

Democratic Services

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Date: 12 August 2016
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To: All Members of the Alice Park Sub-Committee

Councillor Rob Appleyard
Councillor Michael Norton
Councillor Martin Veal

Chief Executive and other appropriate officers
Press and Public

Dear Member

Alice Park Sub-Committee: Monday, 22nd August, 2016

You are invited to attend a meeting of the **Alice Park Sub-Committee**, to be held on **Monday, 22nd August, 2016** at **5.00 pm** in the **Kaposvar Room - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely

Marie Todd
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Marie Todd who is available by telephoning Bath 01225 394414 or by calling at the Guildhall, Bath (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Marie Todd as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Marie Todd as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

- 5. Attendance Register:** Members should sign the Register which will be circulated at the meeting.

6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

7. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Alice Park Sub-Committee - Monday, 22nd August, 2016

at 5.00 pm in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. ELECTION OF CHAIRMAN

2. ELECTION OF VICE CHAIRMAN (IF REQUIRED)

3. TERMS OF REFERENCE (Pages 7 - 8)

To note the terms of reference for the Alice Park Sub Committee agreed at the Charitable Trust Board meeting held on 10 June 2016.

4. APPOINTMENT OF INDEPENDENT MEMBERS TO THE SUB- COMMITTEE (Pages 9 - 12)

The Alice Park Sub-Committee is required to appoint two independent members with non-voting rights to assist in the running of the Trust.

These roles have been advertised and 10 applications have been received. The Trust is asked to decide how it shortlists and appoints the independent members.

5. ALICE PARK INVESTMENTS (Pages 13 - 14)

The Sub-Committee is asked to review financial investments held on behalf of Alice Park Trust and decide how those that have expired should be re-invested.

6. ALICE PARK STATEMENT OF ACCOUNTS 2015/16 (Pages 15 - 42)

The Sub-Committee is asked to:

Agree the Statement of Accounts for Alice Park Trust for year ending 31 March 2016.

Agree the Annual report for Alice Park Trust for year ending 31 March 2016.

7. SERVICE LEVEL AGREEMENTS AND EVENT MANAGEMENT (Pages 43 - 56)

The Alice Park Trust is managed by a Sub-Committee of the Charitable Trust Board and so falls outside the normal governance arrangements for parks managed by the Council. The attached report seeks to set out areas of responsibility and how the

park might be managed in the future.

The recommendations take into account setting future goals and undertaking emergency work as well as the setting of routine service level agreements to cover Ground's Maintenance, Trees and Play, Events, Estates Management, and any advice requested by the Sub Committee

8. REPORT ON ALICE PARK CONSIDERING THE SKATE PARK PROPOSAL AND ALTERNATIVE PARK IMPROVEMENTS (Pages 57 - 74)

£110k capital was provisionally allocated by the Council, to the installation of a skate park within the east of Bath locality in February 2014. After site searches, the only site that would be appropriate and could accommodate such a structure was found to be Alice Park.

A public consultation led by the Council in December 2014 came out with a two thirds majority vote for the skate park, however there was and remains strong local feeling about this proposal.

The Alice Park Trust Sub-Committee is asked to consider whether the proposed skateboard park is a suitable use of the Park in accordance with its objectives, and if so to consider and identify their preferred option.

9. REQUEST BY LARKHALL FOOTBALL CLUB TO MARK OUT FOOTBALL PITCH LINES IN ALICE PARK (Pages 75 - 78)

Larkhall Football club use Alice Park for 3 separate informal training sessions for approximately 60 children aged 5-11 each week during the football season. The club stores its goal posts behind the tennis courts and sets up informal pitches on the grass lawn near the shelter in the centre of the park.

The Club now wishes to use the park for weekly matches for the under 8's team and has asked for permission to mark lines in the lawn area for this purpose.

The Alice Park Trust Sub-committee is asked to consider the options provided in the attached report and recommend their preferred way forward:

10. DATE OF NEXT MEETING

To consider when the next meeting of the sub-committee should take place.

The Committee Administrator for this meeting is Marie Todd who can be contacted on 01225 394414.

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Proposed Alice Park Trust Sub Committee Terms of Reference

The Sub-Committee shall discharge the Council's functions as sole corporate trustee in respect of the Alice Park Trust, the site and its resources in accordance with Trust's objects and the duties it owes pursuant to the Charities legislation.

To report to the Board on an annual basis in September of each year detailing the work undertaken by the Trust in the preceding year and confirming to the Board that the Trust has complied with the objects of the charity and the Charities Legislation.

Appointed by: The Charity Trust Board

Membership: 3 Councillors from the membership of the Charitable Trust Board
Ward members(s) for Lambridge as co-opted non-voting members

Quorum: 3 voting members

The Sub-Committee may co-opt other non-voting independent members as appropriate.

Lead Officer	Head of Parks & Green Spaces
Deputy Officers	Team Leader Parks & Green Spaces Project Manager, Parks.

Decision Making Powers:

1. To discharge the Council's role as Corporate Trustee for the Alice Park Trust, in line with Charities Commission guidance.
2. To agree the Trust's annual budget and business plan.
3. To approve the use of any reserves.
4. To agree the Trust's annual accounts.
5. To receive and respond to the audit findings relating to the annual accounts.
6. To receive reports on the effective day to day management and financial performance of the Trust.
7. To allow interested parties to give their view on the performance and direction of the Trust.

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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Alice Park Trust Sub Committee	
MEETING/ DECISION DATE:	22nd August 2016	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Appointment of Independent Members to the Sub-Committee	
WARD:	Lambridge	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Please list all the appendices here, clearly indicating any which are exempt and the reasons for exemption</p> <p>None</p>		

1 THE ISSUE

- 1.1 The Alice Park Sub-Committee is required to appoint 2 x independent members with non-voting rights to assist in the running of the Trust.
- 1.2 These roles have been advertised and 10 applications have been received. The Trust is asked to decide how it shortlists and appoints the independent members.

2 RECOMMENDATION

The Alice Park Trust Sub-committee is asked to agree the following recommendations:

- 2.1 Delegate to the chair of the Charitable Trust Board and the chair of the Alice Park Trust Sub-Committee and Lead Officer, the role of interviewing and appointing the two most suitable candidates against shortlist criteria agreed by them.
- 2.2 The Sub-Committee can, in addition to the independent members, seek the advice of additional specialists when discussing specific issues as & when it sees fit.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The independent members will be paid reasonable expenses in line with the Council's published rates.

3.2 The delegated authority recommended makes best use of the Sub-Committee time.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 The Charitable Trust Board have agreed the make-up of the Sub-Committee to include 2 x independent members with non-voting rights.

4.2 The Council is sole corporate trustee of the Alice Park Trust and the sub-committee's terms of reference are to undertake the operational management functions in respect of the Alice Park site and its resources, in accordance with Trust's objects and the duties it owes pursuant to the Charities legislation.

4.3 The objects of the trust require the land bequeathed to be used as a public park and children's recreation ground. The committee must consider whether any proposed use falls within the trust's objectives, and if so whether to permit the use requested. If it permits the use then it must decide on what terms, in order to ensure effective use of the park whilst minimising any conflict between the different uses to which the park is subject to under the terms of the trust deed.

5 THE REPORT

5.1 The positions have been advertised and 10 applications have been received. These now need to be shortlisted to an agreed criteria, interviewed and appointed.

5.2 In order to make this process less onerous for applicants it is recommended to keep the interview panel to a maximum of 3.

5.3 To streamline the shortlisting process it is recommended that the 3 members of the interview panel are responsible also for the shortlisting. Some suggested criteria for shortlisting is detailed in section 6 below.

6 RATIONALE

6.1 Suggested criteria for shortlisting applicants includes:

- A regular active user of the park
- Has specialist related knowledge – eg ecology, outdoor event management, horticulture, fundraising
- Does not have a vested interest in the park that might compromise strategic discussions , eg if the person who currently uses the park to provide a personal training service but does not pay anything towards the park was to be party to discussions around introducing a fee element this would be deemed a conflict of interest.

The criteria to be developed and agreed by the Chair of the Charitable Trust Board, and/or the Chair of the Sub-Committee, and the Lead Officer.

7 OTHER OPTIONS CONSIDERED

7.1 To include other members of the Sub-Committee in the shortlisting and interview process. This has been discounted as being too onerous for applicants and a time consuming approach.

8 CONSULTATION

- 8.1 The advert was placed on the Council website, on noticeboards at the park, advertised on social media by the Council, and sent to the Alice Park Café Concession holder who had also agreed to advertise the roles. The closing date for applications was 1st August.
- 8.2 The S 151 Officer or his representative has not had opportunity to comment on this report. Any decisions taken will be subject to their advice.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has not been undertaken.

Contact person(s)	<i>Carol Maclellan 01225 394106 Michael Rowan 01225 396811</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Charitable Trust Board Committee – Alice Park Sub-Committee	
MEETING/ DECISION DATE:	22 August 2016	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Alice Park Investments	
WARD:	Lambridge	
AN OPEN PUBLIC ITEM		
List of appendices to this report:		
<ol style="list-style-type: none"> 1. HM Macvicar – Extract from Last Will and Testament (See Item No. 6, Appendix 6 on this agenda – pages 37-41) 		

1 THE ISSUE

- 1.1 To review financial investments held on behalf of Alice Park Trust and decide how those that have expired should be re-invested.

2 RECOMMENDATIONS

- 2.1 That the Trustees recommend reinvestment of expired financial investments held by Alice Park Trust at 31st March 2016 into the Charities Official Investment Fund (COIF.)

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The Council is holding a balance of £11,843 on behalf of the Trust, as originally donated through the last Will and Testament of HM Macvicar (Appendix1) These investments were previously held in Government Bonds, in line with the requirements of the Will and Testament, which have since expired and been called in.
- 3.2 The Trust additionally holds £6,453 of investments; £5,761 is held with the Charities Official Investment Fund (COIF) whilst £692 is held by Majedie Asset Management.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Will and Testament requires re-investment of these funds with the income generated being applied to the general maintenance of the Alice Park Trust.

5 THE REPORT

5.1 The Trust need to consider reinvestment of the matured funds. The recommended option is to invest in the CCLA (Churches, Charities and Local Authorities), who manage funds for charities, religious organisations and the public sector. Under the charity umbrella (COIF) there is one cash fund which is an instant access account currently paying 0.45% per annum.

6 RATIONALE

6.1 Investing in the COIF cash fund guarantees the return of any sum being invested.

7 OTHER OPTIONS CONSIDERED

7.1 The Trust could continue to allow the Council to hold its funds. Given the recent fall in the base interest rate to 0.25%, the estimated return on this would be zero.

7.2 The Trust could invest in alternative long term managed funds through COIF. These would carry a higher return but would require investment into the market through equities and bonds. Whilst these carry a higher rate of interest they also carry a higher rate of risk; there is no guarantee that any sum invested will be returned to the Trust and therefore have not been investigated further or proposed.

7.3 Other alternative investments available include investing on the Foreign Exchange (FOREX), market hedging, investment on the stock market, or into commodities. However these are of higher risk and low return given the values that we are looking at. They are also staff intensive to manage and therefore have not been investigated further or proposed.

8 CONSULTATION

8.1 S151 and Monitoring Officer have had opportunity to review and input into this report.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Kate Clements</i> Kate_Clements@bathnes.gov.uk 01225 477340.
Background papers	www.ccla.co.uk - CCLA manage investments for Charities Commission and Local Authorities. They are the manager of the COIF charity Funds.
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Charitable Trust Board Committee – Alice Park Sub-Committee	
MEETING/ DECISION DATE:	22 August 2016	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Alice Park – Statement of Accounts 2015/16	
WARD:	Lambridge	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <ol style="list-style-type: none"> 1. Statement of Accounts to 31st March 2016 2. Trustees' Annual Report to 31st March 2016 3. Independent Examiners Review 4. Charity Commission Reporting – Extract of Accounting Requirements 5. Conveyance of Alice Park Trust 6. Extract from Last Will and Testament of HM Macvicar 		

1 THE ISSUE

- 1.1 To agree the Statement of Accounts for Alice Park Trust for year ending 31st March 2016. (Appendix 1.)
- 1.2 To agree the Annual report for Alice Park Trust for year ending 31st March 2016. (Appendix 2.)

2 RECOMMENDATIONS

- 2.1 Agree and sign the financial statements of Alice Park Trust for year ending 31st March 2016 and their submission to the Charity Commission.
- 2.2 Agree and sign the annual report for Alice Park Trust year ending 31st March 2016 and submission to the Charity Commission.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Expenditure incurred for Alice Park Trust in 2015/16 was £51,603; this was offset by income of £16,503, and a donation from Bath & North East Somerset Council of £35,100. In addition the Trust had investments that matured amounting to £11,354 (a separate report is included elsewhere on this agenda for investments).
- 3.2 The cost of donation to the Trust to the Council in 2015/16 has been met through existing budgets within the Parks department, to ensure the Trust operates on a going concern basis. This is the same process that has been undertaken in previous years.
- 3.3 Net Assets of the Trust are valued at a cost of £189,689. Net assets include investments held, land at Alice Park, car park, cottage number one, tea chalet and storage shed, public conveniences, tennis courts, garden shelter and play equipment.
- 3.4 The accounts for 2015/16 have been prepared by the Council's Finance team and have been examined under an independent review, carried out by the Audit West Team. (Appendix 3.)
- 3.5 The accounts for the Trust are prepared on a cash basis, in line with reporting requirements and guidelines issued by the Charity Commission. (Appendix 4.)

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Charity Commission has a framework summarising the main requirements for charities to produce an annual return, a set of accounts and an annual report.
- 4.2 Where a registered charity has a gross yearly income exceeding £25,000 they are required to submit an annual return form, the accounts of the Trust and a Trustees' annual report.
- 4.3 Accounts must be subject to outside scrutiny but Trustees may choose either independent examination or audit by a registered auditor.
- 4.4 Legal requirements for annual reports are underpinned by recommendations made in the Charities Regulations 2008 taken from the Charity SORP 2005. A pro-forma charity Trustees' annual report has been taken from the Charity Commission website and used to complete the report.
- 4.5 Returns to the Charity Commission must be sent within 10 months of the end of your financial year (31st January.)
- 4.1 Failure to submit accounts and accompanying documents to the commission is a criminal offence. The commission also regards it as mismanagement or misconduct in the administration of the charity. Providing timely, accurate and informative financial information that will help funders, donors, beneficiaries and others to understand your charity and its work will encourage trust and confidence in it. Those trustees who sign the trustees' annual report and accounts are signing on behalf of the whole trustee body so all of the trustees are responsible for the accounts.

5 THE REPORT

- 5.1 Rental incomes are achieved through the lease of Cottage No.1 and the lease of the tea chalet, consisting of the main building and shed / storage.
- 5.2 Tennis court income is collected by the café at Alice Park and transferred to the Council.
- 5.3 Investment income is achieved through balances held with the Charities Official Investment Fund (COIF) and Majedie Asset Management Limited. These investments were made as part of the original conveyance and Will and Testament, as bequeathed by H M Macvicar. (Appendix 5 and 6.)
- 5.4 Maintenance and inspection works for the grounds, site, play equipment, tennis court, public toilets and trees are all managed by the Parks and Property Maintenance teams. During 2015-16 and into the current year 2016-17, this has been restricted to safety issues only and is currently recharged to the Trust on a cost basis. A formal SLA will be put forward for consideration by the Trust in due course.
- 5.5 The accounts were restated for 2013/14 after reassessment of the treatment of the sale of property in September 2004. This was to reflect the income received from the property sale and the subsequent application against Trust costs as permitted by the original trust conveyance.

6 RATIONALE

- 6.1 The Trust is required to sign off accounts and an annual report prior to submission to the Charities Commission every year.

7 OTHER OPTIONS CONSIDERED

- 7.1 None – we are required by legislation to submit to the Charities Commission due to the level of income being generated by the Trust.

8 CONSULTATION

- 8.1 S151 and Monitoring Officer have had opportunity to review and input into this report.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	Kate Clements, Kate_Clements@bathnes.gov.uk 01225 477340
Background papers	Charity Commission website: Charity reporting and the essentials: https://www.gov.uk/government/publications/charity-reporting-and-accounting-the-essentials-march-2015-cc15c/charity-reporting-and-accounting-the-essentials-march-2015

	<p>The essential Trustee – what you need to know: https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3</p> <p>Guidance to preparing annual reports: https://www.gov.uk/guidance/prepare-a-charity-trustees-annual-report#about-charity-trustees-annual-reports</p> <p>Prepare a Trustees annual report: https://www.gov.uk/guidance/prepare-a-charity-trustees-annual-report</p>
<p>Please contact the report author if you need to access this report in an alternative format</p>	



Alice Park		304650		
Receipts and payments accounts				
For the period from	01/04/2015	To	31/03/2016	CC16a

The Alice Park Trust is reliant upon annual donations from BANES Council to cover the cost of maintenance for the park in order to maintain a going concern status

Section A Receipts and payments

	Unrestricted funds to the nearest £	Restricted funds to the nearest £	Endowment funds to the nearest £	Total funds to the nearest £	Last year to the nearest £
A1 Receipts					
Rental Incomes	950	14,550		15,500	-
Tennis Court Income	859			859	-
Investment Income	114	30		144	-
Donations	35,100			35,100	-
Income - return of Investment		11,354		11,354	-
				-	-
Sub total (Gross income for AR)	37,023	25,934	-	62,957	-
A2 Asset and investment sales, (see table).					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total receipts	37,023	25,934	-	62,957	-
A3 Payments					
Grounds Maintenance	4,943	14,580	-	19,523	-
Play Equipment Maintenance & Equipment	7,433	-	-	7,433	-
Site Management inc. tennis courts	7,252	-	-	7,252	-
Public Conveniences Maintenance	14,395	-	-	14,395	-
Other	3,000			3,000	-
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
Sub total	37,023	14,580	-	51,603	-
A4 Asset and investment purchases, (see table)					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total payments	37,023	14,580	-	51,603	-
Net of receipts/(payments)	0	11,354	-	11,354	-
A5 Transfers between funds	-	-	-	-	-
A6 Cash funds last year end	-	489	-	489	-
Cash funds this year end	0	11,843	-	11,843	-

Section B Statement of assets and liabilities at the end of the period

Categories	Details	Unrestricted funds to nearest £	Restricted funds to nearest £	Endowment funds to nearest £
B1 Cash funds	Funds - previously invested in 3.5% war stock		11	-
	Funds - previously invested in 3.5% war stock		478	-
	Funds - previously invested in 2.5% consolidated stock		11,354	-
	Total cash funds	-	11,843	-
	(agree balances with receipts and payments account(s))	OK	OK	OK

B3 Investment assets

Details	Fund to which asset belongs	Cost (optional)	Current value (optional)
COIF - charities deposit account 965060001C - 32911/04	Unrestricted	-	4,880
Majedi Investments PLC	Unrestricted	-	692
COIF special range 951170001C - 32911/05	Unrestricted	-	881
2.5% consolidated stock	Unrestricted	-	-

B4 Assets retained for the charity's own use

Details	Fund to which asset belongs	Cost (optional)	Current value (optional)
Land at Alice Park	Unrestricted	54,000	
Property - cottage one	Unrestricted	33,000	
Tea Chalet & Storage	Unrestricted	4,000	
Car Park	Unrestricted	2,500	
Toilets - Land & Buildings	Unrestricted	27,000	
Tennis Courts	Unrestricted	18,750	
Garden Shelter	Unrestricted	14,250	
Play Equipment	Unrestricted	17,893	-

Signed by one or two trustees on behalf of all the trustees

Signature	Print Name	Date of approval



Trustees' Annual Report for the period

From	Period start date			To	Period end date		
	01	04	2015		31	03	2016

Section A Reference and administration details

Charity name Alice Park Trust

Other names charity is known by Alice Park

Registered charity number (if any) 304650

Charity's principal address Bath and North East Somerset Council
 Guildhall
 High Street
 Bath
Postcode BA1 5AW

Names of the charity trustees who manage the charity

	Trustee name	Office (if any)	Dates acted if not for whole year	Name of person (or body) entitled to appoint trustee (if any)
1	Cllr Tim Warren			
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

Names of the trustees for the charity, if any, (for example, any custodian trustees)

Name	Dates acted if not for whole year

Names and addresses of advisers (Optional information)

Type of adviser	Name	Address

Name of chief executive or names of senior staff members (Optional information)

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Section B Structure, governance and management

Description of the charity's trusts

Type of governing document (eg. trust deed, constitution)	Trust Conveyance & Trust Deed
How the charity is constituted (eg. trust, association, company)	Trust
Trustee selection methods (eg. appointed by, elected by)	Trustee is Leader of Bath & North East Somerset Council as the Council is responsible for the Trust.

Additional governance issues (Optional information)

You **may choose** to include additional information, where relevant, about:

- policies and procedures adopted for the induction and training of trustees;
- the charity's organisational structure and any wider network with which the charity works;
- relationship with any related parties;
- trustees' consideration of major risks and the system and procedures to manage them.

For the next financial year a formal Trust Board has been established within the Council and sub-committee members will be elected.

Section C Objectives and activities

Summary of the objects of the charity set out in its governing document

The key object of the charity is that the Alice Park is to be used as a public park as a memorial to the wife of Herbert Montgomerie MacVicar of Batheaston.

The trustees, in making decisions surrounding the objectives and activities of the charity, have regard to the Charities Commission public benefit guidance when exercising any powers or duties to which the guidance is relevant.

The park was open for public access throughout the year, including use of the tennis courts and tea chalet, and has been suitably maintained. The cottage property was let and the income used in the upkeep of the Park.

Summary of the main activities undertaken for the public benefit in relation to these objects (include within this section the statutory declaration that trustees have had regard to the guidance issued by the Charity Commission on public benefit)

Additional details of objectives and activities (Optional information)

You **may choose** to include further statements, where relevant, about:

- policy on grantmaking;
- policy programme related investment;
- contribution made by volunteers.

Summary of the main achievements of the charity during the year

The charity has been reviewing its governance arrangements and will be bringing forward more robust processes for this in the next financial year.

Section E

Financial review

Brief statement of the charity's policy on reserves

The charity does not currently have sufficient funding to enable reserves as the contribution from Bath & North East Somerset is exactly equivalent to the required costs for the financial year.

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

Reserves that are restricted would be held specifically for the required purpose and unrestricted reserves would be held for the general support of the Trust.

Details of any funds materially in deficit

Further financial review details (Optional information)

You **may choose** to include additional information, where relevant about:

- the charity's principal sources of funds (including any fundraising);
- how expenditure has supported the key objectives of the charity;
- investment policy and objectives including any ethical investment policy adopted.

The Alice Park was funded through incomes raised through the activities of the charity and from contribution made by Bath & North East Somerset Council.

Section F

Other optional information

Section G

Declaration

The trustees declare that they have approved the trustees' report above.

Signed on behalf of the charity's trustees

Signature(s)

--	--

Full name(s)

Position (eg Secretary, Chair, etc)

Date

Marie Todd

From: Dave Mehew
Sent: 06 July 2016 10:01
To: Kate Clements
Cc: Andy Cox; Sarah Chodkiewicz
Subject: Alice Park Trust - Internal Audit Review

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kate

Good to meet up again to go through the accounts for Alice Park y/e 2015/16, and thank you for making the process clear and easy to understand yet again, I can make the following formal statement:

I have

examined the accounts under section 145 of the 2011 Act

have follow the procedures laid down in the general Directions given by the commission under section 145(5)(b) of the 2011 Act

stated whether particular matters have come to my attention

Basis of my examiner's report

My examination was carried out in accordance with the general Directions given by the Charity Commission. An examination includes a review of the accounting records kept for Alice Park and a comparison of the accounts presented with those records. It also includes consideration of any unusual items or disclosures in the accounts, and seeking explanations from you concerning any such matters. The procedures undertaken do not provide all the evidence that would be required in an audit and consequently no opinion is given as to whether the accounts present a 'true and fair view' and the report is limited to those matters set out in the next statement.

Independent examiner's statement

In connection with my examination, no matter has come to my attention:

Which gives me reasonable cause to believe that in any material respect the requirements:

to keep accounting records in accordance with section 130 of the 2011 Act and

to prepare accounts which accord with the accounting records and comply with the accounting requirements of the 2011 Act, have been met.

Name: Dave Mehew

Relevant professional qualification or body: ACCA

Address: Audit West, Bath & North East Somerset Council, Guildhall, Bath, BA1 5AW

Date accounts examined:28/6/16

Dave Mehew ACCA – Audit Team leader (Audit West)

Bath & North East Somerset Council
Guildhall
High Street
Bath
BA1 5AW

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Appendix four – Extract of accounting requirements per Charities Commission website.

4.1.2 Charities with a gross income of over £25,000 but not exceeding £250,000 in the relevant financial year (legal requirement)

Basis of preparation: accounts must be prepared either on the receipts and payments or the accruals basis; if on an accruals basis, they must be prepared in accordance with the 2008 Regulations and the applicable SORP. The commission provides packs for [receipts and payments](#) or [accrual accounting by non-company charities](#) which are available through GOV.UK. These provide a template to produce accounts in the required form.

External scrutiny: accounts must be subject to outside scrutiny but trustees may choose either independent examination or audit by a registered auditor, unless the charity's governing document stipulates one or the other. In exceptional circumstances, the commission has the power to require an audit.

Type of trustees' annual report: a trustees' annual report must be prepared but it may be simplified (see [section 7](#)).

Information to be sent to the commission: these charities must complete an annual return. The named charity contact on the commission's records will receive an annual return notification. Submission of the annual return is online.

The annual return, trustees' annual report and accounts must be filed with the commission, within 10 months of the end of the charity's financial year.

Full document details can be found here:

<https://www.gov.uk/government/publications/charity-reporting-and-accounting-the-essentials-march-2015-cc15c>

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DATED 19TH MAY 1937.

A11298

H. M. MacVicar, Esq.

— TO —

**Captain T. R. Worthington, M.C.
and Others.**

COPY]

Conveyance

Of 9 acres of Land adjoining the London
Road and Gloucester Road, Bath, to
Trustees for use as a Public Park.

*Examined of same, the original Conveyance
at office of City Solicitor, Guildhall, 14th Street, Sat. 21/7/88.*

This Conveyance

Stamp £36
Adjudicated.

is made the Nineteenth day of May One thousand nine hundred and thirty-seven BETWEEN HERBERT MONTGOMERIE MACVICAR of The Elms Batheaston Bath Esquire (hereinafter called "the Grantor") of the one part and CAPTAIN THOMAS RYLAND WORTHINGTON M.C. of Oak Cottage Styal Cheshire GERALD ALFRED HUTCHISON of 10 Grosvenor Place Bath Clerk in Holy Orders PHILIP BRANDON MERCIER of Batheaston Vicarage Bath Clerk in Holy Orders SIDNEY ROBINSON of Lansdown Croft Bath Esquire BASIL HENRY SHELDON of 4 Queen Square Bath Esquire GEOFFREY DENIS LOCK of Rainbow Wood Bath Esquire and the Grantor (hereinafter called "the Trustees" which expression shall where the context so admits include the survivors or last survivor of them or the personal representatives of such survivor or other the trustees or trustee for the time being of this Deed) of the other part WHEREAS the Grantor is seized of the hereditaments hereinafter described for an estate of fee simple in possession free from encumbrances and desires as a memorial to his late wife Frances Alice Harriet MacVicar to convey the said hereditaments to the Trustees in manner hereinafter appearing upon the trusts with the powers and subject to the provisions hereinafter contained NOW THIS DEED WITNESSETH as follows:—

1. IN pursuance of the premises THE Grantor as settlor hereby conveys unto the Trustees ALL those pieces of pasture land containing by admeasurement 9.064 acres or thereabouts situate in the Parish of Swainswick in the County of Somerset and numbered Part 262 and Part 263 on the Ordnance Survey Map Second Edition 1904 for the said Parish and for purposes of identification more particularly delineated on the plan drawn hereon and thereon coloured pink TO HOLD the same unto the Trustees in fee simple upon the trusts with the powers and subject to the provisions hereinafter declared and contained concerning the same.

2. THE Trustees shall stand possessed of the said premises hereby assured and use and apply the same upon such charitable trusts and for such charitable purposes as the Trustees shall in their uncontrolled discretion from time to time determine but subject to the following provisos:—

(A) The said hereditaments shall be called and known as "The Alice Park" in memory of Frances Alice Harriet MacVicar the wife of the Grantor who died on the Twenty-seventh day of November One thousand nine hundred and thirty-six and any flag or flags there may be in the said Park shall be flown at half-mast on the anniversary of her death in each year.

(B) No house building or other erection shall be erected or put upon the said hereditaments other than and except such cottage or cottages as shall in the opinion of the Trustees be necessary as dwellings for gardeners or others employed in connection with the said park and pavilions summer-houses refreshment rooms or other buildings or erections as the Trustees may think desirable to promote or improve the convenient use of the said hereditaments for the purposes of a public park.

(C) At least four acres of the said hereditaments shall always be reserved exclusively so far as possible for the use of children of such age not exceeding fourteen years as the Trustees shall decide and the hours during which such part shall be open shall be determined by the Trustees.

(D) The remainder of the said hereditaments shall be open to the public free of charge (save as hereinafter provided) during such hours and for such purposes as the Trustees may decide.

(E) The use of the said hereditaments or any part thereof shall not be allowed for any religious services or any religious political or other meetings or demonstrations of any kind.

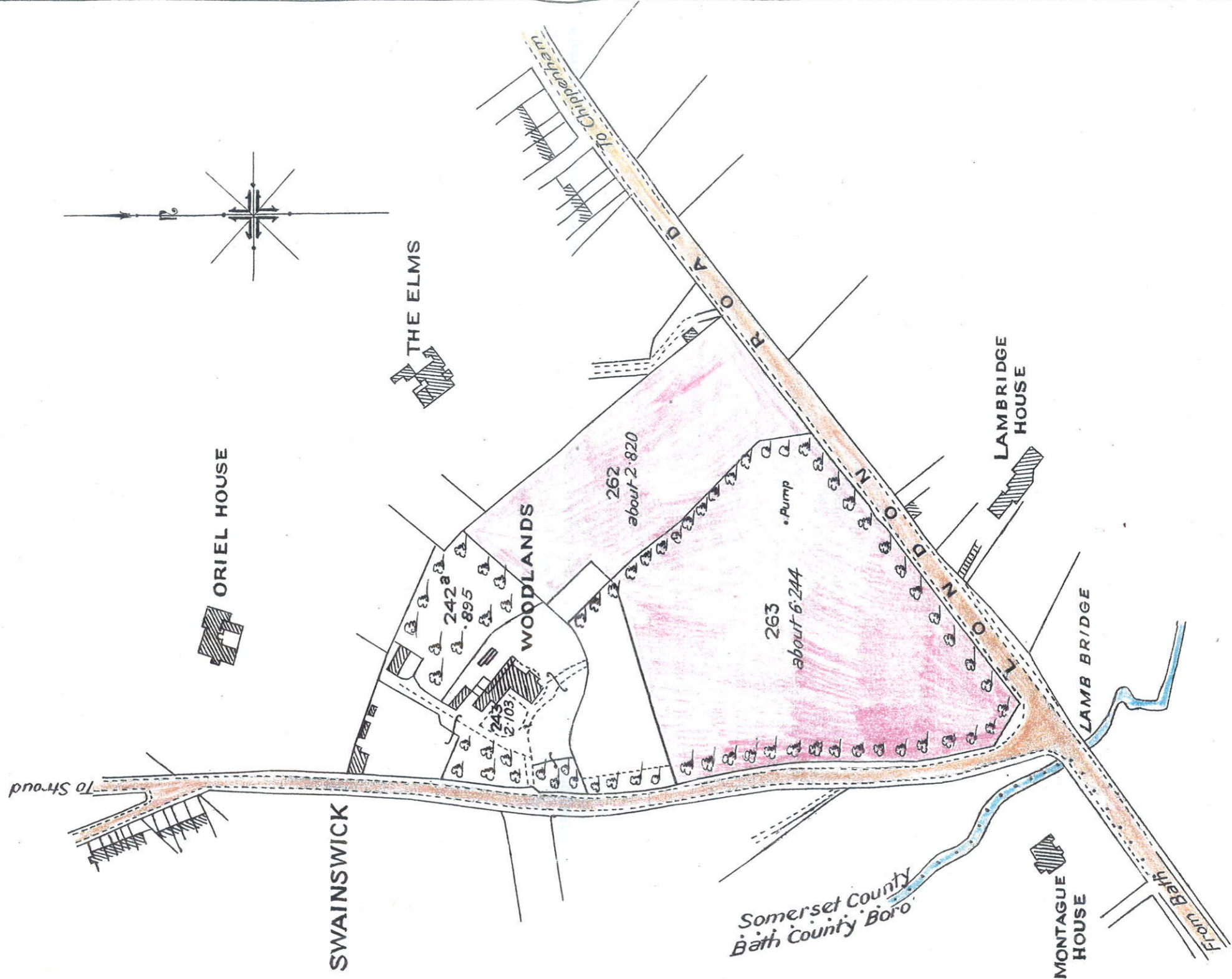
3. THE Trustees may at any time invite and receive or without such invitation receive any voluntary contributions from any person or persons either by way of donation annual or other subscription legacy or otherwise for the support or otherwise for the benefit of the charity hereby constituted.

4. THE Trustees may in their discretion impose any charge for the use of any buildings or tennis courts or other facilities for sport of any kind hereafter to be erected made or provided on the said hereditaments such charge to be paid by any person persons trustees corporations society or other associations of persons to whom the use of any part of the said hereditaments is granted for the purposes aforesaid either for his her or their own benefit or for the benefit of others and to be applied by the Trustees for the purposes of providing either wholly or partially for or towards the costs charges expenses or outgoings of any kind of or incident to the user of or maintenance of the said hereditaments or any part thereof or any building thereon for the purposes of this Deed or any of them.

5. SUBJECT to the provisions of Section 29 of the Charitable Trusts Amendment Act 1855 if and so far as the same are applicable to the charity hereby constituted or the hereditaments for the time being subject to the trusts of this Deed but not further or otherwise the Trustees may at any time at their absolute discretion—

(1) Let the said hereditaments or any part thereof or any buildings thereon for such term at such rent and subject to such conditions stipulations or provisions as the Trustees shall determine.

THE WOODLANDS ESTATE.



Scale, 1/2500.

M.P.

(ii) Mortgage or charge the said hereditaments or any part thereof or any buildings thereon to secure the repayment of any sum or sums of money which the Trustees may (as they are hereby authorised to do) borrow on the security of the premises and with or subject to such power of sale and other provisions as the Trustees shall think fit.

(iii) Sell the hereditaments hereby assured or any part thereof either by public auction or private contract and subject to such stipulations conditions or provisions of any kind as the Trustees shall in their absolute discretion think fit.

6. (A) THE Trustees shall apply all such sums of money as they shall receive from or in respect of the exercise of any of the powers conferred on them by Clauses 3 4 and 5 of this Deed or by any statutory power or otherwise under or by virtue of this Deed whether such sums shall be in the nature of yearly or periodical income or of capital for such charitable purposes as the Trustees shall in their uncontrolled discretion from time to time determine and in particular (but without restricting the generality of the foregoing provisions of this clause) may apply all or any part thereof :—

(i) In payment of all outgoings payable in respect of the said hereditaments and all expenses incurred in the management and maintenance thereof or in the execution of the trusts of these presents.

(ii) In repairing any existing building or making any new building or improvement of any kind hereby authorised.

(iii) In paying off or reducing any charges or incumbrances at any time affecting the said hereditaments.

(iv) In purchasing or otherwise acquiring any adjoining hereditaments of any tenure to be held by the Trustees upon with and subject to the same or the like trusts powers or provisions as are herein declared concerning the hereditaments hereby assured.

(B) PENDING the application in manner aforesaid of any such sums of money as are mentioned in Sub-clause (A) of this clause the Trustees may invest the same in any manner of investment for the time being authorised by law for the investment of trust funds and shall hold the income arising from any such investments upon the trusts declared by Sub-clause (A) of this clause concerning the sums of money therein mentioned and subject to the powers in Sub-clauses (A) and (B) of this clause contained.

7. THE administration of the charity hereby constituted and the entire control regulation management and application of the hereditaments hereby assured and the rents and profits thereof and all other if any the property for the time being subject to the trusts of this Deed whether capital or income shall be in the uncontrolled discretion of the Trustees.

8. IF and so often as the Trustees or any of them or any trustee or trustee of this Deed hereafter to be appointed shall die or desire to be discharged from or refuse or neglect or become incapable or unfit to act in the trusts of this Deed or remain out of the United Kingdom for more than twelve months the surviving or continuing Trustees or Trustee for the time being of this Deed or the personal representatives or representative of the last surviving or continuing Trustee may and whenever the number of the Trustees of this Deed shall be reduced to less than five shall by writing (subject where applicable to the provisions of the next succeeding clause hereof) appoint new Trustees or a new Trustee in the place of the Trustees or Trustee so dying or desiring to be discharged or refusing or neglecting or becoming incapable or unfit to act or remaining out of the United Kingdom as aforesaid and upon every such appointment the number of Trustees may be increased or diminished but not to more than seven or less than five And this present power shall be additional to and shall not prevent the execution or exercise of any statutory power to appoint new Trustees for the time being in force.

9. EACH of them the said Gerald Alfred Hutchison and Philip Brandon Mercier shall be a Trustee by virtue of his office as Rector of St. Saviour's Bath and Vicar of Batheaston respectively and shall cease to be a Trustee on vacating such office and any subsequent holder of the office of Rector of St. Saviour's Bath or Vicar of Batheaston shall be appointed a Trustee hereof if willing to serve but shall cease to be a Trustee on vacating such office.

10. THE Grantor shall be the first Chairman of the Trustees and may either by notice in writing addressed to the Trustees or by Will or Codicil nominate a successor to take his place as Trustee.

11. THE Trustees may (subject as hereinafter provided) appoint a secretary and executive officer to carry out such duties as the Trustees shall direct He shall be paid out of the moneys subject to the trusts hereof such salary not exceeding Two hundred pounds per annum as the Trustees may decide The Grantor shall be entitled if he so desires to appoint the first secretary.

12. THE Trustees shall on the Twenty-seventh day of November in each year the anniversary of the death of Frances Alice Harriet MacVicar place a wreath on her grave in Batheaston Churchyard.

13. EACH of the Trustees for the time being shall be entitled to receive out of the moneys subject to the trusts hereof the sum of Ten pounds each year to cover any expenses incurred by them in connection with the execution of the trusts hereof.

14. ANY Trustee of these presents who is a solicitor shall be entitled to make and to retain and be paid out of the moneys subject to the trusts hereof the usual professional charges for any business which may be done by him with reference to these presents.

15. A copy of this Deed shall be given to every person who shall be or become a Trustee hereof.

IN WITNESS whereof the said parties hereto have hereunto set their hands and seals the day and year first before written.

SIGNED SEALED and DELIVERED }
by the said Herbert Montgomerie } H. M. MACVICAR.
MacVicar in the presence of

L.S.

H. G. SHELDON,
4 Queen Square, Bath,
Solicitor.

SIGNED SEALED and DELIVERED by }
the said Thomas Ryland Worthington } T. R. WORTHINGTON.
in the presence of

L.S.

AGNES L. ROLT,
Croft, Watermillock, Penrith,
Spinster.

SIGNED SEALED and DELIVERED }
by the said Gerald Alfred Hutchison } GERALD A. HUTCHISON.
in the presence of

L.S.

HILDA TAYLOR,
3 Upper East Hayes Road, Bath,
Domestic Help.

SIGNED SEALED and DELIVERED }
by the said Philip Brandon Mercier in } P. B. MERCIER.
the presence of

L.S.

HERBERT WATSON,
The Vicarage, Batheaston, Som.,
Manservant.

SIGNED SEALED and DELIVERED }
by the said Sidney Robinson in the } SIDNEY ROBINSON.
presence of

L.S.

H. G. SHELDON,
4 Queen Square, Bath,
Solicitor.

SIGNED SEALED and DELIVERED }
by the said Basil Henry Sheldon in } B. H. SHELDON.
the presence of

L.S.

S. G. CLARK,
Clerk to Messrs. THRING, SHELDON & INGRAM,
4 Queen Square, Bath,
Solicitors.

SIGNED SEALED and DELIVERED }
by the said Geoffrey Denis Lock in the } G. D. LOCK.
presence of

L.S.

W. E. FOWLES,
Clerk to Messrs. THRING, SHELDON & INGRAM,
4 Queen Square, Bath,
Solicitors.

Enrolled in the Books of The Charity Commissioners
for England and Wales pursuant to the provisions of
Section 6 (2) of The Mortmain and Charitable Uses Act
1888.

(Vol. 73, Page 450).
1st November 1937.



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15

In the High Court of Justice

The District Probate Registry at *Bristol*

BE IT KNOWN that *Herbert Montgomerie MacVicar*
of *The Elms Bathaston Bath Somerset*

died *there* on the *23rd* day of *July* 1957



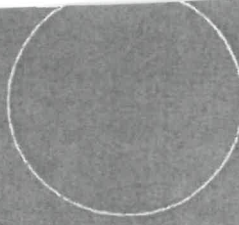
AND BE IT FURTHER KNOWN that at the date hereunder written the last Will and Testament

(a copy whereof is hereunto annexed) of the said deceased was proved and registered in the District Probate Registry of the High Court of Justice at *Bristol*

and that Administration of all the estate [which by law devolves to and vests in the personal representative of the said deceased was granted by the aforesaid Court to

Talbot Edward Baines Pys-Smith of
7 Kay Street Bath aforesaid Basil Henry
Sheldon of 4 Queen Square Bath aforesaid
Solicitors Ethel Waines Ritchie of The Elms
aforesaid widow sister of Deceased and
Thomas Bowdler Peerman of 14 Lion Hill
Bath aforesaid Retired Bank Official the
executors named in the said Will

Dated the *30th* day of *August* 1957



D. New.

Deputy District Registrar.

1925145-13901-30-10-55
G111

Probate

Extracted by

Pys-Smith & Popham
Solicitors Bath

A2



(1)

I HERBERT MONTGOMERIE MACVICAR of The Elms Batheaston Bath Esquire hereby revoke all testamentary dispositions heretofore made by me and declare this to be my last Will which I make this fifteenth day of April One thousand nine hundred and fifty-seven

1. I DIRECT that wherever I may die I shall be buried in the same grave as my late Wife in Batheaston Churchyard or if I should be cremated that my ashes may be placed in the same grave

(2) I APPOINT the Public Trustee to be the trustee of my residuary estate hereinafter defined as and when the same shall be ascertained on completion of the initial administration of my estate consequent on my death or in the case of my freehold property The Elms Batheaston and the furniture and effects particulars whereof are contained in the Schedule hereto as and when the same shall be sold and the net proceeds thereof ascertained

5-57-5/60K

3. I BEQUEATH free of any duty to the Trustees for the time being of The Alice Park Bath a legacy of Three hundred pounds Upon trust that the same shall be invested and the income thereof applied for the general purposes of The Alice Park so long as the Trustees thereof shall keep in good repair the grave and gravestone of my late Wife in Batheaston Churchyard and I DECLARE that if at any time the said grave and gravestone be allowed to fall into disrepair then the said legacy and the investments representing the same shall be paid and transferred to the Monmouth Street Society Bath to whom in such event I bequeath the same accordingly and I declare that the receipt of the Treasurer for the Trustees of The Alice Park shall be a sufficient discharge to my Trustees for the said sum

(2)

(2) I DECLARE that for the purpose of the devise and bequest of The Elms aforesaid the boundary fence between The Elms and The Alice Park together with the gateway and gate therein shall not be deemed to form part of the property of The Elms but shall be considered as forming part of the property of The Alice Park to the Trustees whereof I accordingly devise free of all duties payable in connection with my death the said fence gateway and gate in fee simple

6. I BEQUEATH free of any duty to the Charity Commissioners Twelve thousand five hundred pounds Two-and-a-half per cent Consolidated Stock as an endowment for The Alice Park the income derived from the said Stock to be applied for the upkeep of The Alice Park

7. I BEQUEATH free of any duty to the Trustees for the time being of The Alice Park the sum of One

(2)-

thousand five hundred pounds such amount to be expended by them for the general purposes of The Alice Park and although at the date hereof I have in mind as the particular manner in which they should expend the said sum the defraying of the cost of renovation of the tennis courts nevertheless bearing in mind that circumstances may have altered at the time of my death I DECLARE that the purpose or purposes for which the said sum is expended shall not in any way be restricted but that such purpose or purposes shall be decided by the said Trustees in their uncontrolled discretion and I FURTHER DECLARE that this legacy shall be payable in priority to all other pecuniary legacies bequeathed by my Will

(b) THE income of my personal estate however invested shall from my death be treated and applied as income and no part thereof shall be added to capital except accumulations of surplus income (if any) during a minority.

(c) MY Trustees may in their discretion adjust in such manner as they think fit having regard to the circumstances of the case the incidence as between capital and income of the payments made in due course of administration



15. (1) THE Public Trustee shall invest so much of my residuary estate as consists of money in his name or under his control in or upon any of the investments hereby authorised with power for the Public Trustee at his discretion to change such investments for others of a like nature

16. MONEY liable to be invested under the trusts of this my Will may be invested in the purchase of or at interest on the security of such stocks funds shares securities or other investments or property whatsoever and wheresoever and whether or not involving liability as the Public Trustee shall in his absolute discretion think fit to the intent that the Public Trustee shall have the same full and unrestricted powers of investment and transposing investments in all respects as if he were absolutely entitled thereto beneficially

17. MY Trustees may in extension of the power of appropriation conferred on personal representatives by section 41 of the Administration of Estates Act 1925 at any time at their discretion appropriate any part of my estate in its then actual condition or state of investment in or towards satisfaction of any legacy and the Public Trustee may at his discretion appropriate any part of my residuary estate in its then actual condition or state of investment in or towards satisfaction of any share in my residuary estate without the necessity for my Trustees and the Public Trustee respectively to obtain the consent of any person

18. I DECLARE that any executor or trustee being a solicitor or other person engaged in any profession or business shall be entitled to be paid all usual professional or proper charges for business transacted time expended and acts done by him or any partner of his in connection with the trusts hereof including acts which an executor or trustee not being in any profession or business could have done personally and it is my wish that my Trustees shall employ the said Talbot Edward Baines Pye-Smith for the purposes of obtaining Probate of my Will and of administering my estate but if he predeceases me or shall at my death have retired from practice as a solicitor then it is my wish that my Trustees shall employ the said Basil Henry Sheldon for these purposes

IN WITNESS whereof I have to this my Will written on this and the four preceding sheets of paper set my hand the day and year first before written

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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Alice Park Sub Committee	
MEETING/ DECISION DATE:	22 August 2016	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Service Level Agreements & Event Management	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Please list all the appendices here, clearly indicating any which are exempt and the reasons for exemption:</p> <p>Appendix A – proposed SLA's.</p>		

1 THE ISSUE

- 1.1 The Alice Park Trust is managed by a Sub-Committee of the Charitable Trust Board and so falls outside the normal governance arrangements for parks managed by the Council. This report seeks to set out areas of responsibility and how the park might be managed in the future.
- 1.2 The recommendations take into account setting future goals and undertaking emergency work as well as the setting of routine service level agreements to cover Ground's Maintenance, Trees and Play, Events, Estates Management, and any advice requested by the Sub Committee

2 RECOMMENDATION

The Sub Committee is asked to;

- 2.1 Agree the detail of the Service Level Agreements as outlined in Appendix A
- 2.2 Agree that decisions about requests for works to be undertaken, or events to be approved that fall outside of the Sub-Committee cycle be delegated to the Chair of the Sub-Committee in consultation with the Lead Officer.
- 2.3 Agree that urgent works required under health & safety legislation be delegated to the Lead Officer to action promptly.

- 2.4 Agree that all such decisions detailed in 2.2 be reported to the subsequent meeting of the Sub-Committee.
- 2.5 Agree that the principle for agreeing events, and the charges levied for events in Alice Park are as outlined in section 5 of this report.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Requests for works or events may inevitably come with associated cost or resource. The Lead Officer and the Chair of the sub-Committee will seek advice from the S151 Officer or his representative in the event that the cost cannot be accommodated from within existing budget in recommending a decision to approve such requests.
- 3.2 As the Alice Park Trust does not currently make sufficient income to self-fund all of its costs, the Trust relies on an annual contribution from the Council. For the financial year 2016/17 day to day running costs are covered by existing budgets within the Parks department.
- 3.3 In future years the Trust will need to request funding from the Council to cover its costs through the Council's budget setting process, and will also need to seek alternative funding streams to enhance its income, such as applying for grant funding, fundraising, holding events, procuring concessions etc.
- 3.4 The process for requesting funding from the Council will be determined in consultation with the Chair of the Sub Committee and/or the Chair of the Charitable Trust Board and reported back to a subsequent meeting of the Sub-Committee.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Council is sole corporate trustee of the Alice Park Trust and the sub-committee's terms of reference are to undertake the operational management functions in respect of the Alice Park site and its resources, in accordance with Trust's objects and the duties it owes pursuant to the Charities legislation.
- 4.2 The objects of the trust require the land bequeathed to be used as a public park and children's recreation ground. The committee must consider whether any proposed use falls within the trust's objectives, and if so whether to permit the use requested. If it permits the use then it must decide on what terms, in order to ensure effective use of the park whilst minimising any conflict between the different uses to which the park is subject to under the terms of the trust deed.
- 4.3 Urgent works may from time to time be required in order to comply with health & safety legislation. It is proposed that these works will be commissioned without delay by the Lead Officer when brought to the attention of the Council, to reduce risk.

5 THE REPORT

- 5.1 The key functions that make up the management of Alice Park are Grounds Maintenance; Trees, Play; Events, Estates management.

- 5.2 It is proposed that the Trust enters into a Service Level Agreement (SLA) to cover each element so that it is able to profile income and expenditure for Alice Park.
- 5.3 The proposed Ground's Maintenance, Trees , Play and Estates Management SLAs can be seen in APPENDIX A, and represent the service currently provided to Alice Park to maintain the park in its current condition.
- 5.4 It is also possible that the Sub Committee will be approached from time to time to facilitate an event. The sub-Committee cycle may not allow for formal reports for decision, as event organisers can approach the management at any time to a relatively narrow timescale.
- 5.5 It is therefore proposed that any such requests are directed to the Events Team who will then liaise with the Lead Officer (or his Deputy) to consider any potential site related issues. Depending on the size and complexity of the event this could then be passed to the Safety Advisory Group for Events (SAGE) who may have further comment regarding the safety of the event taking place and recommended amendments to ensure that the event is safe and fit for purpose.
- 5.6 The Lead Officer (or his Deputy) would then consult with the Chair of the Sub Committee and agree or decline the event under delegated authority.
- 5.7 A report will be presented to the Alice Park Sub Committee detailing the requests received, those approved and the reasons behind any event that was declined.
- 5.8 There is currently no charge for the Event's Team processing applications to the event organiser, but members of the Sub Committee should be aware that this position is likely to come under review by the Council.
- 5.9 As events are a potential funding stream for the Alice Park Trust, it is recommended that a charge is made to event organisers for all events that are charging for admission or participation, or expect to make a profit , in common with the charging mechanism applied throughout the Council for hire of its parks and use of services.
- 5.10 As some events are bespoke it is recommended that fees are in line with those charged for events that take place in Parks elsewhere within B&NES, but that the Lead Officer could, in conjunction with the Chair of the Sub Committee, and/or the Chair of the Charitable Trust Board, enter negotiations with a remit to maximise income for the Trust. Any such negotiations are to be reported to the first available meeting of the Sub Committee
- 5.11 As there can be a degree of damage following an event in a green space it is recommended that a bond is held to pay for any necessary associated repairs to the Park and that the level of the bond is in line with that held for other parks across B&NES
- 5.12 It is proposed that the Lead Officer is asked to make a presentation to the next meeting of the Alice Park Sub Trust outlining potential future management proposals for the park

6 RATIONALE

- 6.1 Alice Park is a significant park which is managed under the auspices of the Trust Sub Committee. It is essential that the Trust manages the park to the best of its ability for the benefit of the park users.
- 6.2 The Sub Committee must balance the needs of the park with the resources available and by adopting the SLAs will be able to assure that the quality of the park is maintained
- 6.3 The Alice Park Sub Committee may draw upon the knowledge and experience of the Council's Parks Management Team and request officer attendance at meetings on occasion.

7 OTHER OPTIONS CONSIDERED

- 7.1 None. The park is managed by a Trust of which the Council is the sole Trustee. The Alice Park Trust Sub-Committee is a sub-committee of the Council's Charitable Trust Board.

8 CONSULTATION

- 8.1 The Council's Section 151 Officer or his representative have not had the opportunity to be consulted on the final content of this report, therefore any decisions made which impact on the Council's budget will need their final sign off. If any amendments to recommendations are proposed, these will be agreed with the Chair of the Sub-Committee.

Contact person	<i>Carol Maclellan 01225 394106</i>
Background papers	<i>n/a</i>
Please contact the report author if you need to access this report in an alternative format	

Appendix A – Estates Management SLA

General Work Category	Area of Work	Description of Work to be Undertaken	Charging Basis
1 Management of Leased Properties	1.1 Approval of Tenants Works	Receiving applications for tenants works of alteration from tenants. Checking they are in line with terms of occupancy. Liaison with relevant internal sources and consideration of application. Granting of approval or otherwise. Making applications on behalf of Council as tenant. Liaising with relevant internal sources to achieve Approval. Inspection as necessary	Standard charge (£150) or Hourly Rate (whichever is greater)
	1.2 Assignments / Sub Letting	Receiving applications for assignments from tenants. Checking they are in line with terms of occupancy. Liaison with relevant internal sources and consideration of application. Liaison with tenant and proposed assignee/sub-lessee. Granting of approval or otherwise. Making applications on behalf of Council as tenant. Liaising with relevant internal sources to achieve Approval. Inspection as necessary	Standard charge (assignments £300, sub-letting £250) or Hourly Rate (whichever is greater)
	1.3 Breaches of Covenant	Enforcing against breaches of covenant by tenants. Liaison with relevant internal sources. Reference to Legal Advisers. Providing advice to clients and occupiers to prevent breach of covenant where Council is tenant. Inspection as necessary	Hourly Rate
	1.4 Building Insurance	Ensuring that each property has benefit of Building Insurance. Recharging tenants where applicable. Liaison with relevant internal sources to update as appropriate. Inspection as necessary	Hourly Rate
	1.5 Change of Use	Receiving applications for change of use from tenants. Checking they are in line with terms of occupancy. Liaison with relevant internal sources and consideration of application. Liaison with tenant. Consideration of potential financial benefits. Granting of approval or otherwise. Making applications on behalf of Council as tenant. Liaising with relevant internal sources to achieve Approval. Inspection as necessary	Hourly Rate
	1.6 Dilapidations	Check terms of lease/other form of occupancy. Apply terms appropriately. Instruct building surveyors etc as required. Internal liaison. Negotiation of settlement. Inspection as necessary	Hourly Rate
	1.7 Minor Lease Variations	Receiving applications for minor lease variations from tenants. Liaison with relevant internal sources and consideration of application. Liaison with tenant. Consideration of potential financial benefits. Granting of approval or otherwise. Making applications on behalf of Council as tenant. Liaising with relevant internal sources to achieve Approval. Inspection as necessary	Hourly Rate

Page 48	2. Rent Reviews & Lease Renewals	2.1 Lease Renewals Negotiations	Liaison with Legal and other internal sources leading up to and during lease renewal proceedings to ensure proper processes undertaken. Consultation of lease and other relevant documentation. Undertaking valuation. Negotiation and settlement of lease renewal terms. Instruction of legal etc and liaison to completion. This will not include reference to third party/court hearings etc.	Hourly Rate
		2.2 Rent Reviews Negotiations	Liaison with Legal and other internal sources leading up to and during rent review proceedings to ensure proper processes undertaken. Consultation of lease and other relevant documentation. Undertaking valuation. Negotiation and settlement of rent review terms. Instruction of legal etc and liaison implementation This will not include reference to third party/court hearings etc.	Hourly Rate
		2.3 Surrenders and Regrants	Receiving requests from tenants. Liaison with relevant internal sources and consideration of application. Liaison with tenant. Undertaking valuation. Negotiation and settlement of terms. Instruction of legal etc and liaison to completion. Consideration, with relevant parties, of potential to be offered from a surrender/regrant, to the Council where it is tenant. Making applications on behalf of Council. Liaising with relevant internal sources to achieve Approval. Instruction of legal etc and liaison to completion.	Hourly rate
		2.4 Lease Terminations	Receiving requests from tenants. Liaison with relevant internal sources and consideration of application. Liaison with tenant. Undertaking valuation. Negotiation and settlement of terms. Instruction of legal etc and liaison to completion. Consideration, with relevant parties, of potential to be offered from a surrender, to the Council where it is tenant. Making applications on behalf of Council. Liaising with relevant internal sources to achieve Approval. Instruction of legal etc and liaison to completion.	Hourly Rate
		2.5 Reference to Third Parties	Acting on behalf of the Council to ensure best outcome from a reference to a third party, including applications to court. As necessary acting as expert witness. To include compilation of evidence, liaison with internal and external parties, attendance at court/hearings/tribunals.	Hourly Rate
	3. Asset Management	3.1 Asset Management	Contribute as required to the formulation and implementation of a Corporate asset Management Strategy working towards maximization of the performance of the portfolio.	Hourly Rate
	4. Acquisitions and Disposals	4.1 Lettings	In liaison with other parties establish and bring forward letting opportunities. Devise and implement marketing strategy. Provide valuations and advice to clients. Determine best bids and negotiate and agree terms. Instruct and liaise with legal and others to completion	Hourly Rate
		4.2 Acquisitions	In liaison with other parties establish and bring forward acquisitions required for service provision. Provide valuations and advice to clients. Negotiate and agree terms of acquisition. Instruct and liaise with legal and others to completion	Percentage of Acquisition Cost subject to minimum charge
		4.3 Long Leases	In liaison with other parties establish and bring forward opportunities to offer long leases. Devise and implement marketing strategy. Provide valuations and advice to clients. Negotiate and agree terms. Instruct and liaise with legal and others to completion. Meet targets for Capital receipts	Hourly Rate or 2% of premium value whichever the higher

	4.4 Freehold Sales	In liaison with other parties establish and bring forward opportunities to dispose of property on a freehold basis. Devise and implement marketing strategy. Provide valuations and advice to clients. Determine best bids and negotiate and agree terms. Instruct and liaise with legal and others to completion.	Hourly Rate or 2% of Sale Proceeds whichever the higher
	4.5 Compulsory Purchase Orders	As required for service delivery needs, liaise with interested parties to bring forward a CPO or deal with orders served on the council. In line with the statutory provisions assist in the drawing up and service of necessary documentation. Provide valuations and advice to clients and liaise with other professionals. Negotiate towards settlement of compensation. Instruct and liaise with legal and other parties to completion. Attendance at enquiries/tribunals as necessary.	Hourly Rate plus expenses
	4.6 Tenancy at will	As required liaise with client to establish need for tenancy at will to be granted. Provide valuations and advice to clients. Negotiate and agree terms. Instruct and liaise with legal and others to completion	Hourly Rate
	4.7 Building Agreement	As required, liaise with client to establish need for building agreement to be granted or taken. Provide advice to clients and liaise with Building and other professionals. Negotiate and agree terms of agreement. Instruct and liaise with legal and others to completion.	Hourly Rate
5. Valuations Page 49	5.1 Estimates	As required by Council Standing Orders provide yearly estimates of rental value of relevant properties	Hourly Rate
	5.2 Asset valuations	Over a five-year programme provide asset Valuations to Red Book, CIPFA and internal accounting requirements of all relevant Corporate Property Holdings. – including inspections	Hourly Rate
	5.3 Rating Work	In line with the five yearly revaluation of National Non-Domestic Rates, undertake a review of rateable values in respect of Council occupied properties. In light of the review or other changes of circumstance, where appropriate bring forward appeals; undertaking all necessary valuations and negotiating with the Valuation Office towards settling at agreed value. Reference to rating or other tribunals to be dealt with under 'Reference to Third Party' SLA above.	Hourly Rate or 10% of savings a achieved – whichever the higher
	5.4 Valuations - One Off	Provide, at the request of the client, one off valuations, not related to other areas of work. Advice to client of the implications of the valuation provided.	Hourly Rate
6. Special Projects	6.1 Project Management	Undertake all necessary work to bring forward major property projects as agreed in liaison with client on a case to case basis	Hourly Rate
	6.2 Project Monitoring External	Where external contractors are employed to undertake property related work on the Council's behalf, ensure that the work undertaken is of suitable standards required outcomes are achieved.	Hourly Rate
	6.3 Development Opportunities	Through proactive management of the estate and in liaison with clients, bring forward development opportunities to maximize performance of the estate or further council aims and objectives. Undertake valuations and instruct/liaise with other professionals to bring forward schemes where practicable	Hourly Rate
	6.4 Feasibility	Receive instructions from Service Clients and clarify as necessary. Undertake all work and	Hourly rate

	Studies	liaise with other contributors to bring forward a feasibility study suitable for the required purpose. Present study in required format and advise clients on implications. Once signed off by client further amendments and revisions will be charged at an hourly rate	
	6.5 Covenants	As necessary for furthering the Council's aims and objectives or where good estate management dictates, liaise with legal and other parties to apply covenants to, especially, freehold sales which have the objective of protecting the Council's long term interests. Provide any necessary valuations and advice. Instruct and liaise with legal and other parties to completion of agreement. As necessary, take all necessary action to enforce covenants or if appropriate negotiate their alteration or surrender. Where covenants adversely effect Council land undertake all such necessary work and liaises with other parties to seek to have the covenants removed altered or disregarded. Provision of valuations and advice as appropriate.	Hourly Rate
7. General Property Management	7.1 Terrier	Updating and maintaining the Councils records on ownership, noting and verifying freehold and leasehold interests.	Hourly Rate
	7.2 Property Inspections	As required, undertake a inspection of properties in line with either lease or other requirements	Hourly Rate
	7.3 Rent Accounting	Management of issuing rent demands and collection of rents in line with lease or other terms	Hourly Rate
	7.4 Rent Arrears	Pursuit of rental arrears with recourse to a third party. Otherwise dealt with under Reference to third party SLA.	Hourly Rate
	7.5 General Property Advice to Clients	Advice to clients in respect of the management of performance of the estate, not covered by work areas above.	Hourly Rate
	7.6 Insurance Claims	Dealing with issues arising from either a third party insurance claim relating to property. Acting, as necessary in pursuit of an insurance claim by the Council.	Hourly Rate
	7.7 Grants of Minor Rights (wayleaves/easements)	Establishing need to take or grant minor right. Liaison with internal parties. Providing valuations and advice as required. Negotiation with other party towards settlement of terms. Instruction and liaison with legal and other parties to conclusion.	Hourly rate
	7.8 Encroachments	Establishing and seeking to prevent encroachments on to Council owned land.	Hourly Rate
	7.9 General Property Management	Day to day issues arising out of the management of the corporate estate not covered by other areas of work	Hourly Rate
	7.10 Boundary /Ownership disputes	Resolving ownership/title disputes, boundary disputes. Liaise with legal services and other parties. Hourly Rate	Hourly Rate

	7.11 Void Inspections	Providing and updating list of void properties. Instructing Building Services to undertake programme of monitoring voids. Advising of change of status.	Hourly Rate
8. Local Government Overheads	8.1 Committee Reports	Draw up and present reports to members or committee on issues affecting the Corporate Estate.	Hourly Rate
	8.2 Appropriations	Draw up and present necessary reports to facilitate the appropriation of property from one holding power to another.	Hourly Rate
	8.3 Councillor/Press Enquiries	Dealing with queries from Councilors or the Press in respect of matters relevant to the management of the Corporate Estate	Hourly Rate
	8.4 Appointment of Consultants	As required, and in line with Council standing Orders, undertake all processes involved with the appointment and overseeing of outside consultants, including authorisation and payment of fees.	Hourly Rate
	8.5 General Enquiries	Dealing with queries from external parties including the general public.	Hourly Rate
	8.6 Cost Centre Management	Ensure that appropriate management of internal cost centres is maintained.	Hourly Rate

Charge out rates as at 2016/17

Team Leader - £50 per hour

Senior Estates Surveyor - £45 per hour

Estates Surveyor - £35 per hour

Technician - £25 per hour.

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Appendix A - Alice Park Tree Management Service Level Agreement

1. The management of trees in Alice Park will be delegated to the Council's Parks department to inspect and carry out necessary works.
2. There are approx. 156 trees at Alice Park. It is anticipated that the maintenance of these trees will cost approx. £1730 per annum at current rates.
3. The management costs for inspecting, arranging works, dealing with enquiries from the public, insurance claims etc. will be £500 per annum in 2016/17. This cost will increase in line with salary inflation per annum.
4. Time spent on management issues will be recorded by the Council's Tree Manager and any costs over and above this rate will be reported to the Sub-Committee in the annual accounts.
5. These costs are estimated and assume that the Council's Tree Manager has autonomy determining the necessary works, ordering works and making arboriculture decisions. The principle to be established is that all work carried out at Alice Park is recharged to the Trust.
6. The Tree Manager would advise the Chair of the Sub Committee of the timing of any major work in terms of scale and impact in advance of the work taking place
7. The Tree Manager would submit a written report annually, after the end of the financial year detailing any major works (ie non routine) that have taken place and include the detail of any formal inspection reports.

SLA – Play Management

1. Weekly inspections of play equipment will take place by the Council's play inspectors, as now.
2. The annual cost of play inspections, plus routine repairs and maintenance is estimated to cost £ 8K. Actual work required depends on wear and tear.
3. Works over and above that deemed routine will be charged at day rates or contracted out at tendered rates per job.

Nb: Play equipment is expected to last 10 years from new, with regular repairs and maintenance. Moving parts are generally expected to last 2 years.

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Appendix A Grounds Maintenance SLA

General Work Category	Area of Work	Resource allocation	Charging Basis
1. Grounds maintenance	Main grassed areas	Tractor mower with Operator weekly between March and October Ride-on mower with Operative twice monthly, every other month between March and October	Hourly Rate, estimated 69 hours per year
2. Mowing and Strimming	Fine lawn areas	3 Operative crew, with appropriate equipment, weekly between March and October	Hourly Rate, estimated 272 hours per year
	Play area		
	Grass bank, tennis courts		
	Outside verges		
	Other areas		
3. Various maintenance tasks	Hedge-cutting, Weed control, Cutting off epicormic; Leaf collection	One or two Operatives as required by the specific task, scheduled at appropriate time during the year	Hourly Rate, estimated 191 hours per year
4. Miscellaneous tasks	As listed	To include as minimum, one operative and equipment, scheduled as appropriate to the task during the year: Blowing, jet wash and moss treat tennis courts; tending of shrub beds on large yew hedge lawn; taking bindweed off yew tree hedge; blow paths down after every visit; litter picking; cutting cornus; cutting and collecting daffodils	Hourly Rate, estimated 122 hours per year
5. Special Projects and Development	Project Management	Undertake all necessary work to bring forward special projects as agreed in liaison with client on a case to case basis	Estimated per project
	Development Opportunities	Support in bringing forward development opportunities to maximize benefits for the Park and its users.	Estimated per project

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Charge out rates as at 2016/17

Projects/Development – hourly rates to be provided on case by case basis

Team Leader - £18.55 per hour

Operative – £14.46 per hour

Equipment – Variable according to specific machine

Total est charge, per year for existing specification approximately £10,547

Grounds Maintenance indicative schedule	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Grounds Maintenance												
Tractor mower Trimax			■	■	■	■	■	■	■	■		
Ride-on -mower Rotary			■	■	■	■	■	■	■	■		
Mowing /Stimming	■	■	■	■	■	■	■	■	■	■	■	■
mowing and collection fine lawn areas			■	■	■	■	■	■	■	■		
mowing and Strimming play area			■	■	■	■	■	■	■	■		
mowing and Strimming tennis courts grass bank			■	■	■	■	■	■	■	■		
mowing and strimming outside verges			■	■	■	■	■	■	■	■		
mowing and strimming all other areas			■	■	■	■	■	■	■	■		
Various maintenance tasks	■	■	■	■	■	■	■	■	■	■	■	■
cutting yew hedge												■
weed control				■				■				
cutting pyracantha hedge in car park												■
cutting privet/pyracantha by side of house			■									■
cutting epitomic off lime trees and up path leading to pond			■									
leaf collection											■	
Miscellaneous tasks	■	■	■	■	■	■	■	■	■	■	■	■
blowing, jet wash and moss treat tennis courts			■	■						■		
tending of shrub beds on large yew hedge lawn										■		
taking bindweed of yew tree hedge										■		
blow paths down after every visit			■	■	■	■	■	■	■	■		
litter picking	■	■	■	■	■	■	■	■	■	■	■	■
cutting cornus early spring			■									
cutting and collecting daffodils mid June						■						

Timing of all work is subject to seasonal and climate variations

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Alice Park Trust Sub Committee	
MEETING/ DECISION DATE:	22nd August 2016	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Report on Alice Park considering the skate park proposal and alternative park improvements	
WARD:	Lambridge	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Please list all the appendices here, clearly indicating any which are exempt and the reasons for exemption		
Appendix A Alice Park Skate Park Consultation Summary V6.doc		

1 THE ISSUE

- 1.1 £110k capital was provisionally allocated by the Council, to the installation of a skate park within the east of Bath locality in February 2014. After site searches, the only site that would be appropriate and could accommodate such a structure was found to be Alice Park.
- 1.2 A public consultation led by the Council in December 2014 came out with a two thirds majority vote for the skate park, however there was and remains strong local feeling about this proposal.

Discussions with skatepark designers suggested that £110K would deliver only a limited project and with additional offers of support from third parties; outline proposals for a scheme with a value up to £150k were commissioned.

The additional budget was pledged to be met through further fundraising by the London Road Partnership).

2 RECOMMENDATION

The Alice Park Trust Sub-Committee is asked to consider whether the proposed skateboard park is a suitable use of the Park in accordance with its objects, and if so to consider and identify their preferred option.

- 2.1 Option 1 is to go ahead with the skate park, built with a sub-optimal design to meet the funding available.
- 2.2 Option 2 is to bid to the Council for a further £75K within the 17/18 Capital programme to allow a more comprehensive scheme to be developed if the bid is successful.
- 2.3 Option 3 is to work with the London Road Partnership to seek to fundraise a further £75k to help deliver a more comprehensive scheme.
- 2.4 Option 4 is to propose to the Council that the capital funding is reallocated towards improving the infrastructure of Alice Park, including new play equipment, as a more inclusive scheme for all to enjoy and to decline the proposal to build a skate park as it currently stands. Officers to scope and report the detail back to a future Sub-Committee.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 After budget adjustments (expenditure on project management fees, surveys, consultations and admin costs in 2014/15), a provisional budget of £97K remains for the development of a skatepark in the east of Bath.
- 3.2 It is estimated that additional project management costs would leave a sum of £73,235 for the actual construction of the skatepark itself.
- 3.3 After the indicative designs were shown to the public, a fund was set up to collect a further £25k to allow a greater proportion on building the actual skate park. This £25k has been pledged to the London Road and Snowhill Partnership on behalf of the Friends of Alice Park Skate Park group.
- 3.4 The amount of funding available is not enough to build to an optimal skatepark design. A further £75K would be required to construct an optimal facility to work well at this location.
- 3.5 If a skatepark were constructed, the Alice Park Trust and the Council would need to determine who would own and insure the apparatus, who would be responsible for repairs and maintenance and who would be responsible for its removal at the end of its useful life.
- 3.6 If this is intended to be a Council facility to be placed on the park with the trustees agreement, then there may need to be a lease/licence to enable this. If the Option to build a skatepark is recommended by the Sub-Committee, then Officers will make further recommendations on this issue to a later meeting of the Sub-Committee.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Since the design of the skate park is less than 300 m³ metres in volume and under 3m in height, it constitutes permitted development, and so if the Trust were to go ahead with the skate park, then planning permission would not be needed. However it is recommended that a letter from the Planning department to this effect be obtained in writing before proceeding.
- 4.2 A noise survey was carried out based on sound measurements 80m from the Alice Park Cottages. The results of the survey predicted no significant increase in noise if the skate park were to be built.

- 4.3 The National Playing Fields Association recommend that there should be a 50m buffer between the skate park facility and residential property but a couple of court judgements indicate that there should be a buffer of up to 200m
- 4.4 The Council is sole corporate trustee of the Alice Park Trust and the sub-committee's terms of reference are to undertake the operational management functions in respect of the Alice Park site and its resources, in accordance with Trust's objects and the duties it owes pursuant to the Charities legislation.
- 4.5 The objects of the trust require the land bequeathed to be used as a public park and children's recreation ground. The committee must consider whether any proposed use falls within the trust's objectives, and if so whether to permit the use requested. If it permits the use then it must decide on what terms, in order to ensure effective use of the park whilst minimising any conflict between the different uses to which the park is subject to under the terms of the trust deed.

5 THE REPORT

- 5.1 The Council has provisionally allocated capital funding to develop a skatepark in the east of Bath. The only suitable location that could host such a facility is at Alice Park.
- 5.2 A public consultation was carried out, detailed in Appendix A. The consultation showed support for the proposal.
- 5.3 The funding allocated, including funding pledged by the public, is not enough to build a comprehensive facility. A sub-optimal design only can be delivered. A further £75K would allow a more comprehensive design to be delivered to work well at this location.
- 5.4 Although there is support for a skatepark, public opinion is divided. A skatepark caters for only a proportion of park users. As public finances are tight, rather than seeking more funding, one option would be to seek permission from the Council to reallocate the existing capital to developing a more comprehensive scheme, which seeks to invest in the park and improve facilities for different park users rather than investing in a skate park alone. This could include upgrading the play area and linking up the perimeter paths to create a circular route around the park. Officers could be asked to scope this and bring to a future Sub-Committee to agree. Some ideas are included in section 7 below.
- 5.5 The Alice park Sub-Committee are asked to agree their preferred option.

6 RATIONALE

- 6.1 If another site were available with toilets and a café, that would be ideal for creating a second skate park, however following extensive searches for other parks or open spaces located in the east of Bath, no other site exists.
- 6.2 The alternative to the skate park is to allocate capital to upgrading the play area in Alice Park (and possibly linking up the perimeter paths to create a circular route around the park) would be appreciated by all park users.

7 OTHER OPTIONS CONSIDERED

- 7.1 Improve the play area as described below:

- Plant more trees at Southern corner against the road
- Install a trim trail in the grass (with Safa rubber grass matting to protect turf)
- Install a new self-closing gate at play entrance closest to London Road.
- Table tennis table –move to outside the play area to encourage adult/young adult play.
- Shift entrance to play area away from the café to divert foot traffic from café al fresco dining area.
- Remove the existing springies and the stressed arch swings to make room to install a new multi activity climbing frame with slide suitable for older children up to 14 years, thus extending the age range of the play area
- Install 3 new springies in a group facing inwards together
- Install a small water play feature e.g water pump and rill
- Swap some tarmac for grass along the edges of the play area and alter the grass edge to make a more naturalistic wavy design
- Swap some tarmac in the centre of the play area for a more playful (porous) surface using ecomulch or Nottsport etc.
- Swap two flat swings for tango seats (dual seat swings for sharing “carer and baby”)
- Swap the logs in the bark pit for a see saw or low rotator / wok and resurface
- Add more seating and bins

Improve other facilities throughout the park. To this end, the Parks Team has undertaken a SWOT analysis of the space and has identified a number of areas where improvements are required:

- Re-surfacing of the tennis courts
- Installing an all weather circular path around the park
- Repair and restore of he park’s pond

Paint and repair of the shelter and improvement to surfaces in the vicinity

- Improvements to the car park area to include new signage and surfaces

Landscaping work in a number of locations: including the pond area, the WWI Memorial Gardens, and a programme of bulb planting around the park.

8 CONSULTATION

8.1 A public consultation was held in 2014.

8.2 Local residents were notified about the consultation on November 13, and had 25 days to submit their feedback. A press release was made available 13/11/14 on B&NES website and the *Bath Chronicle*, and in *Now Bath*; and letters (and feedback forms) were distributed to 150 houses and flats in the vicinity of Alice Park.

8.3 An online survey was launched online 20/11/14 and paper copies of the consultation were made available to the public at three public sessions held in Alice Park with Parks' officers in attendance to discuss the issues with visitors and local residents. Other social media e.g. Facebook and Twitter carried links to the survey. Also, local schools and youth groups were sent a link to the survey. The survey ended at midnight 08/12/14. A total of 282 responses were recorded with 68% in favour of developing a skate park. The results can be found in Appendix A.

8.4 The Council's S 151 officer or his representative has not had opportunity to comment on this report. The implementation of any recommendation will be subject to his/her advice.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has not been undertaken as yet.

Contact person(s)	<i>Carol Maclellan 07977228123 Michael Rowan 01225 396811</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	

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Summary Of Public Consultation

Alice Park Skate Park Proposal

Contents

Background To The Survey	2
Survey Results	3
Support for the Scheme	8
Concerns About The Scheme And Recommended Actions.....	9
Conclusion	12

Background To The Survey

Following the receipt of a petition in 2013 of 572 signatories calling for a new skate park in the east of Bath, on 14th May 2014, B&NES cabinet approved an allocation of £100,000 to the costs of the scheme as part of a programme of wider capital works designed to improve the quality of parks and play provision in the district. In August 2014, the original petitioner of the scheme also offered to fundraise additional funds for the scheme to help deliver a higher specification facility and a target of an additional £50,000 was set.

The Council undertook preparatory research into suitable locations and after settling on Alice Park as a suitable venue, commissioned skate park designer, Canvas Spaces Ltd ('Canvas'), to produce designs for an area next to the existing playground in the park. This location is close to the other family facilities in the park and would complement the existing play area and junior cycle track.

The consultation was held in November 2014 to gather comments and feedback on the proposal. Two design options that could be built within the initial project budget of £100,000 were available to view online as options 1 and 2, and A3 images of these designs were displayed at three public drop-in sessions in Alice Park. Given the commitment from the London Road Partnership to fundraise an additional £50,000 to contribute to the scheme, a further design (based on a £150,000 budget) was produced by Canvas. This was added to the public displays at the final two public drop-in sessions (30th November and 6th December) – and presented as the preferred option in the event that additional funds could be raised by the London Road Partnership.

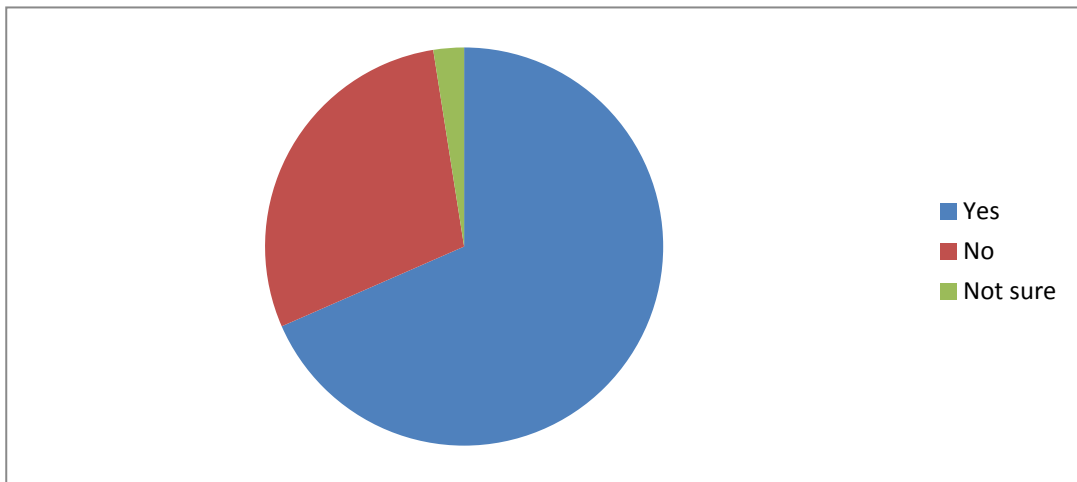
Respondents were given the option of giving feedback via an online survey, paper surveys, completing a feedback form posted to local houses or by sending an email or letter to council officers. This was designed to provide a wide range of means of communication to make the process as accessible as possible, but may have led to some duplication of responses where members of the public responded via more than one of these methods. However, this cannot be quantified due to some responders choosing to remain anonymous.

Responses by letter and email and completed online surveys which were received, and registered during the consultation period were counted into the survey results. However, because of their 'open' nature, letters and emails did not always address each individual question posed in the online survey, and so these were recorded as '*not knowns*' for some of the questions covered in the following pages. It was also noted that not every question in the online and paper survey was answered. Where relevant, these were also recorded as '*not knowns*'.

Survey Results

There were a total of 282 responses to the public consultation with an overall majority of 2:1 responses in favour of the skate park.

Question: Are you in favour of a skate / BMX / scooter facility in Alice Park?



Yes	193	68%
No	82	29%
Not sure	7	3%

In summary:

From the survey results, the main reasons cited for favouring the development of the Skatepark were:

- A Skatepark would promote healthy lifestyles and physical challenges
- It would promote a sense of community – through the social side of skate parks
- There are not enough facilities for young people in the east of Bath
- A Skatepark would keep young people occupied and out of trouble
- It would create a safe place for children to develop a sense of independence

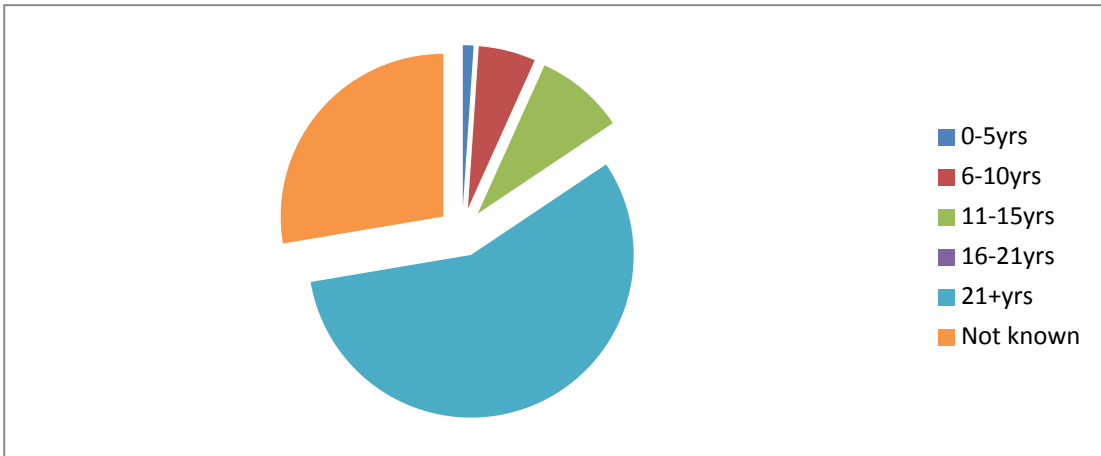
From a minority of responses (those not in favour of the skate park), the main objections to the scheme were that a new skate park would:

- Cause increased parking problems in the vicinity of the park
- Lead to a change to the landscape and loss of tranquil aspects of the park
- Contribute to more people urinating publically in bushes and against trees rather than paying the recently introduced toilet charge of 20p
- Bring increased anti-social behaviour

- Create an increase in noise

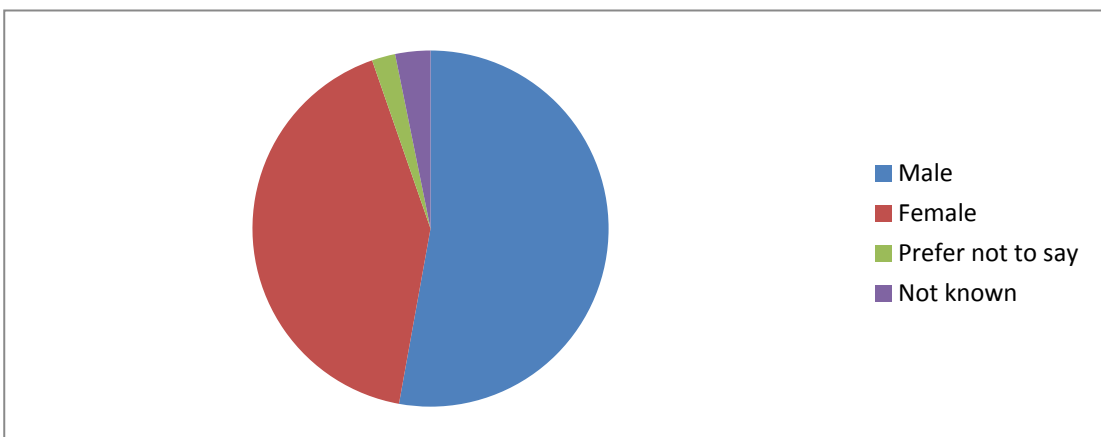
In order to understand the demographics of those surveyed, data was collected on age and gender:

Question: What is your age band?



0-5yrs	3
6-10yrs	16
11-15yrs	25
16-21yrs	0
21+yrs	160
Not known	78

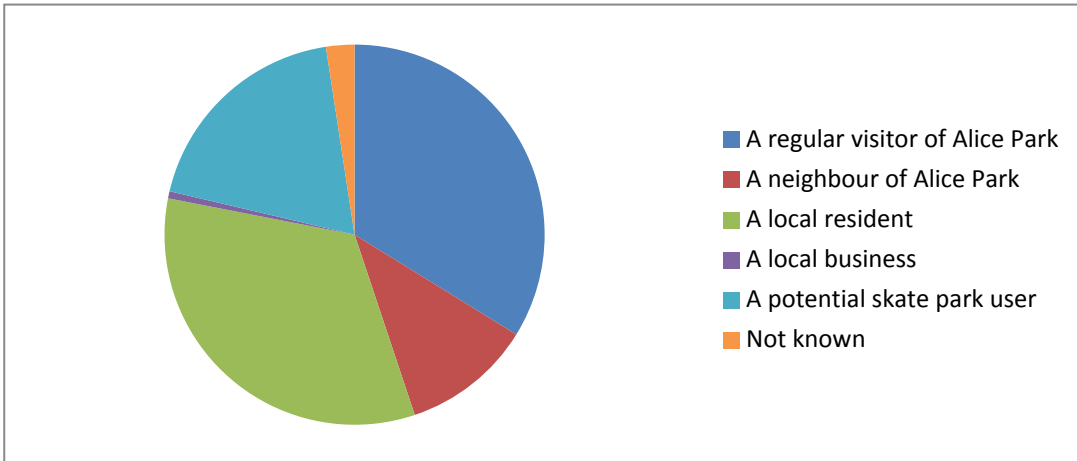
Question: What is your gender?



Male	149
Female	118
Prefer not to say	6
Not known	9

Further questions sought to identify respondents existing relationship with the park:

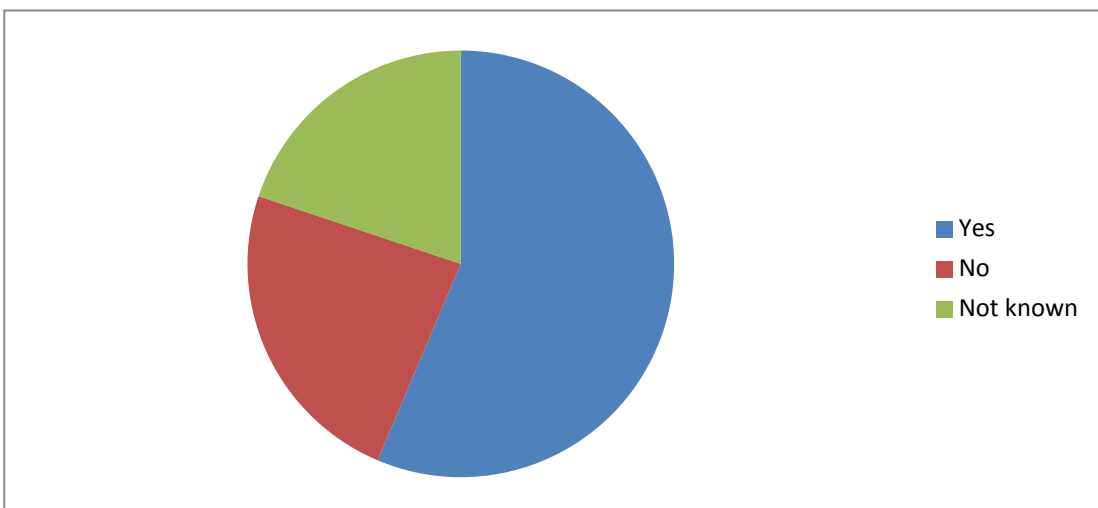
Question: Please tell us which of the following you are (select all that apply):



A regular visitor to Alice Park	168
A neighbour of Alice Park	55
A local resident	165
A local business	3
A potential skate park user	94
Not known	12

And the likelihood of their using a new skate park facility:

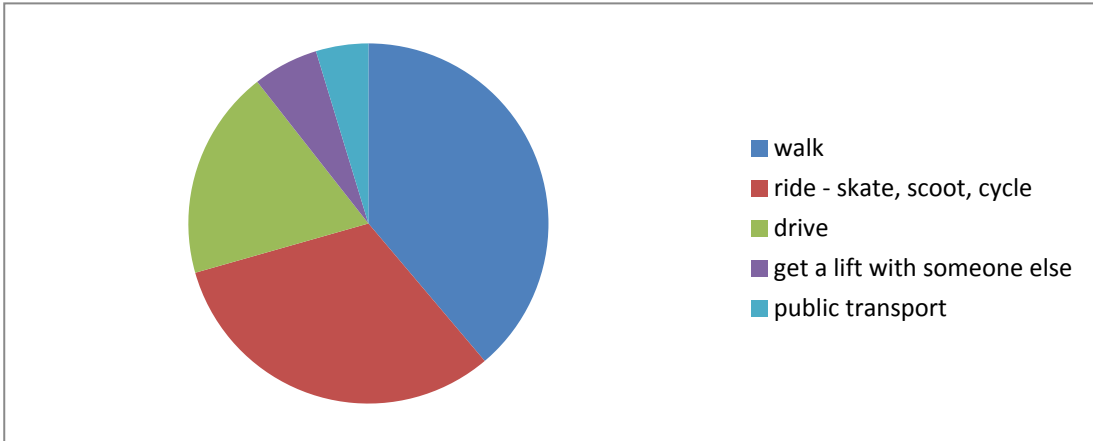
Question: Are you likely to use the skate park?



Yes	159
No	67
Not Known	56

Next, council officers wanted to understand potential travel patterns associated with the development of a new facility:

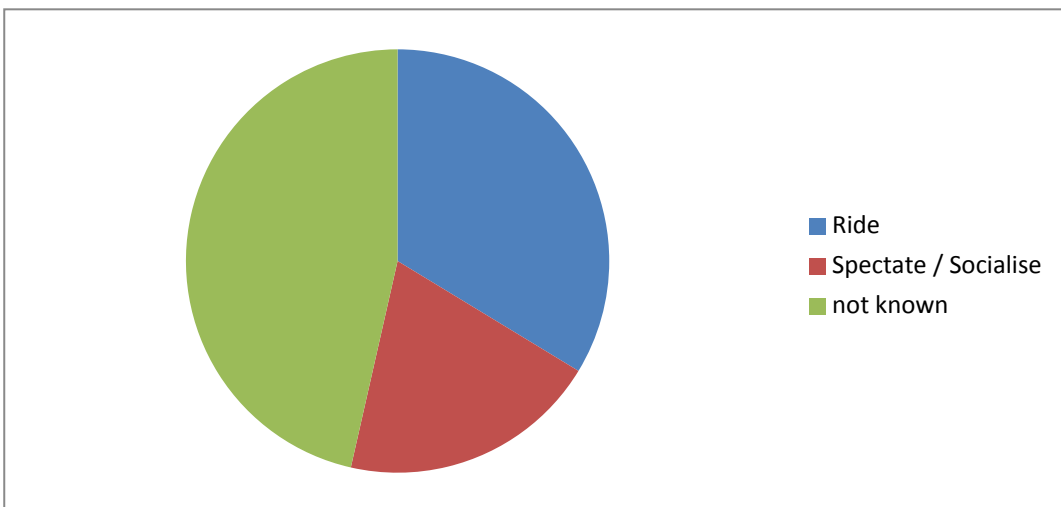
Question: If you are likely to use the skate park, how would you usually travel there?



Walk	33
Ride - skate, scooter, cycle	27
Drive	16
Get a lift with someone else	5
Public transport	4

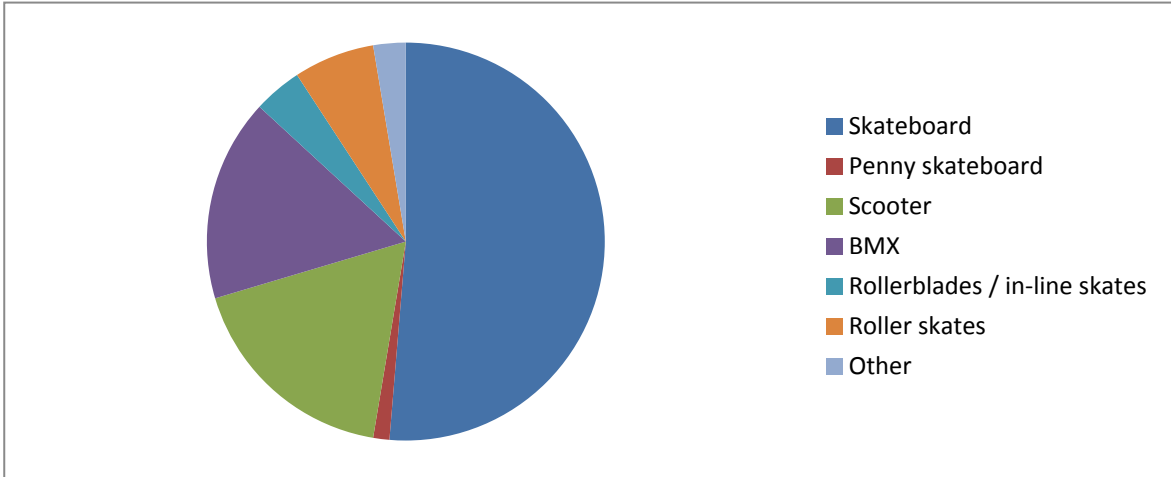
And then to understand how people might use the space, to better inform its design:

Question: If you are likely to use the skate park, what will you do there?



Ride	95
Spectate / Socialise	56

Question: If you are likely to use the skate park, what do you ride?



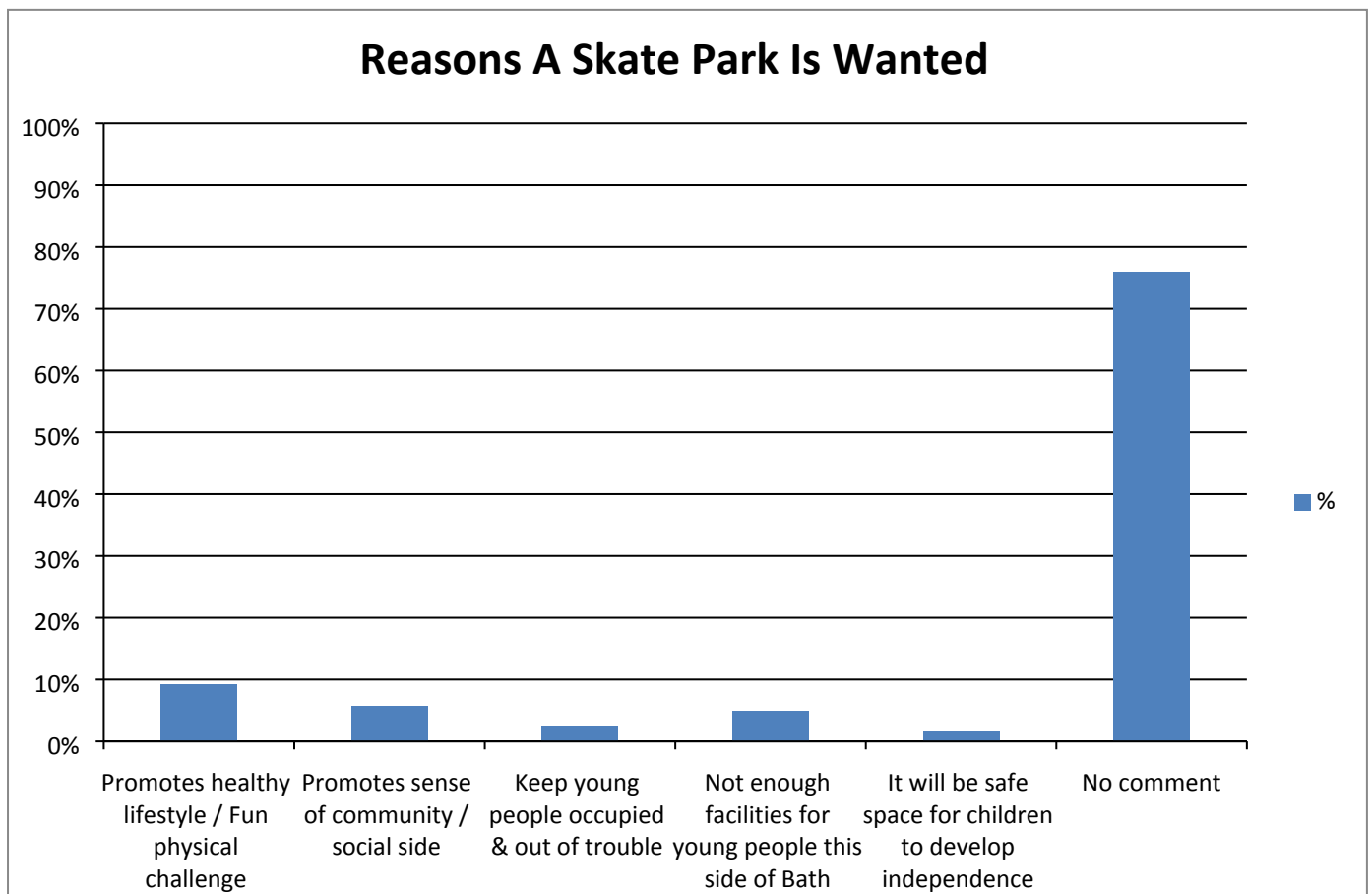
Skateboard	78
Penny skateboard	2
Scooter	27
BMX	25
Rollerblades / in-line skates	6
Roller skates	10
Other	4

Support for the Scheme

Besides posing a series of questions, the survey and feedback form provided opportunities for the public to submit their own comments and thoughts with sections within the forms for ‘any other comments’.

Please note that not all returned surveys included comments on all subjects, so where appropriate, in these cases, a ‘No Comment’ statement was recorded.

A number of respondents used these sections to express their support for the scheme, as below:



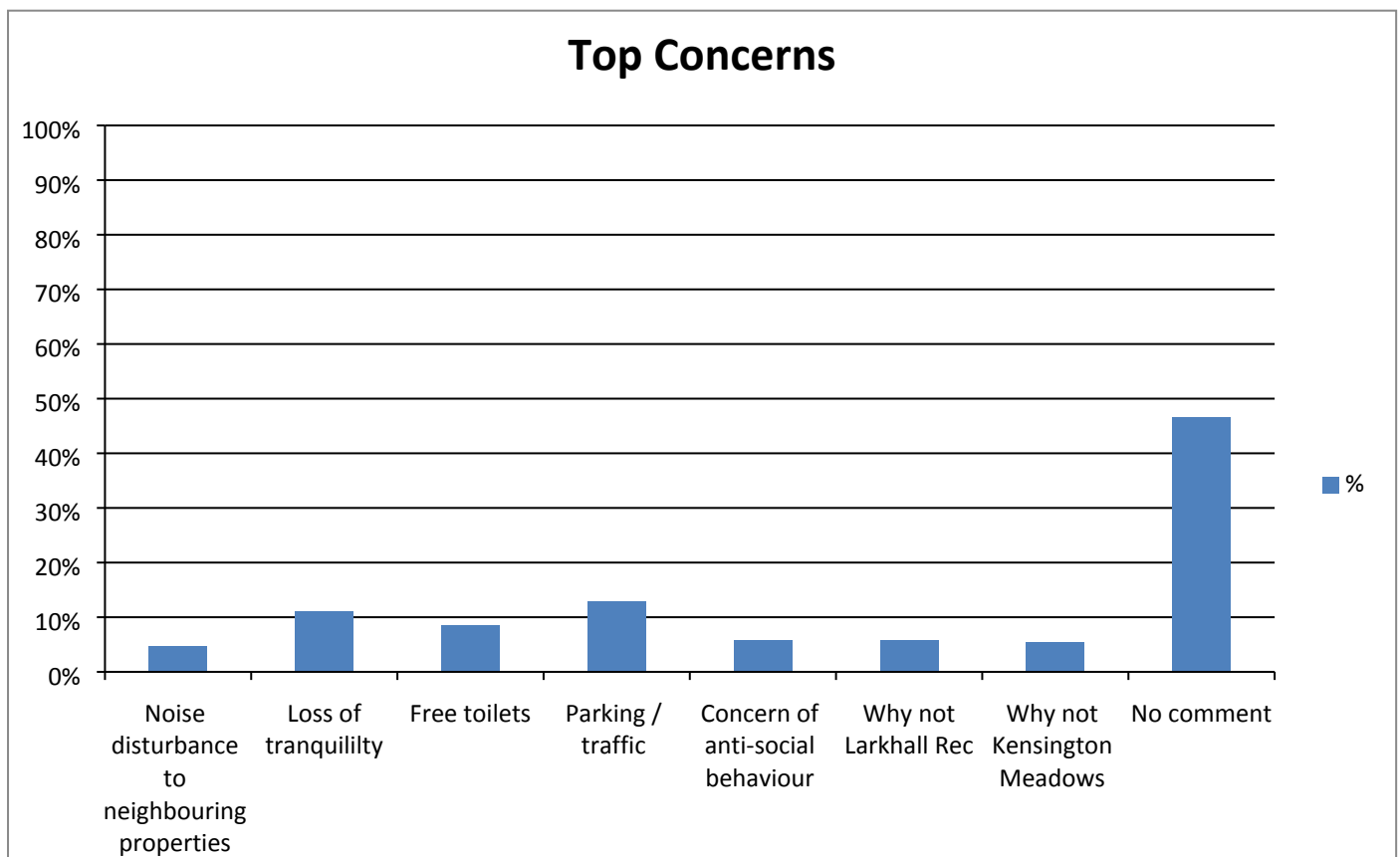
9% of respondents suggested that a new Skatepark would help promote healthy lifestyles; just under 6% indicated that a skate park would help to promote a sense of community; 5% of responses expressed the view that there is not enough for young people to do and just under 2% felt that it would provide a safe space for children to develop a sense of independence.

One of the prime reasons for building a skate park is to encourage families with a range of children to visit the park and to keep young people playing outside for as long as possible. Bath has a higher than average level of childhood obesity, and every opportunity is being sought to

encourage a pattern of healthy lifestyles. Such lifestyles will carry them into adulthood with physical activity and social interaction at its core. It has been shown that children will play outdoors until the age of 11 with little encouragement needed, but after that age, it is the family involvement that will set a pattern for life. With parents asking for more for their older children to do in the park, the new skate park would assist parents by encouraging their children to go outdoors and stay active.

Concerns About The Scheme And Recommended Actions

As anticipated, the surveys and feedback forms provided a good opportunity to record, and quantify, concerns about the scheme. A wide range of differing comments were recorded, but they have been grouped into categories, which are shown in the chart below:



As the chart shows, many of these concerns relate specifically to the development of a skate park in Alice Park, but a number of respondents also used the survey, and the public consultations, to comment upon pre-existing issues affecting the site.

Noise disturbance to neighbouring properties and Loss of tranquillity

Around 5% of respondents expressed a concern about noise disturbance to neighbouring properties and a further 11% were concerned about a 'loss of tranquillity' associated with the proposed Skatepark.

In response to early concerns about potential noise, officers from B&NES have commissioned an independent acoustic consultant to undertake a noise survey in the park. The results predict no significant increase in noise if the skate park were to be built.

The proposed new skate park would be designed in concrete, with ramps and street features, and then landscaped around the edge to soften the vista across the park. Given Canvas' specialism in Skate park design, surrounding landscaping was not included in their brief for designing the space (and was therefore not included in the public designs). However, it is clear from sentiments expressed by users of the park that a sensitive design for additional landscaping works (around the skate park) would need be developed; and this would form part of a final scheme.

Free Toilets

The survey found that a number of those opposed to the scheme are concerned that users of the skate park would shun the pay-to-use toilets provided in the park, in favour of urinating in the bushes and other public areas.

Investigating this potential impact was beyond the scope of this consultation, but as with all other incidences of anti-social behaviour, there are measures in place to prevent them. As elsewhere, incidences of such anti-social behaviour need to be reported to the Police and B&NES Council Connect contact centre, to enable the collecting of statistics and to inform an appropriate response. Were such issues to occur, they would then need to be addressed appropriately.

However, discussions held during the public consultation also suggested that the presence of more people overall in the park would help to deter inappropriate activity.

Parking and traffic

Currently there is pressure on local streets for parking during events and on busy weekends and 13% of respondents expressed concerns about traffic and parking around Alice Park – either as a result of existing events or as an anticipated increase associated with a new facility. The results of the survey suggest that just under 1 in 5 of respondents who would use the skate park would drive there. What is unclear is the total number of extra cars this would be at any one time..

The level of concern about existing, and anticipated increases in traffic would suggest that a further, specialist, traffic and parking study is needed to identify measures to reduce traffic and parking issues associated with the site.

Concern about anti-social behaviour

10% of respondents expressed concerns about the impact of the proposal on toddlers, the elderly and dogs or concerns about the area being a popular place for young people to congregate in at night.

However, it is important to consider these concerns in the light of the following factors:

- There is no evidence that the presence of a skate park would lead to significant risk for the elderly or toddlers and, as a well-used site with a mix of ages, bad behaviour is likely to be naturally limited due the feeling of being observed.
- The proposed location for the skate park is separated from the play area by a fence and screen of trees – creating a very limited risk to toddlers.
- Dogs are expected to be under control at all times (even when let off the lead) when using Alice Park. The proposed skate area would occupy a small footprint within the park- allowing adequate space for dog walking elsewhere.
- At night the park is locked so cars cannot access the car park, which already happens.

Other improvements needed in the park

Only around 2% of survey respondents called for the tennis courts and other facilities in the park to be better maintained, but this was a frequent topic of discussion at public consultations. Some regular users of the tennis courts used the public drop-in sessions to express concern about the quality of the court surfaces and some suggested that these facilities would be a better recipient of a capital investment than a skate park.

The results of the public consultation would suggest that there is a clear appetite for improving tennis, and other, facilities in the park and the Alice Park Trust might want to consider investing in improving facilities in the future.

Alternative sites for an east of Bath skate park

5.3% and 5.7% of survey responses, respectively questioned why the facility could not be located in Kensington Meadows or Larkhall Recreation Ground. Both locations have been considered and rejected for the following reasons:

Larkhall Recreation Ground – was rejected on the basis that the desired skate park would attract visitors with a wide range of skills and abilities and that families would want facilities such as toilets and a café.

Kensington Meadows – was rejected on the basis of the limited publically available facilities and the possibility of the site becoming waterlogged. The Six Acre Standard produced by the Fields in Trust charity (and widely used in local policy) also recommends a buffer zone of 30m between any skate facility and the boundary of the nearest property- making Kensington Meadows unsuitable for such a facility.

Conclusion

In summary:

- There was a good response to the consultation (282 recorded responses), with a clear majority in favour of the development of a skate park in Alice Park (68%: Yes; 29%: No).
- There are existing concerns about parking and road safety along Gloucester Road and the commissioning of a specialist parking and traffic survey would be advisable as part of a project to build a skate park in Alice Park.
- Those opposed to the scheme have concerns that a new Skatepark would increase the number of incidences of anti-social behaviour and these would need to be addressed through improved surveillance by a partnership of police, council officers and the community. There would also need to be a clearly publicised reporting system for those who witness incidents of this kind.
- An appetite for improving other facilities in the park suggests that an investment in improving the tennis courts would be welcomed by park users.

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Alice Park Trust Sub Committee	
MEETING/ DECISION DATE:	22nd August 2016	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Request by Larkhall Football Club to mark out football pitch lines in Alice Park	
WARD:	Lambridge	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Please list all the appendices here, clearly indicating any which are exempt and the reasons for exemption		
None		

1 THE ISSUE

- 1.1 Larkhall Football club use Alice Park for 3 separate informal training sessions for approximately 60 children aged 5-11 each week during the football season. The club stores its goal posts behind the tennis courts and sets up informal pitches on the grass lawn near the shelter in the centre of the park.
- 1.2 The Club now wishes to use the park for weekly matches for the under 8's team and has asked for permission to mark lines in the lawn area for this purpose.

2 RECOMMENDATION

The Alice Park Trust Sub-committee is asked to consider the options provided in this report and recommend their preferred way forward:

- 2.1 Option 1. To turn down the request to mark out the pitches, and carry on with the current informal arrangement using unmarked pitches within the current grounds maintenance regime, but to encourage the football club to use existing under-utilised pitches at Lansdown playing fields which would be a more appropriate location.
- 2.2 Option 2. To grant permission to Larkhall football Club to mark out one formal football pitch for under 8's (half-sized pitch) - subject to a public consultation carried out by the Council's Parks department. The Trust to charge Larkhall Football Club for the exclusive use of marked pitches during matches and to cover the costs of increased grounds

maintenance. The fee levied to be delegated to the Lead Officer in consultation with the Chair of the Sub-Committee to determine.

2.3 Option 3. To grant permission to Larkhall football club for one season only to mark out a formal football pitch for under 8's (half-sized pitch) as a trial. The Trust to charge Larkhall Football club for the exclusive use of marked pitches during matches and to cover the costs of increased grounds maintenance. The fee levied to be delegated to the Lead Officer in consultation with the Chair of the Sub-Committee to determine. A public consultation be undertaken including opportunities provided for all parks users to provide feedback on the arrangement throughout the trial period (to be coordinated by the Council's Parks department).

(1) At the end of the trial a longer term recommendation to be made to the Sub-Committee by the Parks Department, based upon the public consultation, feedback, and the implications on the maintenance and remediation of the park grounds as determined through the trial.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 Given that Larkhall Football Club has offered to cover the costs of line marking, the only financial implications of creating marked formal pitches would be in terms of turf maintenance: the Trust would potentially need to increase the frequency of mowing and may incur costs for re-instatement due to the increased wear and tear on the surface from footfall/studded football boots etc.

3.2 These increased costs would be monitored by the Parks department and reported back to the Sub-Committee. If the Trust recommend that the pitches are marked out at the cost of the Club, then the Trust will undoubtedly incur additional grounds maintenance costs for upkeep of the turf etc.

3.3 If the trust decides to grant exclusive use to Larkhall Football club then it is recommended that the Trust enter into a non-exclusive licence which makes the club liable for public liability and other liabilities for the limited time it is in use by the club, and imposes obligations upon them to remove posts etc, immediately after the licensed period. It is the trust that are the landowners and not the Council

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 It is anticipated that this proposal will not prove universally popular with other park users. The proposal to mark out some of the lawn for private, more formal sports use, is not necessarily in-keeping with the park being a public open space accessible to all.

4.2 The Alice Park Trust would need to consider any impacts of increased traffic and parking pressures associated with regular football matches in the park in making their decision.

4.3 The Council is sole corporate trustee of the Alice Park Trust and the sub-committee's terms of reference are to undertake the operational management functions in respect of the Alice Park site and its resources, in accordance with Trust's objects and the duties it owes pursuant to the Charities legislation.

4.4 The objects of the trust require the land bequeathed to be used as a public park and children's recreation ground. The committee must consider whether any proposed use falls within the trust's objectives, and if so whether to permit the use requested. If it permits the use then it must decide on what terms, in order to ensure effective use of the park whilst minimising any conflict between the different uses to which the park is subject to under the terms of the trust deed.

5 THE REPORT

- 5.1 Larkhall Football Club argue that their children benefit socially and physically from what they are trying to achieve and claim that marking out formal pitches 'would be really great for the community on that side of town' and that 'It would also attract new children to join, and therefore give them the experiences they are currently missing out on'.
- 5.2 There is no indication that Larkhall Football Club are proposing to pay the Alice Park Trust for the allocation to, and use of, a football pitch in what is an otherwise public space. The club have suggested that they would be willing to cover the costs of undertaking the line marking.
- 5.3 If the pitches were formally marked out there would undoubtedly be additional grounds maintenance costs that would have to be paid. These could be covered in part by levying a fee for exclusive use of the pitches in this public space.
- 5.4 The space is currently well used for dog walking and other activities and there may be some opposition from parks' users to the arrangement and to the exclusive use of the space by a private club during training and matches.

6 RATIONALE

- 6.1 The club currently use the site informally, free of charge, but using unmarked land. The request is to formalise the arrangement and mark out the pitches.

7 OTHER OPTIONS CONSIDERED

- 7.1 Encourage Larkhall Football Club to use pre-existing sports pitches elsewhere in Bath for its matches (there are currently under-used facilities at the Beckford grounds at Lansdown and at Lansdown North) which have changing facilities and good parking.

8 CONSULTATION

- 8.1 There has been no public consultation on this proposal to date.
- 8.2 The S 151 Officer or his representative has not had opportunity to comment on this report. Any decisions taken will be subject to their advice.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has not been undertaken.

Contact person(s)	<i>Carol Maclellan 01225 394106 Michael Rowan 01225 396811</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	

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