



# Governance and Organisational Development Report and Next Steps



May 2020



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## Section 1: Executive Summary

This consultancy exercise has explored the capacity and capability of existing partnership arrangements to deliver peninsula wide benefits. It is clear that a new place-based solution, matching place and organisational competency, is required that both maximises partnership-wide opportunities and ensures the independence of existing organisations. That solution is to transition from the existing unconstituted partnership arrangement to an independent legal entity to be called the Landguard Charitable Trust (LCT).

There are five key benefits that this Trust approach will bring. These are:

1. **Sustainability:** By building on the opportunity that the current Resilient Heritage grant award has enabled to establish LCT, the peninsula will signal it is ready to move forward positively through a more sustainable and tangible partnership entity. The Trust will become the central vehicle for further development during the next phase of Landguard peninsula.
2. **Existing Finance:** LCT will enable improved arrangements to manage resources for the benefit of Landguard. This includes greater control over how resources are used and leveraged for the future development of Landguard as place for the benefit of the public and for the current and future beneficiaries of the charities.
3. **Maintenance:** LCT will offer a more robust framework for facilitating maintenance and physical security of buildings and sites throughout the peninsula, coordinating and expanding volunteer-led maintenance efforts and better maintaining the heritage for public benefit. This joined up approach will inspire greater confidence amongst funders and statutory partners, particularly East Suffolk Council and English Heritage.
4. **Cover:** In the event that one of the three existing Landguard charities falls into difficulty, LCT will provide a suitable fall back on which the existing offer of public benefit can be sustained.
5. **Future investment:** LCT will act as a platform for securing future investment, in particular preparing a future larger scale Heritage Fund application that draws further benefit from the current Resilient Heritage investment.

Establishing the Trust and ensuring that it is able and competent to undertake its role will take time. Transitional plans will be developed for step by step progression. Detailed work will be taken forward during the business planning exercise that forms the second part of the Resilient Heritage project.

**Note on COVID-19**

The pandemic may delay the process but does not affect the key recommendations within this report. Whether the process is delayed will partly depend on a willingness to conduct virtual discussions whilst social distancing measures are in effect.

The pandemic will have an impact on short term visitor numbers and possibly medium-term visitor numbers to Landguard, however this does not affect the structural governance and organisational development recommendations which focus on internal factors. The business planning exercise will need to take account of external factors such as the visitor experience and likely market conditions, which includes an assessment of COVID-19 impact at that time.

## Section 2: Introduction

Landguard possesses unique characteristics recognised by its nationally significant heritage and environmental designations. However, if leveraged differently, Landguard could yield additional resources for future operation, promotion, maintenance and security of the site that is more resilient and potentially more efficient when compared to current arrangements.

The starting point for our work was that the Landguard Heritage Group (LHG)<sup>1</sup> wished to pivot towards a new organisational structure that better aligned with the capacity, income/funding and opportunities available. This need for change has been driven by impending reductions to Port of Felixstowe Section 106 funding and promised in-kind commitments linked to Port development that are now unlikely to go ahead, which precludes the delivery of LHG aspirations. Section 106 support will cease by 2022/3. Change has also been driven by the difficulty in translating aspirations into action, reflecting the current disparate organisational landscape.

These circumstances have been countered by a greater willingness to consider alternative delivery models amongst the engaged landowners/agents - the English Heritage Trust and East Suffolk Council. It was foreseen that work to define a different way of working would underpin future business planning and better position Landguard to approach funders such as the Heritage Fund.

The requirements of the brief were primarily for organisational consultancy support recognising the imperative to realise and maintain sustainability in terms of volunteers and finance; to improve the management and maintenance of the heritage; and increase organisational capacity and capability to service communities and education providers.

In addition, the brief recognised the value of governance training to support key organisations and actors in their respective roles and responsibilities. The conversion of the Felixstowe Museum's status to CIO was separately provided for.

The organisational consultancy was undertaken by Scott Sullivan (SBSA) and Hilary Barnard (HBMC). The two practices have worked together on several organisational and business planning studies that are shaping the future direction of heritage assets elsewhere, particularly those with complex governance issues to address.

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<sup>1</sup> East Suffolk Council (lead partner), Landguard Conservation Trust, Landguard Fort Trust, Felixstowe History and Museum Society and English Heritage Trust

## Section 3: Methodology

During the organisational consultancy 20 people were interviewed, helping to shape and evolve the thinking within this report. Interviewees are listed in Appendix 1.

These semi structured interviews were complemented by a series of other meetings and workshops to sense check progress. This included:

- Inception meeting with Martin Walklate, Tim Clarke, Nigel Odin and Paul Grant on 2<sup>nd</sup> August 2019 - at Felixstowe Town Hall
- Consultative workshops with stakeholders on 27<sup>th</sup> September 2019, 6<sup>th</sup> December 2019 (both workshops held at Felixstowe Town Hall), and 17<sup>th</sup> July 2020 (on Zoom)
- Visit to Coalhouse Fort, East Tilbury, Essex, 20<sup>th</sup> November 2019
- Visit to National Horseracing Museum, Newmarket, Suffolk, 4<sup>th</sup> December 2019
- Visit to Duxford Aviation Society, Duxford, Cambridgeshire on 21<sup>st</sup> January 2020

We conducted a detailed review of documentation related to the governance and development of the Landguard partnership. This was based on a document request list sent to stakeholders.

As part of the organisational consultancy, we extended an offer to the three charities around strengthening governance. We undertook:

- A detailed review of governance documents for Landguard Fort Trust
- Preparation and facilitation of a governance workshop for Landguard Fort Trust - held on 29<sup>th</sup> April 2020
- A skills audit of the Board of Landguard Fort Trust
- A review of the constitutional documentation of the Landguard Conservation Trust/Bird Observatory
- A skills audit of the Board of the Landguard Conservation Trust/Bird Observatory
- A consultation with the Chair of the Landguard Conservation Trust/Bird Observatory on the results of the governance assessment – held on 6<sup>th</sup> May 2020

Our brief biographical details are provided at Appendix 2.

A draft version of this document was issued on 9<sup>th</sup> April 2020, and a final version on 22<sup>nd</sup> May 2020. A Q&A annex was added on 17<sup>th</sup> July 2020 and the report reissued.

## **Section 4: Findings**

This section sets out our findings based on review of documents, desk research, interviews, visits and the workshops.

### **4.1 The Landguard peninsula as a place**

The Landguard Peninsula is positioned between the North Sea, Orwell Estuary and lies adjacent to the UK's largest container port. The Peninsula covers an area of 46 hectares (114 acres) of which 31 hectares (77 acres) is designated as a Site of Special Scientific Interest (SSSI). Part of the SSSI is managed as a Local Nature Reserve. Landguard Fort is Grade I listed and much of the open land covering some 34.9 hectares (86 acres) is scheduled as an Ancient Monument.

The peninsula is highly valued as a local recreational amenity and visit counts based on vehicle traffic counters indicate that it attracts over 500,000 visitors each year. Many people visit the John Bradfield viewing area which overlooks the Port of Felixstowe and the mouth of the Orwell Estuary to watch the shipping and port-related activities, visit the café, Fort and museum, and use the nature reserve.

As part of the Felixstowe South Re-configuration (FSR) Section 106 agreement an interim visitor centre and café were delivered by the Port in 2013. It is situated adjacent to the viewing area. Permanent facilities including other enhancements to the car parks, landscaping and sea defences were promised on completion of FSR, though it now appears that this is unlikely to be delivered.

Responsibility for the Peninsula is split between multiple organisations that have, or are part of various leases, licenses and agreements. This creates complexity for effective management.

The plan of the Landguard Peninsula (Figure 1) on the following page summarises the key arrangements.

### **4.2 The engaged landowners/agents**

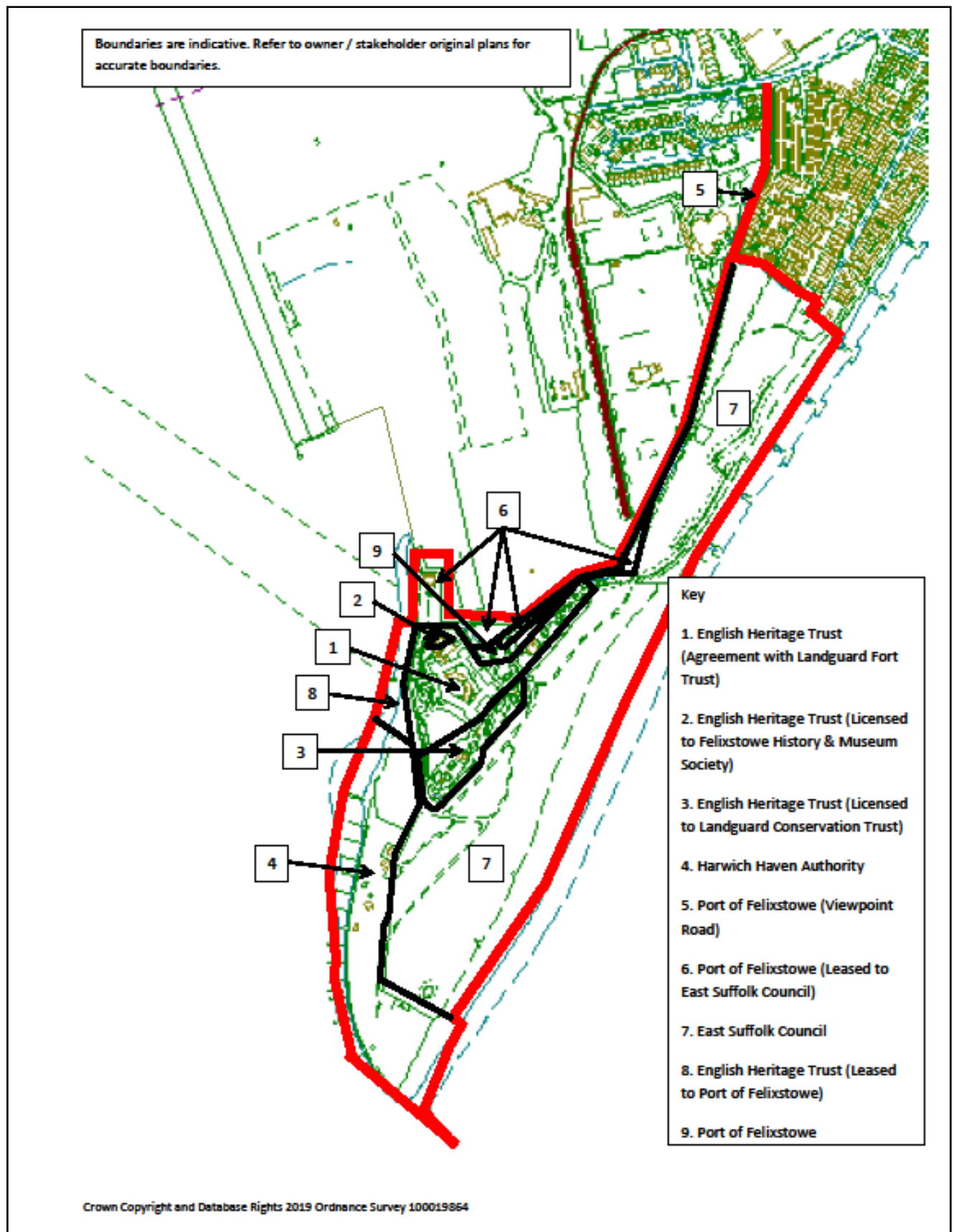
#### **East Suffolk Council**

The Council's interest in the site is as:

- Freehold owner of that part numbered 7 in Figure 1
- Leasehold owner of that part numbered 6 in Figure 1
- Local planning authority for part of the county of Suffolk that includes the site.



**Figure 1:  
Landguard Peninsula Plan of Tenure (Revised 2019)**



Enhancing Landguard fits well into the key objectives of the new East Suffolk Council's strategic plan, namely:

- Growing Our Economy – Let's build a strong sustainable economy for our future; we want our district to achieve its maximum potential for the good of everyone in the area;
- Enabling Our Communities – Working together; we will enable our communities to identify opportunities and challenges; we will empower them to make a difference; we will support our communities to enhance the places we live and work for the well-being of all;
- Caring For Our Environment – We know you are concerned about our environment; we are too; so we will put the environment at the heart of everything we do.

The Council's objectives relating to the Landguard site are:

- To provide opportunities and facilities for appropriate forms and levels of recreation;
- To promote more sustainable means of access to the peninsula;
- To ensure that any development does not compromise the environmental/historical interests;
- To support the continued management of the designated Local Nature Reserve and maintain the SSSI in favourable condition;
- To control litter and fly tipping.

The Council acts as 'lead authority' for current arrangements and maintains a designated, interest-bearing account for the receipt and payment of funds.

The Countryside and Rights of Way Act (2000) has conferred additional responsibilities on local authority landowners in respect of the protection and enhancement of SSSIs (see section 4.3).

### **English Heritage Trust**

English Heritage Trust's (EHT) interest in the site is as Manager of those parts numbered 1, 2 and 3 on Figure 1 under a Property Licence and Operating Agreement from the Historic Buildings and Monuments Commission for England.

English Heritage Trust's objectives relating to the site are:

- To manage and conserve the Landguard Fort including the outer military defences and their associated defence works landscape;
- To increase physical and intellectual access to the nationally important fortifications represented on Landguard Peninsula;

- To make the present uses to which the military defences are put fully sustainable and to find sustainable functions where there are none.

EHT remains responsible for the maintenance of the area under its control; considers making financial contributions to support specific management activities; makes 'in kind' contributions consistent with EHT corporate policy from time to time; and provides Estates & Landscape management expertise for specific projects. Its longstanding policy at Landguard has been to work with the local volunteer run organisations to help achieve these objectives.

EHT has recently undergone a restructure, forming a new service area to deal with Locally Managed and Free to Enter sites. This has led to Landguard being identified by EHT as a possible priority site for the development of strengthened community involvement. There is an opportunity, albeit possibly longer term, that a proven and more resilient, organisational structure can work with EHT towards future capital works funding application that would deliver significant investment on the Peninsula.

### **Harwich Haven Authority**

Harwich Haven Authority interest in the site is as freehold owner of that part numbered 4 on Figure 1.

HHA's objectives relating to the site are:

- To maintain the integrity of the Landguard groyne structure;
- To operate the existing radar, radio communications and weather recording facilities and continue to review requirements;
- To manage the conservation interests of its land, whilst also improving public access where feasible.

As a landowner, HHA must be recognised as a key stakeholder. To date they have been a less active stakeholder in the strategic development of Landguard. The HHA provide a bungalow (leased to East Suffolk council on a peppercorn rent) for use as accommodation for the Landguard Ranger, and an adjoining office for staff supporting the Landguard partnership.

### **4.3 Statutory Adviser: Natural England**

Natural England's interest in Landguard is as statutory adviser on nature conservation. Natural England's overall objective relating to the site is to maintain in favourable condition the interest features for which Landguard Common SSSI is notified.

Its objectives for the site:

- To maintain the overall integrity of the site;
- To maintain the full range of semi-natural communities;
- To provide suitable conditions for natural regeneration and protect sensitive communities from disturbance;
- To maintain populations of nationally rare and scarce plants, birds and invertebrates;
- To maintain and where appropriate enhance the populations of plants and animals typical of these habitats.

Natural England monitor the implementation of a Higher-Level Stewardship agreement on the SSSI at Landguard. East Suffolk Council employs a part time Ranger (on behalf of the Landguard partnership) to ensure compliance with the agreement.

#### **4.4 The charities on the site**

##### **Landguard Fort Trust**

Most of Landguard Fort is managed under agreement between English Heritage and the Landguard Fort Trust (LFT) and is open to the public on a regular basis from spring to autumn each year.

Landguard Fort Trust's interest in the site is as holder of a Local Management Agreement with English Heritage Trust to undertake the day to day care and management of that part numbered 1 on Figure 1. It is reviewed and renewed every five years. Landguard Fort Trust is a charitable company (charity registration number 1044712; company registration number 03024733).

Landguard Fort Trust's objectives relating to the site are:

- To act for the English Heritage Trust in opening Landguard Fort to the public and levying an entrance charge and performing maintenance work;
- To advance the education of the public about:
  - the role of Landguard Fort as a building of great historical and educational interest in the defence of the realm; and
  - the ways in which the inhabitants of Landguard Fort lived their daily lives;
- To design, implement and manage a development plan;
- To develop retail facilities and an events programme.

The largest of the charities on the site, the Landguard Fort Trust is paid a management fee of £55,000 (linked to visitor numbers) for opening the Fort and an additional fee of £15,000<sup>2</sup> for carrying out routine maintenance work agreed in

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<sup>2</sup> As reported by Tim Cockerill, English Heritage Trust

advance with EHT. It also runs educational visits, group tours and events. The Landguard Fort Trust employs a full time manager and part time administrative assistant.

The Royal Marines Association (RMA) use a space within the Fort and hold a licence directly with EHT.

### **Felixstowe History and Museum Society**

The Felixstowe History and Museum Society (FHMS) has a longstanding licence with EHT that is reviewed annually with no rent paid. It is volunteer run.

FHMS is a registered charity (no: 278342) that operates an accredited Museum housed within the Ravelin Block part of the Ancient Monument adjacent to the Fort. The building was once home to a submarine mining establishment. FHMS is currently working in the transition of the Museum into a Charitable Incorporated Organisation (CIO). The Museum's interest in the site is as holder of a licence with the Historic Buildings and Monuments Commission for England of that part numbered 2 on Figure 1.

FHMS's objectives relating to the site are:

- The FHMS interprets the Museum building (the Submarine Mining Establishment of 1878) as a building of historical and educational interest in the defence of the realm and, in particular, the estuary;
- To consolidate and extend the range of artefacts in the museum;
- To maintain the Arts Council museum accreditation;
- To advise and educate the public about the history of Felixstowe and surrounding areas at the Museum and through outreach programmes;

The Museum also has retail facilities and an events programme. All utilities are paid by the Port of Felixstowe.

Men's Shed also use space within the Ravelin Block informally, but with the approval of EHT.

### **Landguard Conservation Trust**

The Landguard Conservation Trust has a licence with EHT that is reviewed and renewed annually with no rent paid. It is volunteer run. EHT pay about £3,700 per year to support basic maintenance (lubrication), inspection and landscape management by the Landguard Conservation Trust.

Landguard Conservation Trust's interest in the site is as holder of a licence with the Historic Buildings and Monuments Commission for England of that part numbered 3 on Figure 1. The Landguard Conservation Trust includes Landguard Bird Observatory, which is based within the Landguard Fort Right Battery and carries out the scientific study of bird migration.

Landguard Conservation Trust is an unincorporated charity (charity registration number 1094661).

Landguard Conservation Trust's objectives relating to the site are to:

- Monitor bird (and other wildlife) populations and migration through Landguard Peninsula;
- Establish the Landguard Bird Observatory as a centre of excellence for the study of migration;
- Provide interpretation and education about migration as well as training for rangers.

The Conservation Trust employs a seasonal warden from mid-March to mid-November. This is a separate post to that of the Landguard part time ranger.

### **Note on Funding**

The Landguard Fort Trust, Felixstowe Museum and the Landguard Conservation Trust do not have the necessary long-term interest in the property they occupy to apply to the Heritage Fund or other capital grant funding (i.e. ownership of the property or a long lease). A Heritage Fund capital works project is only possible as a joint venture with EHT. EHT has indicated that this may be possible in the future.

## **4.5 The existing partnership arrangements**

The existing Landguard Partnership is a consultative forum without executive responsibility. It is not a legally constituted entity and as such is unable to enter into contracts itself.

The Landguard Partnership Committee (LPC) states that it provides a forum for the co-ordination and implementation of management objectives and allowing the development of new policies and projects to meet changing circumstances. The membership and terms of reference of the LPC are set out below.

The formal objectives of the LPC are:

- To agree an annual business plan and budget in respect of all Partnership initiatives;
- To consider policy issues where appropriate;

- To co-ordinate the management of the site with other local initiatives relating to for example town centre development, resort regeneration and transport;
- To recognise the importance of and support volunteers working to achieve the management of the range of interests on the site;
- To take account of the views of local communities and wherever possible encourage their involvement in achieving the objectives of the strategy.

From interviews, we understand that when the Partnership first started there were 3 Landguard Partnership Committee meetings and 2 or 3 Landguard Steering Group ('executive') meetings each year. Interviewees commented that the same people turned up for both meetings and it was difficult to differentiate between the two types of meeting.

The arrangements were then changed so that the 3 Committee meetings continued but instead of a steering group there would be the Landguard Executive Group (LEG - 3 members plus the Project Officer) which would meet 5 times a year or as required. We were told that there was little interest from most of the partners and it was not practical for others to commit to extra meetings. The LEG meetings comprised of two Councillors (one of which was the old chairman) and Tim Clarke.

It soon became difficult to organise LEG meetings due to availability and meetings became more infrequent once the HLF bid was shelved, although there was a resurgence when the Port started communicating its wish to vary the Section 106 again in 2016-17. The main thrust in the period since has been to organise this review. The Landguard Partnership Project Officer Paul Grant has been managing the day to day operations and support to the volunteer groups.

Since the last variation of the Section 106 agreement between the local authority and the Port of Felixstowe, the delivery of the originally promised mitigation measures at Landguard is now highly unlikely, and a new strategy and business model is required to take Landguard forward. The Partnership lacks an executive body and capacity and a new structure is needed to focus on executive action, and in the words of some interviewees, avoid being "a talking shop".

The Landguard Heritage Group (LHG) is a subset of 5 organisations that belong to the wider Landguard Partnership (LP). Like the Landguard Partnership, it is not a legally constituted organisation. In addition to East Suffolk Council the LHG organisations are:

- English Heritage Trust (EHT);
- Felixstowe History and Museum Society (FHMS);
- Landguard Fort Trust (LFT);
- Landguard Conservation Trust.

The other three organisations that are members of the Landguard Partnership are:

- Felixstowe Town Council (FTC);
- Harwich Haven Authority (HHA);
- Natural England (NE).

Felixstowe Town Council (FTC), the Harwich Haven Authority (HHA), and Natural England (NE) are also important stakeholders who are aware and supportive of the need for this project.

Felixstowe Town Council has an important role in speaking for the local community. The Town Council's objectives relating to the site are to ensure that the needs of the local community are recognised and acknowledged; and to ensure the involvement of local democratically elected representatives in issues concerning Landguard.

The Port of Felixstowe (PoF) has previously been a member of the Partnership.

## **4.6 Other stakeholders**

### **Yeo Group Ltd**

Although not part of the Partnership but nevertheless a stakeholder, the Yeo Group Ltd is a local commercial enterprise that operates the Cafe under lease from East Suffolk Council. The Yeo Group has run the café for 7 years. The site is owned by the Port who lease the site to East Suffolk Council who sub lease to the Yeo Group. The Yeo Group has a lease until 2028, including responsibility for repairs and maintenance. Rental from the café currently provides around £45,000 per annum.

While broadly happy with the current arrangements, issues for the Yeo Group include how the parking charge is implemented, the maintenance of the interim café, and the need for a future permanent visitor centre with café facilities.

### **Harwich Harbour Ferry Services Ltd**

The Harwich Harbour Ferry Services Ltd has run the Shotley – Harwich – Felixstowe ferry for 5 years, focusing on making it more customer friendly by doubling ferry crossings (hourly) and increasing ferry capacity. The service operates from 1<sup>st</sup> April to 3<sup>rd</sup> November. The ferry has to use the beach for landing.

Whilst the ferry has shallow draft and a long ramp, the weather and changing beach can prevent landings. Despite annual beach reprofiling, recent storms have affected this. The resultant unpredictability of this landing area makes future services less certain. As part of the Section 106 agreement, completion of the Port's expansion, although it is thought unlikely to happen would release match funding (up to



£200,000) to provide a jetty. A temporary pontoon would be a useful solution, if feasible.

### **Visit Suffolk Coast Destination Management Organisation (DMO)**

The DMO model was launched in 2012. It is a not for profit structure supported by East Suffolk Council. The Board of the DMO reflects the great and the good of tourism. The DMO website had an estimated 29,000 visitors (March 2020). It has assembled extensive data on the visitor economy and has a particular focus on digital marketing. Both Landguard Fort and Felixstowe Museum are subscribers.

### **4.7 Link with East Suffolk Council business plan and other regeneration initiatives**

The Landguard Peninsula is specifically mentioned in the Council's business plan (2015-2023) – to expand and enhance the visitor experience at Landguard and to support a Heritage Fund bid, in the context of enabling economic growth and the growth of the visitor economy.

Landguard Peninsula is also referred to in the Council's Economic Growth Strategy – East Suffolk's built heritage (e.g. Framlingham Castle, Sutton Hoo and Landguard Fort) and the history linked to it are a major asset for the visitor economy. The strategy underlines how the outstanding natural environment of East Suffolk (including 49 miles of coastline, large parts of an Area of Outstanding Natural Beauty and a National Park) and the quality of life that comes with it enhance the visitor economy.

The Felixstowe South Seafront project involves investing in Council assets and identifying development opportunities along the south seafront in order to enhance the quality and range of the visitor offer. This project offers an opportunity to improve the link between the town, seafront attractions and the Landguard Peninsula, including adding Martello Tower P to the town's heritage attractions which the Council would like to open up to the public.

### **4.8 Port of Felixstowe**

The Section 106 agreement was due to deliver all mitigation measures in relation to Landguard no later than 31<sup>st</sup> December 2018. Mitigation measures were due to include a permanent visitor centre and café, new car park and landscaping. Under the Port's lease of the foreshore from DCMS it would also have renewed sea defences in front of Landguard Fort.

The Council's Planning Committee agreed to grant a variation to the Section 106 agreement in 2017 that released the Port from the backstop date. The Port's view is that they have delivered enough mitigation measures thus far that have benefited Landguard. As part of the variation in the Section 106 agreement, the Port did extend reduced annual payments to the Landguard Partnership of £25,000 per annum for 4 years from 2018. The port currently has the option to complete the last phase of their expansion project (FSR2) whenever they want, at which point the mitigation measures would be delivered.

At the present time, our understanding is that the Port has no plans to complete FSR2. This leaves Landguard potentially in limbo regarding the medium to longer term upgrading and refurbishment of key visitor facilities. The Port has also indicated to DCMS that they will not renew the sea defences until they complete FSR2 and will continue with the temporary measure of annual beach reprofiling.

The Port of Felixstowe has stepped back from their earlier involvement, due particularly to changes in economic conditions, ownership of the business and plans for the Peninsula. We note current financial pressures in the logistics industry.

While the Port wants cordial relations with its neighbours, it commented that it was not the only company in Felixstowe. However, as a business the Port has the biggest impact on the heritage and natural environment at Landguard, and has made undertakings in the Section 106 agreement to provide mitigation.

The Port had no corporate social responsibility programme but has provided support to a number of local groups and organisations. The Port would look at providing pro bono support on a case by case basis, but is not able to free employees to volunteer during their working time. The Port had no long-term funding commitment to local groups and organisations but equally had no plans to stop current support.

#### **4.9 Financial drivers**

Interviewees indicated the critical importance of extra resources to relieve organisational pressures. There is a significant need to identify and secure sustainable long-term funding for the Peninsula. Section 106 funding to the wider Landguard Partnership was reduced in 2018 and stops in 2022. The East Suffolk Council contribution is at present only budgeted until 2022. At this point there will be an annual shortfall of almost £40,000. Forecasted income and expenditure for the Landguard Partnership is summarised in Figure 2 on the following page.

East Suffolk Council and English Heritage are unable to commit the levels of financial investment necessary to enable the Peninsula to achieve its full potential as a tourism destination and community resource.

After a great deal of time and resource, plans in 2015 to apply for a Heritage Fund grant to deliver a major step change in the visitor experience at Landguard and complement Section 106 work (to be used as match funding) could not be taken forward.

This was initially due to the postponement of the provision of new permanent visitor facilities as required under the Port Section 106 agreement. Ultimately, however, it was due to the lack of a suitable organisational framework to implement a major investment project. This included it not being possible to meet HLF grant terms and conditions criteria regarding ownership of land, primarily relating to short term occupational arrangements on land controlled by English Heritage.

Although other income streams have or will come on stream (café rent and later this year car park charging) this alone will not be enough for the Peninsula to continue developing. The heritage assets are visitor attractions that are in competition with other attractions in the region.

The Peninsula will need investment to maintain and improve standards to compete for visitors and volunteers in the future. Volunteers are enthusiastic and doing the best they can to improve interpretation, displays, and deliver events. However basic visitor / volunteer facilities such as toilets and plumbing (portable toilets in the Fort were supposed to be a temporary measure 20 years ago) and other maintenance demands on the Peninsula require significant funding.

**Figure 2: Current Landguard Partnership Budget Forecasts**

	2018/19	2019/20	2020/21	2021/22	2022/23
	Budget	Estimated	Estimated	Estimated	Estimated
<b>Reserve B/F</b>	167409	173078	178566	184726	189586
<b>Income</b>					
S106	25000	25000	25000	25000	0
East Suffolk Council	18000	18000	18000	18000	0
Felixstowe Town Council	1000	1000	1000	1000	1000
Higher Level Stewardship	3338	3338	3310	3310	3310
Cafe	42952	46000	43000	43000	43000
Bungalow Rent	3120	3120	3120	3120	3120
Event Income	4728	5000	5000	5000	5000
Other Contributions	2162	0	0	0	0
Car Parking	0	0	0	0	0
<b>Total Income</b>	100300	101458	98430	98430	55430

<b>Expenditure</b>					
Staff Costs	68747	70,000	71000	72000	73000
Other costs	25884	25970	21270	21570	21870
<b>Total Expenditure</b>	<b>94631</b>	<b>95970</b>	<b>92270</b>	<b>93570</b>	<b>94870</b>

<b>End of Year Balance</b>	5669	5488	6160	4860	-39440
<b>End of Year Reserve</b>	173078	178566	184726	189586	150146

## 4.10 Place-based considerations

### Visitor numbers and tourism

It is estimated that the Peninsula attracts over 500,000 visitors a year. Over the last five years, the Harwich Harbour Ferry Services have increased from 15,000 one-way passengers to 46,000 one way passengers. Improving the visitor experience would be helped by better links into the town.

The richness of its environmental character means that Landguard is a place with different facets. Interviewees reflected on the need to ensure a good balance between tourism and leisure and the natural heritage. Landguard is an important recreational area for Felixstowe residents and visitors from further afield.

### Volunteering

Interviewees commented on the need to attract younger volunteers and assure succession planning. Different volunteering operations have developed over time. There was some advocacy for more joined up volunteering between the different organisations alongside a recognition that different provision often had specific skill needs. Finding volunteers is necessarily a competitive activity. Organisations need the right resources (e.g. dedicated staff, facilities, training, volunteer management etc) to attract and retain suitable volunteers.

### Marketing of the Peninsula

Several interviewees wished to see much stronger marketing of the Peninsula. There was more that could be done to encourage visitors to stay all day or indeed a whole weekend. Equally, some interviewees wished to see alignment of opening and closing times between the Fort and the Museum. There was also concern to assure opening hours during the “shoulder months” of September to May. It was much easier to promote attractions if they were open all year round. All year-round arrangements (e.g. weekend opening in the winter months) can provide greater continuity for volunteers.

Felixstowe Forward was established in 2015. As a significant part of its wide remit, it works to promote Felixstowe as a tourist destination together with promoting business/enterprise and community development. It has developed 'Visit Felixstowe' as a brand and is the top website for visitors to find out information on the town's attractions, events and retail sites. Landguard is part of the Visit Felixstowe endeavour and is recognised as a tourist attraction, alongside the South Sea Front and the Leisure Centre and HLF funded Sea Front Gardens. Felixstowe Forward is resourced under the economic growth priority in East Suffolk Council business plan 2019, including adding to the visitor economy. Funding will cease in 2021 and Felixstowe Forward is working to establish a Business Improvement District in the town, which would then carry on some of Felixstowe Forward's work. However, the District will not include Landguard. It is hoped that the Visit Felixstowe brand will survive and continue to promote the town as a whole.

In 2018, the ferry company invested in the distribution of 45,000 leaflets across East Anglia, which raised visitor numbers. The café business commented on the impact this had on their business, noting that some visitors even came from Norwich. There were no leaflets in 2019 and visitor numbers were down by a quarter. The ferry company had put the majority of its marketing resource into social media. Poor weather will have contributed to reduction in numbers. The ferry's view was that it has 'pulling power' that benefits the Peninsula as a whole and that cross-promoting works.

### **Schools and younger visitors**

Landguard Fort has developed a package for schools, including teachers' notes and use of education room. It saw potential to develop wider range of activities across site (photography, architecture, history, buildings, fresh air, geology/stones/shells etc). In the Fort's view, its appeal stretches well beyond the military. The Museum and the Nature Reserve (including ranger tours when available) offer opportunities for school visits. Despite limited resources, the Fort and the Museum provide activities and interpretation aimed at younger visitors.

Some interviewees commented on the benefits that a more joined up educational package might provide for schools. It was noted that schools can visit the Fort, the Museum and the Nature Reserve during a day, which the partnership coordinates.

### **4.11 Offer of governance support to charities on the site**

As part of the organisational consultancy, governance support was offered to the three organisations. The menu of possibilities was:

- Audit of individual organisation’s governance against the Charity Governance Code;
- Review of constitutional documents to advise as to how they might be fit for the future – this could include reviewing charitable Objects and powers;
- Mentoring of Chairs or leading Trustees;
- Governance workshops with the individual organisation’s Trustees clarifying roles and responsibilities and action on key governance issues;
- Advising on Trustee recruitment and selection;
- Facilitating Board review;
- Devising a framework for annual conversations between the Chair and individual Trustees;
- Delegations to Sub Committees, staff and Task & Finish Groups;
- Devising plans for development of Trustees.

Section 3 of this report details how this offer was taken up.

#### **4.12 Findings from visits**

##### **Coalhouse Fort, East Tilbury**

Those attending the visit noted in particular:

- Previous neglect of site with some parts of the Fort still derelict – consistent maintenance of buildings was a major issue
- Concerns about the care of collection, including safety of artefacts and adequate paper trails;
- Comments on the role played by Thurrock Council, including inconsistent leadership over time;
- Challenges for the site in limited accessibility by public transport;
- Strained relationships between the volunteer Coalhouse Fort Project and Thurrock Council. The Coalhouse Fort Project (CFP) was suffering from weak governance arrangements with limited succession planning to mitigate over-reliance on ageing volunteers;
- The benefits of the café and toilets in place;
- The very limited opening days of Fort just 7 days a year; one participant likened it to a ‘men’s shed’;
- The contrastingly high number of visits to the surrounding Park – 70,000 a year.

Since the visit took place in November 2019, the Coalhouse Fort Project has been wound up without a clear successor body to pass its collections and activities to.

## **The National Horseracing Museum, Newmarket**

The National Horseracing Museum acts as the employer for all three charities on the Newmarket site. There is an overlap of Trustees between the Horseracing Museum and British Sporting Arts. There is a common ticketing arrangement for the site. Signage, security and maintenance are well co-ordinated across the site as are volunteers. The Museum has been able to develop income generating opportunities through the restaurant.

The museum has been the recent recipient of Resilient Heritage funding, particularly to strengthen its marketing and fundraising across the three organisations, and to address the decline in visitor numbers.

Those attending the visit noted in particular:

- Agreements between the three charitable partners (National Horseracing Museum, British Sporting Art Trust, and Retraining of Racehorses) are working well, with each organisation keeping their own identities;
- The experience of dealing with lower visitor numbers after an initial significant increase; further work to be done on making the site a tourist destination;
- The benefits, particularly in marketing, being gained through the Resilient Heritage project currently in progress; This was designed to help the site develop an effective forward looking business plan, which could secure a sustainable future;
- Shared signage for the site, helping to ensure accessibility to the site from a visitor's perspective;
- Seamless flow within the site, which was perceived by visitors as one destination;
- One body of volunteers for the three organisations;
- The strong emphasis on educational work, particularly with local schools;
- Governance review in progress at the National Horseracing Museum, and previously at Retraining of Racehorses;
- Lack of diversity on the board at the National Horseracing Museum was an issue.

## **Duxford Aviation Society**

Those attending the visit to Duxford noted that the Duxford Aviation Society:

- has established a legally enforceable contractual position (2019) with the Imperial War Museum after many years of collaboration. These arrangements appeared to be working well;
- has worked with evident success to ensure for the visitor seamless presentation of its aircraft alongside those belonging to the Imperial War

Museum. It would be hard for most visitors to distinguish which aircraft belonged to the Duxford Aviation Society (including heritage airliners, a Concorde and a Military vehicle collection) and which to the Imperial War Museum;

- provides significant numbers of volunteers to ensure that special events at Duxford are well managed and serve to attract visitors, encouraging them to make repeat visits;
- has pursued its charitable Objects on a 'business-like' basis, including the allocation of specific areas of responsibility to Trustees with goals set and reviewed regularly;
- has managed to deliver impressively based on the knowledge, skills and experience of 200+ volunteers and one employee.

#### **4.13 Research on other comparative sites**

##### **Gunpowder Mills, Waltham Abbey**

The mission of the Royal Gunpowder Mills charity is to preserve, manage, research, conserve and display for the benefit of the general public and of the nation at large the historical and archaeological heritage of the Royal Gunpowder Mills, Waltham Abbey in the form of ancient monuments, listed buildings and the natural aspect features and bird, animal, tree and plant life.

The Royal Gunpowder Mills is designated a Scheduled Monument. Its landscape is shaped by 300 years of making explosives and propellants, and featuring a large number of listed buildings, waterways, dry canals and an alder tree plantation which supplied the wood to make the charcoal, one of the three ingredients of gunpowder.

The alder plantation is now part of a nature reserve, which is a site of special scientific interest and attracts a diverse range of animals and plants, which all form part of our national heritage. It is an anchor point of the European Route of Industrial Heritage. A large part of the site is now derelict and has become a home to important wildlife.

The Royal Gunpowder Mills carries a story which includes experimentation, industrial production, dangerous materials, risk, secrecy, security and the demands of war. It was for hundreds of years a nationally important, high tech, high security manufacturing and research facility which supported the British military machine from gunpowder through to the Blue Streak missile.

Reflecting the industrial archaeology of the site, the Mills Archive has an extensive holding of historical maps dating from 1590 and building drawings from the 1850s. In addition, around 5,000 documents and 80,000 images are held, covering the history



of gunpowder and explosives manufacture with particular reference to Waltham Abbey.

The Mills charity is one organisation (a charitable company – charity registration number 1062968; company registration number 3376501) with a linked Friends Association. It has an Education Team to support school visits to the site.

#### **4.14 Findings from workshops**

##### **27<sup>th</sup> September 2019 workshop**

Full group discussion in the workshop indicated possible shared goals for the next 5 years:

- Landguard should become a 'community hub', that is inclusive, offering a range of opportunities including school trips (many useful links to curriculum can be made);
- Ensuring the partnership retained its independent voice;
- Need to focus on the development of access (physical and intellectual) to Landguard, e.g. use of VR to support disabled people;
- Acknowledging reliance on key volunteers and taking steps to strengthen and share particular skills and knowledge to take any ideas forward:
  - Areas where support is needed across all organisations, (e.g. Health & Safety compliance)
- Educational development is challenging:
  - Should include the whole of Landguard including the Museum, natural environment and Port, all of which needs to be better packaged
  - Need to have a good offer that can be delivered over a half day;
  - Everyone comes for 'longshore drift' – but the history could be promoted more;
  - Persuading teachers to link Landguard more broadly with the curriculum;
  - Currently put on volunteer guides and service some schools through a Local Management Agreement with English Heritage, but could offer more, e.g. an education package;
  - Issue of travel costs for school parties.

Tim Cockerill from English Heritage suggested:

1. Scope for more seamless visitor experience in Landguard:
  - Joint ticketing – more attractive to visitors and increased revenue;
  - Consider possibility of shared trustees. Shared expertise would be valuable.

2. Clear community led aspirations to which English Heritage can respond
  - Review of existing agreements, e.g. the Museum licence could be much better.
  
3. Deepening of capability to run the site:
  - Fire Risk Assessments, Health & Safety, employment of staff, hazards – all need to be managed;
  - Meet the need for increased professionalisation;
  - Common administrative tasks across organisations (e.g. marketing).

These points were welcomed in the workshop as a way of framing shared goals for Landguard. Further contributions in the workshop included:

- Inspiring young people when they visit Landguard to increase their motivation to volunteer;
- Sharing practice on retaining volunteers;
- Developing shared objectives in marketing, recognising that this did not necessarily mean increasing visitor numbers.

### **6th December 2019 workshop**

The workshop reviewed 5 options for future relationships between the 3 charities:

Option 1: An overarching charitable company or Charitable Incorporated Organisation with specific responsibilities alongside the existing charities;

Option 2: One charity with responsibility for heritage, museum and environmental services and activities either secured by:

- by the creation of an entirely new charity into which the existing 3 charities merge into;
- by existing charities merging into one of their number (or becoming a wholly owned subsidiary of that one charity).

Option 3: One charity merging into another charity (or becoming a wholly owned subsidiary of that other charity);

Option 4: An enforceable partnership agreement between the existing charities with clear definition of rights, responsibilities and obligations of each partner;

Option 5: the existing 3 charities work together on an ad hoc basis as at present.

While there were levels of support for different options, there was no consensus around a single option.

## Section 5 Assessment

This section sets out the consultants' assessment of the findings.

The current Resilient Heritage grant award has allowed there to be a stocktaking of the present partnership arrangements. Those partnership arrangements were formed in the context of a Section 106 agreement from which payments will finish in 2022 and is now unlikely to complete delivery of the originally agreed mitigation measures. Equally, as noted above, the intentions of the Port have changed over time. The external conditions suggest that it is reasonable to consider that a different approach should be tried.

We observe that a long history of discussions has produced limited results in joined up working between the three volunteer-led charities. Relationships have been strained and there has been a continuing suspicion of the perceived motives of partners. The internal conditions suggest that it is reasonable to consider that a different approach should be tried.

We are clear that the respective charities wish to preserve their independence. This is the legal position under charity law. No charity can be obliged to merge against the will of its members. There is no current appetite to merge the three charities.

However, as the Coalhouse example shows, it is important that there should be fall back arrangements in the event of one of the charities failing or entering serious difficulties. Equally, independence of the individual charities does not mean that different, more place-based arrangements cannot be put into effect, ensuring improved effectiveness and more skilled resource leveraged for the future development of the place.

Such an approach carries considerable benefits for the marketing of the Peninsula and the maintenance and security of the site. This can only assist current volunteer led efforts to sustain the heritage for public benefit. This approach also has the potential to win the support of the landowners and align with their plans for the site.

Future arrangements need to inspire greater confidence amongst funders and statutory partners, including East Suffolk Council, particularly for the uses of and accountability for the expenditure of public money. Having looked at a range of options and considered the various opinions on them expressed in interviews, in writing and at the workshops, we consider that the best option would be to establish a Landguard Charitable Trust (LCT).

We set out in Section 6 the terms in which this might be established, the role and contribution it would offer, and how that Trust would be resourced. We consider that

a Landguard Charitable Trust will act as a platform for securing future investment, in particular preparing a future larger scale Heritage Fund application building on the current Resilient Heritage investment.

The landscape for heritage funding has also changed since the last Heritage Fund grant for Landguard was made. Funding is now steered by a new Strategic Framework that will be in place until 2024. This highlights landscapes and nature, and community heritage as areas of particular priority for funding. For Landguard, moving from a disaggregated approach of separate interest groups to a more holistic place-based approach that combines Landguard's natural heritage assets with community- focused heritage opportunities will allow Landguard to become a compelling proposition for funding. Indeed, Landguard is well placed to benefit from this change of focus from the Heritage Fund.

In terms of key desired outcomes, the previous emphasis by the Heritage Fund on organisational sustainability as a desired outcome continues. This governance process ensures a clear, documented pivot point towards a more sustainable vehicle for funding for the wider Peninsula. This should work in Landguard's favour. There is also a new desired outcome focusing on wellbeing, which offers an additional angle that a more joined up Landguard can competitively take. A coordinated volunteering, education and visitor offer that draws on the diverse heritage that exists at Landguard offers considerable scope to creatively support this outcome compared to competing sites.

## **Section 6: Establishment of a Landguard Charitable Trust**

This section sets out our suggested terms in which a Landguard Charitable Trust might be established, and the public benefit that would accrue.

### **6.1 Identity**

A Landguard Charitable Trust will be established as an incorporated charity and take a place-based approach to the peninsula. It will recognise the physical setting of the Landguard peninsula as a whole and its proximity to the town of Felixstowe. The Trust will work with existing organisations active on the peninsula (public, private and non-profit/charitable). The Trust will replace the existing loose partnership structures. In its access to and allocation of finance and key resources, it will recognise how a joined-up structure assists the Landguard peninsula, maximising the benefits the peninsula offers to the public.

### **6.2 Remit**

In strategic terms, the remit of the Trust is to ensure a more holistic, place-based approach to the peninsula, complementing the work of existing organisations active on the peninsula (public, private and non-profit/charitable). The Trust will replace existing loose partnership structures and provide a platform to attract and manage new National Lottery Heritage and other grant funded projects to enhance public benefit across Landguard. Further strategic benefits will accrue from a more coherent marketing approach.

Operationally, the detailed remit will need to be worked through during the business planning exercise. However, in indicative terms this could include the following:

- Health and Safety;
- Management and delivery of selected routine maintenance to landscape and buildings in accordance with a revised scope of works;
- Provision to undertake capital works (e.g. improved infrastructure, signage etc) by agreement with English Heritage Trust;
- Access to specialised support (e.g. management, building conservation, health and safety, curatorial etc);
- Recruitment and management of volunteers (including to meet the needs of the volunteer led organisations);
- Provision to deliver events.

### **6.3 Enhancing the visitor experience to Landguard**

The Trust provides a framework in which marketing, branding and communications plans can better enhance the visitor experience on the peninsula. The details of this are a matter for consideration in the business planning exercise and in the decisions that the Trust and partners take subsequently. It will be important to recruit independent board members to the Trust who have expertise in marketing and communications in order to support enhancements to the current peninsula-wide visitor offer.

### **6.4 Securing Heritage funding**

For Landguard, moving from a disaggregated approach of separate interest groups to a more holistic place-based approach that combines Landguard's natural and built heritage assets with community-focused heritage opportunities allow Landguard to become a more compelling proposition for funding. The establishment of the Trust with Heritage Fund backing documents this process.

Securing Heritage Fund monies will be critical in developing the peninsula. Establishing the Trust recognises the fierce competition for Heritage Fund monies, and the need to rise to the challenge that presents. Success in securing Heritage Fund monies requires a concerted and unified approach across the peninsula. The existing informal partnership arrangements were conceived in relation to the Section 106 agreement which is now coming to a conclusion. It is time to look to an entirely new structure to meet funding requirements. Additionally, income from car parking and rental is public money and has to be seen to be managed on a fair basis, delivering benefit throughout the peninsula.

The existing charities do not have the necessary long-term interest in the property they occupy to apply to the Heritage Fund or other capital grant funding (i.e. ownership of the property or a long lease). The Trust working with English Heritage as the agent of the landowner, establishes the platform on which a holistic bid can be made.

### **6.5 Strengthening cooperation with East Suffolk Council and English Heritage**

Strategically, the development of the Trust will foster an increasingly place-based rather than site-based engagement with East Suffolk Council and English Heritage. By ensuring that Trust resources are able to be brought to bear across the peninsula, this will better position Landguard within the place-based strategies of the two respective organisations. The Trust will enable revenue generated in Landguard to be spent in Landguard in support of these aims.

The Trust will facilitate suitable alignment between the activities on the peninsula and the strategic priorities of East Suffolk Council and English Heritage.

The Trust will recognise the interests of East Suffolk Council and English Heritage – and work closely with them in their plans for the development of the peninsula. Both will retain their separate abilities to access capital funding for their respective land holdings.

On a day to day basis, this strategic role will complement the existing relationships between the Landguard partners, the Council and English Heritage in relation to their respective sites.

To date, East Suffolk Council has seen its role as an enabler towards a joined-up approach. The proposal of the Landguard Charitable Trust presents the opportunity for the Council of the development of a new partner with a unifying brief resourced to take on the challenges, and contribute to appropriate tourism on the site, whilst respecting the need for conservation.

Alongside the Council, English Heritage has been actively seeking a joined-up approach to the Landguard peninsula. The Trust also provides English Heritage with a key partner with whom it can pursue shared goals.

## **6.6 Independent parties**

The Trust will respect the independence of the charities working on the peninsula – the Landguard Fort Trust, the Felixstowe Museum and the Landguard Conservation Trust/Bird Observatory.

The Trust will be able to support the promotion of the volunteer-led organisations' site as part of a wider place-based offer more effectively than the current arrangements through joined up marketing, fundraising and delivery. The Trust offers the possibility to act as a partner to support any site-based improvement that individual organisations are planning. Such improvements would take place in the context of a Landguard-wide approach.

The creation of the Trust provides the volunteer-led organisations with the opportunity to be relieved of burdens and able to get on with their core activities. This could range from functions previously led by an existing charity being taken forward by the new Trust to one or more mergers should one or more existing charity boards decide this course of action.

## **6.7 Funding and resource getting**

The Trust requires sufficient income to set up and maintain its operations. The precise requirements will need to be identified during the business planning process but are likely to include staffing and operational support proportionate to its remit. Trust expenditure is likely to cover the above alongside strategic investment in fundraising and partnership development.

The Trust would benefit from income through car parking and rental fees, with further opportunities scoped and developed through the business plan. The business plan would need to consider whether changes to existing English Heritage investment would be required, such as maintenance fees and treatment of admission income. The Trust will employ such staff as needed to carry out functions within the terms of its plans and the available resources. The Trust will be the body bidding for the next stage of support for the Heritage Lottery Fund (in partnership with EHT).

Income and expenditure forecasts based on the Trust remit will need to be undertaken during the business planning process. Set up costs are likely to include search for an independent chair and trustees, legal documentation, registration, induction and training of board members, the development of initial plans, and the implementation of systems and processes for good governance, financial management and organisation. Costs may also involve the recruitment and selection of staff members.

Establishing a new Trust is a process that requires dedicated support and commitment. Any new Trust structure must be able to perform well and not just comply with the legal requirements.

## **6.8 Legal form**

The Trust will be incorporated to ensure limited liability and thus avoid Trustees being personally liable for financial losses. The Charitable Trust could be either a charitable company or a charitable incorporated organisation. There is little to choose between these two legal forms.

In the event that the Charitable Trust intends to borrow funds or establish a non-charitable trading company, there may be benefits in being a charitable company. Many charities including relatively small and medium sized charities have wholly owned trading subsidiaries which provide a source of income from activities that fall outside their charitable objects. There are no specific proposals at this time for a trading subsidiary. It is however useful to consider whether there are any implications for the legal form of the Charitable Trust in having a trading subsidiary.



## **6.9 Constitutional detail**

Charitable Objects permit a registered charity to undertake certain activities. Given the multi-use present and future of the peninsula, it is important that these Objects should be drawn widely. Charitable Objects for the Trust should embrace support for built heritage relating to Landguard; supporting natural heritage relating to Landguard; and supporting the conservation of artefacts, collections, archives and exhibitions celebrating the history and aspirations of Felixstowe and the surrounding areas – to be undertaken in conjunction with existing local organisations and wider partners. Inclusion in the Objects does not presume that the Charitable Trust will necessarily be undertaking these activities, merely that they could if this were required in the future.

A comprehensive set of powers should be agreed for the Trust enabling it to operate flexibly. It may be necessary to establish a non-charitable trading subsidiary, but broad objects will ensure that the vast majority of activities are treated as primary purpose and therefore within the charitable Objects. Draft charitable Objects will be prepared.

## **6.10 Independent Chair of the Trust**

An independent Chair of the Board should be sought at an early stage. The Chair needs to be an independent person of standing, able and willing to work closely with the Council, Members and Officers, English Heritage, the Port and other local businesses, organisations working on the peninsula, local communities and with other public agencies. The Chair would take the lead in seeing that the governance of the Charitable Trust set out to meet the good practice standards of the Charity Governance Code (2017). The Chair should be encouraged to take part in support networks such as the Association of Chairs and the Heritage Trust Network.

## **6.11 Composing the initial Board**

Stakeholders in the peninsula should be encouraged to put forward names of individuals to serve on the Board. A strong skillset on the Board will serve to build the confidence of partners. Composing the Board could be expedited by the assistance of an external body to advertise and handle nominations.

At inception of the Board, the Landguard Fort Trust, the Felixstowe Museum and the Landguard Conservation Trust/Bird Observatory will have the right to nominate one person each to the Board, should they wish to nominate. East Suffolk Council and English Heritage should also have the right to nominate one member each to the Board should they wish to. The Council nominee could be a Councillor, Officer or person of standing within the local community. A majority of Board members should be independent of the existing bodies.

In making their nominations, organisations should be mindful of the skills the Board requires and their nominee will bring, with the expectation that their nominee will attend the Board regularly and contribute actively to the work of the Trust.

Whilst retaining good links with their nominating organisation, no person nominated by any of the organisations should be treated or act as a representative of their organisation. In their role as a Board member of the Trust, their responsibilities are to the Trust and its objects, and their fellow Board members of the Trust.

The recruitment of an independent Chair and trustees will require dedicated resource to ensure the selection of individuals with the right skill sets, experience, networks and motivation to make a success of the Trust. Recruitment of trustees increasingly involves a wide search for suitable applicants who must find the offer an attractive one. It is essential to find individuals with the capacity to give the time that the trustee's role requires. Recruitment is a challenging process which needs to be completed to a high standard if the Trust is to be successful.

## **6.12 Board as a team**

It will be essential that the Board work as a 'team' to steer, drive and maintain oversight of the development of the peninsula. For this reason, the number of members of the Board should be no more than 11. This would be the number that would be required if the three volunteer-led charities, East Suffolk Council and English Heritage all took up the invitation to nominate a member of the board. This maximum number could be lower should one or more of the five organisations choose not to nominate a member to the board or if an existing organisation chose to merge with the new Trust.

Board members should be able to claim reasonable expenses to cover travel expenses but would not be paid a salary. Induction and training should be provided for all Board members.

All members of the Board should bring multiple skills and experience. Any person nominated by these organisations must make a significant contribution to meeting the skill criteria drawn up for the Board. A draft set of skills for Board members will be provided to all those applying to join the Board.

### **6.13 Term limits**

Consideration should be given to the maximum length of service any Board member can offer to the Trust (e.g. 3 terms of 3 years, 2 terms of 4 years etc).

### **6.14 Members of the Charitable Trust**

The members of the Board at any one time shall be the only members of the Charitable Trust.

### **6.15 Observers to the Board**

From time to time, the Board may wish to invite guests/ observers to its meetings, such as the local MP.

### **6.16 Volunteering in Landguard**

Any volunteering that the Charitable Trust might be engaged with would add to and not be in place of existing volunteering within the three charities. What the volunteering opportunities linked to the Charitable Trust could look like would be further considered in the business plan.

Given the holistic, place-based focus of the new Trust, there may be opportunities to develop a more joined up approach towards volunteer recruitment and support. However, it would be down to each charity how it engaged with these initiatives by the Trust.

### **6.17 Dialogue with stakeholders**

The Board should hold periodic meetings for interested stakeholders and will provide a publicly available Annual Report and Accounts. Stakeholders could include the Port of Felixstowe, assuming that no member of the board or observer at the board is closely connected to the Port.

The Trust develops significantly the options to take forward capital projects. Should the Port expand, this will require rebuilding and relocation but may release additional capital funds. The Trust as a potential partner could leverage Port-linked expansion work as match funding for funding bids that add further value to the capital aspirations for the peninsula.

## **6.18 Independent standing**

In line with guidance provided by the Charity Commission (March 2019) that the Commission expects all registered charities to follow, it is essential that the Trust is seen to be and is in practice independent of East Suffolk Council though naturally working in partnership.

## **6.19 Lead Officer**

It is expected that the Charitable Trust will need an experienced lead officer with the skills and motivation to drive the Trust forward. The team structure could include Director/CEO and Peninsula Ranger/Manager. More detailed staffing arrangements will be established as part of the business planning to follow.

## **6.20 Transition to the Charitable Trust**

A Shadow Board should be set up in the transition period prior to the establishment of the Charitable Trust, with members selected on the basis of their skills, knowledge and experience. The Shadow Board will reflect the future independent character of the charitable trust, including a Council nominee who can complement the talents of the other Shadow Board members.

The Shadow Board will meet as and when necessary; however, this is likely to be quite frequent in order to ensure that progress towards the establishment of the Trust proceeds consistently at a good pace. The Shadow Board will prepare the frameworks, policies and terms of engagement that will inform working of the future charitable trust. This will be important in ensuring all Trustees have a firm grasp of their responsibilities and plans; and that Trustees are well positioned to oversee the implementation of the business plan once the Charitable Trust is established.

It is expected that the Trust would be formally established during 2021 as the legacy outcome of the current Heritage Funded project. There is scope to make important steps this year laying the foundations for the new Trust. It is suggested that the steering group for the business planning process develops as a Shadow Board. Precise timing will be subject to the business planning exercise, together with effective recruitment for an independent chair and trustees.

## **6.21 Overall case for the Trust**

The Trust provides:

- A viable vehicle for bidding for resources across Landguard relative to the existing partnership structure.

- A cross-peninsula partner for private, statutory and voluntary agencies.
- A safety net to maintain existing services and provision of public benefit should this be required
- An opportunity for the existing Landguard charities to be relieved of governance burdens and focus on core activities should they wish to do so.
- Operational capacity to undertake infrastructural and visitor-orientated tasks across the peninsula

### **Case Study: Tilbury on the Thames Trust**

Tilbury on the Thames Trust (TTT) provides an example of a not for profit trust that brings together a landowner (the Port of Tilbury), local business and communities to drive the regeneration of the Grade II\* listed Cruise Terminal complex. TTT works to restore the heritage asset, connects skills and training opportunities to heritage and Port careers, and celebrates the cultural significance of the buildings. TTT benefits from board members drawn from business and the community, with the local MP a strong advocate of its work.

TTT provides additional value to the work of Tilbury organisations also operating in the field of heritage, culture and communities, working successfully in partnership with established local bodies including the Tilbury Riverside project and one Community Development Trust. The partnership has helped revive the Tilbury Carnival.

Since being established in 2016, TTT has raised almost £1 million to support its mission with funding applications worth over £6million currently in development.

## **Section 7: Recommendations**

### **East Suffolk Council**

1. Refocus Council Officer time currently allocated to the Landguard Partnership towards the establishment of Landguard Charitable Trust as an independent entity.
2. Subject to East Suffolk Council satisfying itself that the Board of the Trust has the skillset and experience to execute its purposes, support the ongoing viability of Landguard Charitable Trust by transferring existing sources of Landguard-based income currently held in a designated, interest bearing account within East Suffolk Council to a new account administered directly by the new Trust.
3. Support the development of Landguard Charitable Trust by nominating a suitable person to the Shadow Board during the transitional phase to advise on East Suffolk Council processes relating to its status as landowner and the local planning authority.

### **English Heritage Trust**

4. Support the development of Landguard Charitable Trust by nominating a suitable person to the Shadow Board during the transitional phase to advise on English Heritage processes relating to its status as the agent of the landowner and statutory body for the Scheduled Ancient Monument.
5. Ensure that the cycle of future reviews of Local Management Agreements or licence arrangements at Landguard takes into account the role and the business plan of the Landguard Charitable Trust.

### **Landguard Partnership Volunteer-led Organisations**

6. Agree the establishment of Landguard Charitable Trust as the replacement for the Landguard Partnership, in order to legally embed cross-partner joined up working and increase capacity to drive positive change across the peninsula. The purpose will be to lock in potential strategic benefits relating to sustainability of partnership structures, improved mechanisms to manage existing partnership resources, better coordination of statutory maintenance and physical security across Landguard, ensuring a backup to sustain the current visitor offer should existing charities experience difficulty, and ensuring an effective platform to attract more significant future investment across the peninsula including from the Heritage Fund.

7. Support the establishment of a Charitable Trust by each nominating a suitable person to the Shadow Board during the transitional phase to provide Landguard focused knowledge and expertise in support of a Landguard Charitable Trust business plan.

### **Transitional Period**

8. Compose a Shadow Board comprised of both nominees from the existing Landguard Partnership and independent Board members, suitably balanced to ensure the Board skillset needed and an independent Landguard Charitable Trust voice not dominated by any one existing Landguard stakeholder.
9. Recruit an independent chair of the Shadow Board, who should be an independent person of standing, willing and able to work closely with all stakeholders operating on Landguard peninsula. The Chair would take the lead in seeing that the governance of Landguard Charitable Trust set out to meet the good practice standards of the Charity Governance Code (2017).
10. Integrate governance and training work associated with establishing the Landguard Charitable Trust with the Resilient Heritage funded business planning exercise to ensure that the Shadow Board fully own the resultant business plan, maximising its future effectiveness to the public benefit of Landguard.

## **Section 8: Next Steps**

This section indicates how the recommendations can be taken forward. It will require further refinement as the recommendations within this report are considered and the Landguard Charitable Trust takes up its responsibilities.

### **Before the business planning exercise**

1. Incorporate the recommendations within this report into the business planning brief to ensure that business plan development supports the new governance context. This should include with the scope of works:
  - Support for recruitment, selection and induction of Chair and trustees of Landguard Charitable Trust;
  - Undertake skills audit of prospective independent Chair and trustees of Landguard Charitable Trust;
  - Training for the prospective independent Chair and Shadow Board that covers legal and strategic roles and responsibilities alongside tailored training that takes into account the results of the skills audit;
  - Confirming the legal form and detail of Landguard Charitable Trust;
  - Drafting of constitutional documents and core policies;
  - Registration requested with Charity Commission.

### **During business planning exercise**

2. Establish the future relationship between the Landguard Charitable Trust, the existing volunteer led organisations and English Heritage, enabling the Landguard Charitable Trust to act effectively.
3. Establish the Shadow Board in line with the recommendations to become, once established, the champions of the Business Plan.
4. Induction of the Shadow Board to ensure all understand the mandate for Landguard Charitable Trust and how this is distinct from previous arrangements.
5. Confirm the legal form and detail of Landguard Charitable Trust.

### **After business planning exercise**

6. Prepare Landguard Charitable Trust constitutional documents and core policies (e.g. volunteering, code of conduct, financial processes etc), reflecting the Business Plan and the input of the existing volunteer-led organisations on the peninsula.
7. Formally adopt the Business Plan.
8. Formally adopt all Landguard Charitable Trust constitutional documents and core policies.



9. Registration with the Charity Commission, completing the transition from Shadow Board to Board with all associated legal responsibilities.
10. Subject to East Suffolk Council's agreement, transfer existing sources of Landguard-based income to a new account administered by Landguard Charitable Trust to be managed in line with the new Business Plan.
11. Review existing Local Management Agreements or licence arrangements in relation to the new Business Plan as they fall due.

HB/SS

21 May 2020

## **Appendix 1: List of interviewees**

Interviewees are listed in alphabetical order:

Jayne Austin, Museum Development Manager, Suffolk Museums  
Nicola Barker, General Manager, Landguard Fort Trust  
Tim Clark, Chair of Trustees, Landguard Fort Trust  
Tim Cockerill, English Heritage Trust  
Pam Cole, Trustee, Felixstowe Museum  
Steve Curtis, Trustee, Landguard Fort Trust  
Paul Davey, Corporate Affairs Director, Port of Felixstowe  
Paul Grant, East Suffolk Council  
Helen Greengrass, Director, Felixstowe Forward, East Suffolk Council  
Heather Lomas, consultant  
Nigel Odin, Trustee, Landguard Conservation Trust  
Dave Pearsons, Chair of Trustees, Landguard Conservation Trust  
Alex Sydney, Head of Investment & Involvement, English Heritage Trust  
Sue Tod, Trustee, Felixstowe Museum  
Martin Walklate, Trustee, Felixstowe Museum  
Anne Willey, Brand Manager, Suffolk Coastal DMO  
Jan Willis, Chair of Trustees, Felixstowe Museum  
Paul Wood, Head of Economic Services, East Suffolk Council  
Tim Yeo, Director, Yeo Enterprises  
Chris Zeman, Director, Harwich Harbour Ferry Services

## **Appendix 2: Questions and answers raised during the consultation on the final report**

This appendix is intended to assist the charities in their consideration of the governance and organisational development report. It provides our response to questions asked about the report including feedback on an earlier version of this Q&A and further comments and questions during a consultative meeting on 17<sup>th</sup> July 2020.

### **1. The Charitable Trust**

#### ***What is the Trust's remit?***

In strategic terms, the remit of the Trust is to ensure a more holistic, place-based approach to the peninsula, complementing the work of existing organisations active on the peninsula (public, private and non-profit/charitable). The Trust will replace existing loose partnership structures and provide a platform to attract and manage new National Lottery Heritage and other grant funded projects to enhance public benefit across Landguard. Further strategic benefits will accrue from a more coherent marketing approach.

Operationally, the detailed remit will need to be worked through during the business planning exercise. However, in indicative terms this could include the following:

- Health and Safety;
- Management and delivery of selected routine maintenance to landscape and buildings in accordance with a revised scope of works;
- Provision to undertake capital works (e.g. improved infrastructure, signage etc) by agreement with English Heritage Trust;
- Access to specialised support (e.g. management, building conservation, health and safety, curatorial etc);
- Recruitment and management of volunteers (including to meet the needs of the volunteer led organisations);
- Provision to deliver events.

The Charitable Objects will need to be sufficiently broad to encompass the range of activities taking place on the peninsula. Inclusion in the Objects does not presume that the Charitable Trust will necessarily be undertaking these activities, merely that they could if this were required in the future.

An early action for the new Trust will be to create an inspiring vision and set clear objectives for delivery in collaboration with partners. Preparing for this could be undertaken within the business planning process.

### ***What will a new organisation add?***

The Trust provides:

- A viable vehicle for bidding for resources across Landguard relative to the existing partnership structure.
- A cross-peninsula partner for private, statutory and voluntary agencies.
- A safety net to maintain existing services and provision of public benefit should this be required
- An opportunity for the existing Landguard charities to be relieved of governance burdens and focus on core activities should they wish to do so.
- Operational capacity to undertake infrastructural and visitor-orientated tasks across the peninsula

### ***How will the development of the Trust strengthen cooperation with East Suffolk Council and English Heritage?***

Strategically, the development of the Trust will foster an increasingly place-based rather than site-based engagement with East Suffolk Council and English Heritage. By ensuring that Trust resources are able to be brought to bear across the peninsula, this will better position Landguard within the place-based strategies of the two respective organisations. The Trust will enable revenue generated in Landguard to be spent in Landguard in support of these aims.

The Trust will facilitate suitable alignment between the activities on the peninsula and the strategic priorities of East Suffolk Council and English Heritage.

On a day to day basis, this strategic role will complement the existing relationships between the Landguard partners, the Council and English Heritage in relation to their respective sites.

### ***When might the Trust be established?***

It is expected that the Trust would be formally established during 2021 as the legacy outcome of the current Heritage Funded project. There is scope to make important steps this year laying the foundations for the new Trust. It is suggested that the steering group for the business planning process develops as a shadow board. Precise timing will be subject to the business planning exercise, together with effective recruitment for an independent chair and trustees.

### ***How is the Trust better placed to generate Heritage Funds for the Peninsula?***

The landscape for heritage funding has changed since the last Heritage Fund grant for Landguard was made. Funding is now steered by a new Strategic Framework that will be in place until 2024. This highlights landscapes and nature, and community heritage as areas of particular priority for funding.

For Landguard, moving from a disaggregated approach of separate interest groups to a more holistic place-based approach that combines Landguard's natural and built heritage assets with community-focused heritage opportunities allow Landguard to become a more compelling proposition for funding. The establishment of the Trust with Heritage Fund backing documents this process.

Furthermore, the existing charities do not have the necessary long-term interest in the property they occupy to apply to the Heritage Fund or other capital grant funding (i.e. ownership of the property or a long lease). The Trust working with English Heritage as the agent of the landowner, establishes the platform on which a holistic bid can be made.

### ***What income does the Trust require and how will this money be spent?***

The Trust requires sufficient income to set up and maintain its operations. The precise requirements will need to be identified during the business planning process, but are likely to include staffing and operational support proportionate to its remit.

Trust expenditure is likely to cover the above alongside strategic investment in fundraising and partnership development. It will be important to consider the potential risks and liabilities that the Trust might face and reflect this in any financial forecasting.

Income and expenditure forecasts based on the Trust remit will need to be undertaken during the business planning process.

### ***What can be learned from experience elsewhere about the potential value of a Landguard Charitable Trust?***

The visits and research undertaken have underlined how critical a joined-up approach (e.g. Newmarket) has been to establish and market an attractive visitor offer and a strong financial basis on which to build. Where this is lacking (e.g. Coalhouse Fort), progress has been slow and subject to considerable interruptions. The value of a Trust is enhanced considerably by a diverse, capable and professional board of trustees (as illustrated by Duxford Aviation Society).

### ***What are the set-up costs of the Trust likely to be?***

Set up costs are likely to include search for an independent chair and trustees, legal documentation, registration, induction and training of board members, the development of initial plans, and the implementation of systems and processes for good governance, financial management and organisation. Costs may also involve the recruitment and selection of staff members.

Establishing a new Trust is a process that requires dedicated support and commitment. Any new Trust structure must be able to perform well and not just comply with the legal requirements.

### ***How easy will it be to recruit an independent Chair and Trustees for the Charitable Trust?***

The recruitment of an independent chair and trustees will require dedicated resource to ensure the selection of individuals with the right skill sets, experience, networks and motivation to make a success of the Trust. Recruitment of trustees increasingly involves a wide search for suitable applicants who must find the offer an attractive one. It is essential to find individuals with the capacity to give the time that the trustee's role requires. Recruitment is a challenging process which needs to be completed to a high standard if the Trust is to be successful.

### ***What number of members does the board of the Charitable Trust need to have in order to ensure a majority of board members are independent?***

It is important that the number of members of the board is not too large to impede the board working as a team. The proposal in the governance and organisational development report is that there should be a maximum of 11 members. This would be the number that would be required if the three volunteer-led charities, East Suffolk Council and English Heritage all took up the invitation to nominate a member of the board. This maximum number could be lower should one or more of the five organisations choose not to nominate a member to the board or if an existing organisation chose to merge with the new Trust.

### ***What is meant by reference in the report to the possibility of a non-charitable trading subsidiary?***

Many charities including relatively small and medium sized charities have wholly owned trading subsidiaries which provide a source of income from activities that fall outside their charitable objects. There are no specific proposals at this time for a trading subsidiary. It is however useful to consider whether there are any implications for the legal form of the Charitable Trust in having a trading subsidiary.

## **2. The links between the Charitable Trust and existing organisations active on the Peninsula**

***What difference will the establishment of the Trust make to my organisation's management arrangements with English Heritage?***

None.

***Will my organisation remain independent?***

Yes. The proposal to establish the Trust is based on the charities remaining independent. There will be no fiduciary links between the Trust and the volunteer-led charities unless these are mutually agreed.

Whilst organisations will remain independent, the successful development of the Trust will need to draw upon a culture of collaboration between the partners.

***How will the development of the Charitable Trust help my organisation strategically and financially?***

The Trust will be able to support the promotion of your site as part of a wider place-based offer more effectively than the current arrangements through joined up marketing, fundraising and delivery.

The Trust offers the possibility to act as a partner to support any site-based improvement that individual organisations are planning. Such improvements would take place in the context of a Landguard-wide approach.

It is expected that the new arrangements through their ability to attract significant new sources of funding will be at least of indirect benefit to your organisation. How the Trust specifically allocates resources towards staffing, activities and events will need to be considered at the business planning stage. It should be noted that your organisation will be able to nominate one person to join the board of the new Trust.

***How will the development of the Charitable Trust help my organisation operationally?***

Once the team structure has been decided upon following the business planning exercise and staff are successfully recruited, work plans will need to put in place. This will require sign off from the board.

***More is now asked of Trusts and Boards. Could my organisation merge into the Trust and achieve its objectives that way if this was agreed by our members?***

Whether charities merge is a matter for their boards to decide. If any organisation wished to merge with the Trust, this would need to take place after the Trust had secured registered charity status.

***How will the development of the Trust affect the existing partnership arrangements?***

The Trust will replace the existing partnership arrangements. There would be a facility for the Trust to call together periodic meetings of the Landguard Partnership members and other Landguard stakeholders

***What engagement might the Charitable Trust have with volunteers?***

Any volunteering that the Charitable Trust might be engaged with would add to and not be in place of existing volunteering within the three charities. What the volunteering opportunities linked to the Charitable Trust could look like would be further considered in the business plan.

Given the holistic, place-based focus of the new Trust, there may be opportunities to develop a more joined up approach towards volunteer recruitment and support. However, it would be down to each charity how it engaged with these initiatives by the Trust.

### **3. Wider context and impacts**

***How does the COVID-19 Pandemic affect the recommendations in the report?***

The pandemic will have an impact on short term visitor numbers and possibly medium-term visitor numbers to Landguard, however this does not affect the structural governance and organisational development recommendations which focus on internal factors. The business planning exercise will need to take account of external factors such as the visitor experience and likely market conditions, which includes an assessment of COVID-19 impact at that time.

Whilst we appreciate that COVID-19 is having an impact on the existing charities and that this is likely to continue into the future, it is beyond the scope of this report to make specific recommendations regarding COVID-19 mitigation. As independent organisations, their detailed response to COVID-19 is a matter for their respective boards. We would encourage those independent responses to be taken into account during the business planning phase to follow.



The pandemic may delay the process of decision-making regarding how the recommendations in this report are taken forward. Whether the process is delayed will partly depend on a willingness to conduct virtual discussions whilst social distancing measures are in effect.

***How will the recommendations in the report be affected should the Port of Felixstowe choose to proceed with an expansion?***

The Trust develops significantly the options to take forward capital projects. Should the Port expand, this will require rebuilding and relocation but may release additional capital funds. The Trust as a potential partner could leverage Port-linked expansion work as match funding for funding bids that add further value to the capital aspirations for the peninsula. The possibility that the Port might expand would need to be reflected in the options within the business plan.

***What impact will adopting the report's recommendations have on the visitor experience on the Peninsula?***

The Trust provides a framework in which marketing, branding and communications plans can enhance the visitor experience on the peninsula and communicate responsible access to the fragile natural and built environment. The details of this are a matter for consideration in the business planning exercise and in the decisions that the Trust and partners take subsequently. It will be important to recruit independent board members to the Trust who have expertise in marketing and communications in order to support enhancements to the current peninsula-wide visitor offer.

**4. Decision making**

***How does the governance and organisational development review relate to the business planning exercise to follow and the establishment of the Charitable Trust?***

It is intended that the governance and organisational development review and the business planning exercise should together lay clear foundations for a new approach towards realising greater public benefit from the activities on the peninsula. This will build on the work that has been undertaken by the charities and the commitment of East Suffolk Council and English Heritage.

Agreement to the principles set out in the governance and organisational development review will enable the business planning exercise to develop a fully rounded plan for the tasks of the Charitable Trust and the partners working on the peninsula. The steering group for the business planning exercise has potential to

become the shadow board for the new Trust, thereby linking the business planning work to the formal establishment of the Trust.

***What process will East Suffolk Council go through to decide its view on this report?***

It will be for East Suffolk Council to determine the manner and detail in which it needs to consider the report prior to expressing a formal view. Based on stakeholder consultation work informing the report proposals, it is understood that the Council will want to consider the governance and organisational development review alongside the outputs of the business planning exercise. It is recognised that the recommendations are sufficiently important that they should be considered by Council cabinet with advice from senior Council officers.

***What process will English Heritage go through to decide its view on the governance and organisational development report?***

It will be for English Heritage to determine the manner and detail in which it needs to consider the report prior to expressing a formal view. Based on stakeholder consultation work informing the report proposals, it is understood that English Heritage will want to consider the governance and organisational development review alongside the outputs of the business planning exercise. It is recognised that the recommendations will need sign off by senior management.

17 July 2020

## Appendix 3: Brief Biographical Details of the Consultants

### Scott Sullivan MRTPI MinstF (cert)



Scott is the founder and director of Scott B Sullivan Associates (SBSA), specialising in planning and fundraising for the heritage, environment and cultural sectors.

He is a Chartered Town Planner able to provide qualified advice that gets the best from the planning process, coupling this professional background with extensive experience in securing funding as a certified Fundraiser. Underpinning these skills, Scott applies clear strategic thinking to ensure concise and effective strategies and plans that have become a hallmark of his work. He is on the Heritage Fund's Register of Support Services 2018 - 2022 (formally known as monitors/mentors) providing advice and guidance to a range of NLHF schemes across the country. To date, Scott has raised over £5million to support a range of heritage, environment and cultural projects in the South East.

### Hilary Barnard



Hilary established HBMC in 1991. He has extensive consultancy and management experience with Boards, Chief Executives, senior managers, and elected Members throughout the UK and in wider international work. He specialises in governance, organisational development (including managing growth and diversification, ensuring sustainability, mergers, partnership working, significant and consortia development and alliances), strategic and business planning, and evaluation.

Hilary has conducted over 50 governance reviews (including 13 in the museum and heritage sector) and supported 16 charity merger processes. Hilary is a highly experienced mediator, coach, leadership and management developer, trainer, mentor and facilitator. He is a former Senior Visiting Fellow at Cass Business School and was the Head of Strategy and Change consultancy for the Centre for Charity Effectiveness. He is a member of The Experience Network of ex-charity Chief Executives providing consultancy to voluntary and not for profit organisations.