where possible, as will the area behind the top shelter.

Managed rewilding is to cut back and remove the thick layers of matted grasses and dead plant matter that have been the result of the years of neglect of the area and pose a not insignificant fire risk in hot weather. This will promote healthy soil activity and allow a natural and sustainable area for wildlife to prosper.

The self-shelter together with the top hut are controlled by the restrictive covenants, no commercial or business activity is permitted, however there is nothing to stop local groups from using these locations with permission for charity fund raising and for local awareness programmes. Nor is there any restriction in the Council authorising musical or theatrical events for the enjoyment of the public on the jubilee.

Whilst this will not please everybody it does however comply with the legally binding requirements of the 1924 and 1955 covenants (the subjects of the principal deed) that the land shall remain for all time an open space for the enjoyment of the public.

The Jubilee Hardstanding including the Fisherman’s shelter are not controlled by covenants and it is therefore possible to use these areas for commercial activities, such as the food fayre held in the past. Any activities must be scrutinised before approval is given. These activities / events should not be to the detriment of local businesses, and care must be taken to prevent them from interfering with local business income at peak times such as bank holidays. Some suggestions have been the evening use of the area for one food outlet on a given night of the week for several weeks, these outlets not being in direct competition with local businesses. These could include a Thai or Indian food operation or a cooked on site Pizza outlet.

Events such as Buggies in Beer, Motorcycle show or similar event to be promoted, and possibly a small scale street market, again, its makeup is not to distract from existing local businesses.

It must be pointed out that the covenants expressly prohibit any use of the toilets, except for their designated purpose.

**Charlies Yard:** This asset requires very careful consideration; it is best to continue a shared usage proposal with EDDC much as the agreement for use by both parties of the Jubilee hard standing at the moment. BPC would like to use part of the covered area of Charlies yard as a starting, information and end point for the proposed educational nature trail. Starting in a safe area children can be given instruction in such topics as sustainable fisheries, an understanding of the process of fishing, basic geology and the different types of flora and fauna they might observe and how to remain safe when by the sea.

The nature trail could then start with a visit to the fish shop, the heritage centre, walking down the beach to look at boats and local types of sustainable fishing equipment, walking eastwards along the beach looking at the geology of the cliffs and the nesting sea birds, before walking up the east path

and onto the jubilee and its various areas of wild life taking in the flowers and nature trail, before returning to Charlies Yard by the east path and the beach, thereby enabling a safe traffic free educational excursion.

A further idea is for several boards commemorating the following groups: names of all of those fishermen who have worked from Beer Beach since say 1900, a further list of the names of Beer Mariners who served in merchant (non-Military Vessels) and a final list of residents of Beer who served with HM Coastguard. Names only go on the list once the individual has died. This again is an educational resource especially for local children to understand how important the sea is and has been to the village. How many residents worked on it or near it, and residents/visitors will be able to trace distant relatives' names making it more relevant.

This nature trail facility can be offered to all primary schools at a small cost to cover an information package and the use of a local guide.

**Starre Bank & Beer Head Car Park:** These are both potential large loss making liabilities, which the BPC should not be considering taking ownership of.

**Toilets:** A different proposal, the Council needs to find out what the level of usage (income) and costs will be before taking this project on. No decision however can be made until the toilets have been properly renovated. The 1955 licence given to Axminster Rural District Council by Clinton Devon Estates requires that the Council or its successors, will at all times keep the the buildings in a good and substantial state of repair, something that EDDC have failed to do, these covenant requirements would fall upon BPC when the assets are transferred, yet another costly item kept hidden from BPC and the residents of Beer, and to which we would be financially liable, hence much detail and discussion is needed before BPC could consider taking them on .

#### **Transparency of Process:**

This is just the start of the process, a new system is in place and one that is fully transparent at all times, to this end there will always be two Beer Councillors at any meeting and the outcome of these meetings will be made known at the next Council meeting. After that the information will be placed on the Parish Council's website and Facebook page.

The first step is to give EDDC notice of our intent to seek asset transfer, a properly costed business plan must be produced, and submitted. EDDC will then examine the request and plans and will make a decision as to how to proceed. The process is probably about 18 months in duration.

There will be open discussion meetings held at intervals during the process to keep residents further informed and at the end before any final decision is made a Parish poll will be held, the result of which will be binding. It will be the resident's choice YES or NO.