

Improving People's Lives

To: All Members of the Alice Park Trust Sub-Committee

Bath and North East Somerset Councillors: Rob Appleyard (Chair), Paul Myers (Vice-Chair) and Joanna Wright

Co-opted Non Voting Members: Graham Page and Bill Shaw

Chief Executive and other appropriate officers
Press and Public

Dear Member

Alice Park Trust Sub-Committee: Wednesday, 3rd February, 2021

Please find attached a **SUPPLEMENTARY AGENDA DESPATCH** of late papers which were not available at the time the agenda was published. Please treat these papers as part of the agenda.

Papers have been included for the following items:

PUBLIC QUESTIONS AND STATEMENTS

Yours sincerely

Marie Todd
for Chief Executive

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QUESTIONS FROM PAUL HOOPER

The residents and neighbours of Alice Park have some concerns regarding the skatepark, and I wondered if you could answer some questions and provide some background information to allay their concerns.

1. It appears that the skatepark has been constructed.

Response

Yes, the skatepark has been constructed.

Paul Hooper Response and Question

Is this true? Fencing has to be added along with planting, landscaping and repair to the access route. Legal requirements such as a Risk Assessment have to be produced and Health and Safety checks conducted. This project is not just about a lump of concrete.

2. At Ref. A, Ref. B was approved.

3. Ref. B, Project Scope: “design to include maximum possible noise attenuation within the available budget”; “design to incorporate include necessary, suitable and sufficient screening and planting”; “soft landscaping to soften edges and provide some visual screening”. £1500 was included in the Preliminary Budget to address this. When will the promised landscaping and planting be completed?

Response

The landscaping and planting will be completed at the end of the project and when nature takes its course.

Paul Hooper Response and Question

So when will this take place? Dates should be easily obtained from the project plan which I expect would have been risk adjusted to cover problems associated with COVID, etc. e.g. supply of materials, labour, plant, etc.

4. Ref. B, Agreement for ‘Works’: “c) Any damage caused to the property as a direct result of the work will be made good by the tenant and/or its appointed contractors.” When is the contractor going to ‘make good’ the damage to the grassed area caused by plant accessing the site?

Response

This work will take place at the end of the project.

Paul Hooper Response and Question

But when is this going to happen? Suggest looking at the project plan again.

5. The change in design (from Ref B, Page 25) has altered the size, shape, and location to the originally approved skatepark and thus introduced considerable Health and Safety risk due to the close proximity to the Victorian boating pond/sandpit, which I believe is the subject to a preservation order, and the rest of the children's play area. Had a formal Risk Assessment been conducted? I assume this is a legal requirement for a construction in the public space. Are both BANES and The Trust liable or just The Trust? How do you plan to manage this issue? It appears that either the skatepark should be changed back to the original approved design or there has to be a fence between the two facilities. Was the original design formally Risk Assessed? If the design had not been changed this may not have been such an issue but clearly, in its current form, there is an accident waiting to happen.

Response

This will be reviewed at the completion of the project.

Paul Hooper Response

Really? Your response suggests this work won't happen. This needs to be done before the end of the project to avoid rectifying work and additional/duplicate costs.

6. Whilst the skatepark is yet to open, it is in use every day into the early hours. The serious concern is that people over fourteen, including adults, are using the facility which I believe breaches the covenant. I have also heard of adults 'pushing' young children off the facility, so they have sole use. Ref B, Project Scope and Objectives: "The upper age limit for the skate park usage is 14 years (so the design should reflect this)". How do you plan to ensure **only** under fourteens use this facility? Maybe, comms stressing the age limit would be helpful rather than pictures of adults grasping skateboards!

Response

The skatepark is for all ages but the design is aimed primarily at the younger age groups. Use by over 14s is not illegal. Any anti-social behaviour in this area is a matter for the police. The construction area is fenced off and checked on a regular basis. Steps are being taken to prevent people gaining access to the skate park site until it is officially open.

Paul Hooper Response and Question

I was appointed to the Alice Park Trust Sub-Committee for its inaugural meeting and remained a member for the permitted three years. For the vast majority of this time (estimated in excess of 95%) all that we discussed was the skatepark. Never was the skatepark described or campaigned as a play facility for adults or teenagers over 14. It was always identified as a facility for young children to develop and improve

both their confidence and skills before moving on to the more challenging skatepark at Royal Victoria Park. Interestingly, the Lambridge Ward Cllrs article in the Oct/Nov 2020 edition of Focus concluded with: “This facility will give many children on the east of Bath a place to play, a place to be and place to learn to fall over and get up again.”. There is no mention of adults or even teenagers! **How do you think the parents and children who supported the Alice Park campaign would feel if they knew it was always the intention to allow adults and teenagers over 14 to use the facility at the expense of younger children?** Exposing young children to the social graces that this demographic would bring, examples of which have been evident even before the facility is officially opened, would be of huge concern to parents. Is this not a clear case of misleading people to achieve a personal objective?

When former Cllr Geoff Ward and I proposed the current site for the skatepark we thought the location, within the children’s play area, would keep all the children’s play facilities together within a fenced (controlled) area making safety, including child safeguarding, easier to manage and implement . Allowing adults and teenagers over 14 to use this facility introduces significant risk to the young children in this area. The change in design, bringing the facility closer to the sand pit, has clearly increased the risk. Even if the facility is now fenced off, this risk still exists with the commuting to and from the site by the demographic. Not least with the increased likelihood of young children being exposed to bad language.

The Approval of Heads of Terms re the Skatepark Lease dated 4th September 2019 clearly states, “The upper age limit for skatepark usage is 14 years”. Once again, I ask, what controls are you going to put in place to control usage of the skatepark?

With regard to antisocial behaviour, as a sub-committee you decided to host the skatepark in Alice Park. Therefore, your decision has introduced the issue i.e. you have caused the problem. Do you not feel that you should take some responsibility for your actions and assist with providing a solution? Given the Lambridge Ward Cllrs knowledge of the local skateboarding community, maybe they could have a word with them and discourage such activity in the future especially, in the current climate, getting them to obey the law and observe COVID regulations.

The residents and neighbours of Alice Park would be pleased and surprised to have their concerns being addressed by the committee, especially action being taken to mitigate this issue.

7. Significant antisocial behaviour is already taking place: mobile floodlighting; loud music; the constant ‘clatter’ of skateboards; breach of COVID restrictions; behind the cafe and hedgerows being used as toilets. Residents and neighbours are becoming more and more stressed with this, especially at 1 am! What policing and controls do you plan to put in place to mitigate these significant issues, through life?

Response

Anti-social behaviour is a matter for the Police.

Paul Hooper Response

Please see comments above.

8. In Cllr Wright's campaign to get the skatepark built, she highlighted that skateboarding is now considered a sport and is to be included in the Olympics. As BANES charges for **all** its sporting facilities, including those used by children, does this policy not introduce an opportunity for the Trust not only to control access to the facility, as highlighted at 7 above, but make some money for the Trust? A fence with electronic gate control (needing a skatepark membership to gain access?) is a possible solution. This would provide a degree of age control but it is still open to abuse. Tony Hickman could possibly help with this?

Response

There are no plans to charge for use.

Paul Hooper Response and Question

Clearly precedence is being set here. How can the Trust charge: the tennis players, for such awful facilities; the footballers; and the pétanque players and not the skatepark users? All are sports, with only pétanque not in the Olympics. Is this not positively discriminating in favour of skatepark users and their brand new £100k facility? Given this, should the Alice Park Trust not make all sport in the park free of charge? As stated before, BANES charges for all of its sporting facilities and the Alice Park Trust uses BANES charging structures as a bases for charging park users. Maybe people and sports clubs who use BANES sporting facilities could use the Alice Park skatepark model to support an argument to make all BANES sporting facilities free of charge to the public!

9. Ref. B, identified the need for a fence to compartmentalise the skatepark from the play area in the following sections: Resource Implications (Finance, Property, People); The Report; Constraints. Ref. B, also identified that the £25k set aside for other park improvements would need to be used to complete the skatepark. Resource Implications (Finance, Property, People) identified that the budget was insufficient to complete the project without this money. Risk Management highlighted that BANES' contribution would be capped at £97k. However, Risk Management also stated that there was a risk that project costs could exceed the allocated budget. Design changes significantly increased the Health and Safety risk and the need to fence off the facility. Was this additional risk premium added to the project costs? How did you plan to pay for this? Is it possible that it was known that there were insufficient funds to deliver a safe skatepark when construction started?

Response

As this is a council project it is for them to comment, but we are assured the facility and appropriate fencing will be provided within the project cost.

Paul Hooper Response and Question

Not true. The Approval of Heads of Terms re the Skatepark Lease dated 4th Sept 2019 clearly stated that BANES contribution to the project would “be capped at £97k and for Alice Park Trust to reasonably contribute to costs in order to facilitate this project being delivered”. Also, that “the budget was insufficient as a fence to compartmentalise the skatepark from the play area was advised and vehicle ground protection will be required during construction”.

Following two Freedom of Information requests (never even acknowledged by BANES, which is against the law), and all my time on the subcommittee, I have yet to gain any visibility of project documentation which I appreciate is under BANES control and it could have been argued that I had ‘no need’ 9k and it may have been commercially sensitive. Where is the Alice Park Trust going to obtain the additional funding needed, given it is broke, and why should Alice Park Trust money be used to bale out the skatepark which was clearly underfunded? Whilst, no doubt, there would be an attempt to blame the previous administration, it is clear that no due diligence was conducted during the concept/approval phase of this project. This is when a number of issues would have been identified, not least legal and Charities Commission requirements. I believe, this was during the previous Lib Dem administration and before the Alice Park Subcommittee was formed. Please remember that the survey of park needs, conducted by the cafe, identified the need for a skatepark as the lowest user priority. Why spend money on a skatepark at the expense of higher user priorities?

Response

If you have not received a response to your Freedom of Information requests then please contact the Information Governance Team regarding this issue.

10. This is not a great start to living with the skatepark 24/7. There are huge concerns as to the safety of young children using the play area, especially the sandpit, and the users of the skatepark. What is going to happen when the skatepark is actually open and lighter nights and warmer weather arrive? If controls are not put in place early this is going to be a nightmare to live with.

Response

Thank you for your comment, the use of the skatepark will be monitored and we look forward to skaters making full use of the facility.

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QUESTIONS – JANET MARTON

Questions for Alice Park Trust Sub-Committee, Wednesday, 3rd February, 2021

I submitted a series of questions to the sub-committee's last meeting on 7 December 2020. Some of the responses lacked detail and were incomplete.

Skate Park

1. Response to previous question

Question 4 on 7 December 2020 was as follows:

"The design of the skate park appears to be different from the plans and located in a different place, dangerously close to the children's sand pit. Please provide a copy of the risk assessment that was done for the final location and the design constructed, together with details of actions to mitigate risk."

Response

This issue will be reviewed, and a report will be brought to a future meeting of the Sub-Committee.

Why is this being done near the end of the project?

When will this report be available and at which meeting will it be reviewed?

2. Age of skate park users in Alice Park.

- a) When the scope of this project was decided, it was intended for young people 14 years old and under. It was referred to by one councillor / sub-committee member in the February edition of the "Local Look" magazine as a new play opportunity.

What precise reasons do the committee have for not limiting the age of users in accordance with the original scope to ensure that this is a safe play opportunity for young people?

- b) I have been unable to find in any minutes any decision by a quorate committee regarding allowing access to the skate park to those over 14 years of age.

If the sub-committee decided not to accept the original scope, where and when was this decision taken and recorded in the minutes?

- c) There is a risk of young children being prevented from using the skate park by adults and older teenagers if there is no control over access. As an absolute minimum, to help protect and safeguard young children, a sign board should be erected to say priority **must** be given to younger children.

Will the subcommittee implement this very basic safeguarding measure?

3. Risk Assessment for skate park

- a) I asked for a copy of the risk assessment for the final design and location of the skate park in my questions to the committee on 7 December 2020. I understand this was requested from the project manager, but I have not received a copy of this to date. I have now submitted a formal freedom of information request to the Council. As the council was responsible for the construction contract a risk assessment must have been done.

Does the council have a copy of a formal risk assessment for the current design and location of the skate park? If so, in what sub-meeting was this considered by the sub-committee?

- b) ***Was a formal risk assessment also carried out by the Alice Park Trust Sub-Committee in advance of the building of the final design of the skate park in its current location?***
- c) ***Was this risk assessment documented?***
- d) ***What was the date of the document and when was it discussed by the sub-committee?***
- e) ***If so, may we have a copy of the risk assessment and minutes?***

4. Fencing and planting

- a) I see in the “Local Look” magazine that fencing around the skate park is scheduled to be installed at the end of January.

When is soft planting to be carried out and any noise reduction measures put in place?

- b) The committee mentioned a soft opening, and this was also mentioned in the “Local Look”.

What exactly is meant by a soft opening?

Barbecues

At the last meeting the sub-committee discussed whether to allow barbecues in the park. There seemed to be a view that they might be allowed, if they were in officially set aside barbecue areas. In other parks in B&NES they are mostly not allowed and I think this is much easier to enforce. There is already some annoyance from smoke and cinders in private gardens from barbecues in the park near residential property in summer.

If barbecue areas are to be set up, please will you site them away from residential properties, trees and hedges to prevent fire risk and public nuisance?

Trees and flowers

The park is no longer as pretty as it once was. A number of trees have been felled and the hedges severely cut right back. Apart from the spring daffodils there are few

flowers. The idea of a protected green space is to provide fresh air and pleasure to those who use it, and this park is much neglected compared with others such as Sydney Gardens and Victoria Park.

Will the sub-committee in its role as trustee, consider planting some more trees, shrubs and flowers to enhance the park for all?

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QUESTIONS FROM DEREK SWIFT

1. In Section E of the Annual Report of the Charity submitted to the Charity Commission in January 2020 there is the following statement:

“Should the trust have reserves in the future years then they would be managed within the same processes as those held by Bath & North East Somerset Council and as prescribed by their financial regulations”

What in essence does this mean? If there was a surplus in the future would the Council be able to claim back past subsidies? If that is possible then the accounts would look very different.

2. In Section D of the Annual Report of the Charity submitted to the Charity Commission there are the following statements:

- a. “working in conjunction with local volunteers, a new self-sustaining wildlife garden has been created in the pond area of the client”

How has the trust built on the goodwill of those volunteers? What have they done to reach out to those volunteers since the construction?

- b. “Work is ongoing to ensure that the Trust's financial activities are clear and transparent. This includes reviewing current financial processes and procedures to allow for ease of income collection and monitoring of spend, to ultimately ensure clear understanding of financial performance.”

There are no accounts being set before the committee at this meeting and no interested member of the community has had a chance to comment on the accounts? This does not comply with the statement in the Annual Return

3. In the minutes of the previous meeting of 7 December 14 (e) it was hoped that a new independent member would be appointed. Will this be covered in the Chairman's statement?

In the minutes of the previous meeting of 7 December 14 (f) the 10-year plan was referred to. When is this 10-year plan to be published?

4. In the minutes of the previous meeting of 7 December 14 (g) A Community Engagement Plan was to be developed. I see that a workshop is arranged for February. How were participants selected for this workshop? There are several of us who have shown a sustained and deep interest in the Park and none to my knowledge have been invited?

5. In the minutes of the previous meeting of 7 December 15. A budget was presented yet in answers to one of my points I was advised that the budget was incorrect as it did not have all income in it. Has the budget now been revised?

6. As a follow up to my question about the Independent examiner. The answers to my questions indicate that the Trustees would rather pay their in-house auditor £255 per annum rather than an independent professional firm do the work for nothing? This seems a bizarre response for a charity which is losing money? Why are the Charity happy to pay £255 for something when they do not need to? Most normal charities would leap at the offer of a pro-bono piece of work.