

ALICE PARK TRUST SUB-COMMITTEE

Minutes of the Meeting held

Tuesday, 6th December, 2016, 4.00 pm

Councillor Rob Appleyard	-	Bath and North East Somerset Council
Councillor Michael Norton	-	Bath and North East Somerset Council
Councillor Geoff Ward	-	Bath and North East Somerset Council
Councillor Lin Patterson	-	Bath and North East Somerset Council (non-voting)
Paul Hooper	-	Independent Co-opted Member (non-voting)
Sujata McNab	-	Independent CO-opted Member (non-voting)

11 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting. He informed the Sub-Committee that he would be chairing this meeting but would then stand down as Chair due to other commitments.

12 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer explained the emergency evacuation procedure.

13 ELECTION OF VICE CHAIRMAN (IF REQUIRED)

It was noted that Councillor Martin Veal, the previous Vice Chair was no longer a member of the Sub-Committee. No Vice-Chair was required for this meeting.

14 APOLOGIES FOR ABSENCE AND SUBSTITUTION

There were no apologies for absence or substitutions.

15 DECLARATIONS OF INTEREST

Councillor Appleyard stated that he had sought advice from the Council's legal team regarding his position on the Sub-Committee. The legal team had confirmed that he could remain a member of the Sub-Committee. Councillor Appleyard went on to declare that he was attending this meeting as a Trustee rather than as a member of the Council and that he would consider all issues discussed with an open mind.

The Legal Services Manager explained that B&NES Council was the sole trustee for Alice Park and that the Councillors appointed to this Sub-Committee were acting as representatives of the sole trustee. They should take a mutually non-biased approach to decision making.

16 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no urgent items.

17 **ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS**

(a) Public Questions

Janet Marton had submitted a number of questions and these were circulated at the meeting along with the responses that had been provided. Further information was required in respect of question 1 and a written response would be provided within 5 days.

A copy of the questions and responses are attached as *Appendix 1* to these minutes.

(b) Public Statements

The following members of the public made statements regarding the provision of a skate park in Alice Park.

Toby Young
Evie Campion-Dye
Ann Churchill
Richard Young
Anna Caron

A copy of the statements submitted is attached as *Appendix 2* to these minutes.

(c) Petition

Richard Young presented a petition to the Sub-Committee containing 1,087 signatures. The wording of the petition was:

“To ensure the funding already allocated to the development of a skate park in Alice Park is used for this purpose; to recognise the high levels of local support for this facility, as evidenced through the consultation exercise: and thereby moving without further delay to developing the skate park.”

The petition would be logged and a response would be sent to the lead petitioner.

18 **MINUTES OF PREVIOUS MEETING - 22 AUGUST 2016**

The minutes of the meeting held on 22 August 2016 were confirmed as a correct record subject to the following amendment:

Item 2 – Election of Vice Chairman – line 4 to read “Councillor Veal was elected Vice Chairman of the Sub-Committee.”

19 **APPOINTMENT OF INDEPENDENT CO-OPTED MEMBERS**

The Chair welcomed the two new co-opted non-voting members, Paul Hooper and Sujata McNab to the Sub-Committee.

20 ALICE PARK - VALUATION OF LAND, PROPERTY PLANT AND EQUIPMENT

The Sub-Committee considered a report which provided details of equipment held by the Alice Park Trust including current values, as requested at the last meeting.

Councillor Appleyard asked which formulae were applied to reach the current values and whether these reflected market value. The Group Accountant explained that surveyors had been instructed to carry out this work and that the values quoted were based on the rental value of the property.

Sujata McNab queried whether rent reviews were carried out annually.

In response to a query from Councillor Appleyard officers confirmed that the funds received from the sale of Cottage No. 2 were paid to the Trust and that this was shown in the accounts attached as an appendix to the report.

RESOLVED to note the treatment of assets, used to build the annual returns that are submitted to the Charity Commission each year.

21 PROPERTY AT ALICE PARK

The Sub-Committee considered a report which provided details about the sale of Cottage No. 2 at Alice Park and how the proceeds of this sale had been spent.

The Group Accountant explained that the cottage had been sold under the right to buy scheme for £90k. This income was paid to B&NES Council and had subsequently been used to support the Trust via a grant in kind in line with the Trust deeds.

Councillor Appleyard queried the figures shown in Appendix 1 of the report stating that he recalled the Council grant being shown in the previous report as the same figure each year rather than a lump sum of £90k in 2004/05.

Councillor Ward queried whether the Trust should be run in a more viable way in future being mindful of costs and seeking alternative sources of funding other than the Council. He was surprised at the lack of maintenance that had been carried out in the park.

Councillor Appleyard agreed that there was a need to raise funds and increase the income of the Trust. He felt that it would be helpful to receive more clarity regarding events and income generation within the park.

Sujata McNab asked how the plans for Alice Park fit in the with wider park strategy.

RESOLVED:

(1) To note the report.

(2) To request further information regarding the charging regime for events within the park at the next meeting.

22 SUBMISSION OF THE 2015/16 ANNUAL RETURN TO THE CHARITY

COMMISSION

The Sub-Committee considered a report regarding the submission of the Annual Return for 2015/16 to the Charity Commission. The Trust was also asked to consider details around policies held by the Trust and financial controls.

Members discussed the adequacy of financial controls and Sujata McNab queried whether these had been reviewed. It was proposed that a summary of the Council's financial controls should be circulated via email to the Trust Board members to enable them to satisfy themselves that these were appropriate.

RESOLVED:

- (1) To agree the content of the submission to the Charity Commission as set out in Appendix 1 of the report.
- (2) To adopt the relevant Council policies for the Alice Park Trust.
- (3) To request that a summary of the Council's financial controls be circulated to the Sub-Committee to allow members to satisfy themselves that the controls are appropriate.

23 OPTIONS FOR IMPROVEMENTS AT ALICE PARK

The Sub-Committee considered a report presenting more detailed proposals for the expenditure of £97k on a skate park and also broader investment in the park infrastructure (including play).

Officers explained that the Council has allocated £97k within its capital programme for the development of a skate park in the East of Bath. Alice Park was the only location deemed suitable. The Sub-Committee could request that the Council considers fully allocating this funding for the development of a skate park, request that the Council considers allocating the funding to alternative improvements to the park or could decide not to request capital funding from the Council at all.

The report set out detailed proposals for a skate park and also suggestions for facility improvements in the park such as a circular path and play area improvements.

Councillor Appleyard stated that he was happy with the detailed skate park proposals which gave context and scale to the project showing that it would not be dominant. He noted that the park needed refurbishment as there had been a lack of investment, however, this could be considered at a future meeting. He stated that the Council had allocated funds specifically for a skate park and that the Trust should accept the offer of £97k or there was a risk that this investment in the park could be lost. There was currently very little in the park for older children and teenagers and the skate park would provide this.

Councillor Appleyard expressed some concern regarding potential conflicts of interest for sub-committee members and stressed the importance of being able to consider issues with an open mind. Councillor Patterson supported this view. The Legal Services Manager confirmed that independent co-opted members had signed

up to avoiding conflicts of interest when they joined the sub-committee.

Councillor Ward was surprised that the debate on this issue was so polarised. He agreed that the park was dated and needed investment but felt that future plans for the park should be considered as a whole with the skate park proposal forming part of these considerations. The Trust should take into account financial implications, maintenance and facilities required. He had some concerns regarding the consultation that had taken place because it had not set out all the options but had only made reference to a skate park. It was important to consider the sustainability of a skate park and he proposed that wider consultation should take place regarding future plans for Alice Park. This consultation should set out all the available options.

Sujata McNab felt that the proposals were difficult to navigate and wanted to understand how these fitted into the wider strategy for the park. Some details were missing such as the budget required going forward. She also had some concerns about the consultation process.

Councillor Patterson stated that the skate park proposal was not new and that it had been under consideration for a number of years. She stated that the funding from the Council was ring-fenced and that she did not want further delay. She had concerns that any delay could lead to the funding being lost altogether.

The Finance Manager explained that although the funding was currently ring-fenced the Trust Sub-Committee could request that it be reallocated to fund alternative improvements to the park. She also explained that the Trust would ultimately be responsible for the maintenance costs of the skate park if they wished to pursue this option. The £97k that had been allocated was capital funding and so could not be used for revenue purposes.

Paul Hooper felt that a contingency fund would be required in case the project ended up costing more than the allocated £97k. He also pointed out that “through life funding” had to be considered because there were no funds allocated from the Council towards maintenance.

Councillor Appleyard proposed that the Sub-Committee accept the offer from the Council and with external funding look to find a solution to provide the necessary revenue funding. He felt that the Trust should work with the community to monitor the skate park and receive regular updates. This was supported by Councillor Patterson.

Councillor Norton explained that the Sub-Committee could request that the Council reallocate the funds to provide other facilities for the park if it wished. He did not feel in a position to make an informed decision on the provision of a skate park at this meeting and felt that members should consider the park as a whole.

Councillor Patterson pointed out that there was a great deal of support for a skate park and that it would be counter-productive to ask for further consultation. She felt that the Council had let down Alice Park and that it should have plans for future investment in the park. She did not feel that the consultation process had been flawed in any way.

Councillor Norton stated that he could see the advantages of a skate park but that

other options also needed to be explored in more detail.

Councillor Appleyard put forward a proposal that he and Councillor Patterson undertake further consultation with local residents and interested parties and report the outcome to the next meeting of the Sub-Committee.

There was also a suggestion that the Bath City Forum could carry out further consultation on this issue. A balanced view was required to assist the Sub-Committee in its deliberations. The wording of any further consultation should be agreed in advance by the Sub-Committee.

RESOLVED that the Sub-Committee determine that a skate park development is in line with the Trust's objectives and determine that, in principle, the skate park be progressed subject to:

- (1) Further information, analysis and reassurance on viability.
- (2) Establishing whether the Council will permit alternative use of the allocated funds.

24 **ALICE PARK SWOT (STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS) ANALYSIS**

The Sub-Committee received a report setting out a critical review of Alice Park in order to make recommendations for improvement works and to offer a context for prioritising any expenditure in the future with a view to compiling a comprehensive management plan.

RESOLVED:

- (1) To instruct officers to submit a draft Management Plan to the next Sub-Committee meeting based on the SWOT analysis contained in the report.
- (2) To use the analysis of Alice Park to set the context for future funding priority decisions with a view to seeking future Capital funding for 2018/19 from the Council which will be the next available opportunity to submit an application.
- (3) To note the following priorities for expenditure when making a capital bid to the Council:
 - (a) To widen the age range catered for by the play area. The existing equipment provides more play for younger children; the layout is poor as most of the space is taken up with cradle swings. Furthermore there is limited play value due to a very narrow range of equipment i.e. predominantly swings.
 - (b) The completion/continuation of the circular footpath for a variety of users including toddlers, children, wheelchair users, joggers etc. The longer pathway behind the tennis courts has been costed at an additional £8k, which would take it outside any available funding.
 - (c) The redesign and replanting of the area between the World War 1

memorial area and the yew hedge, to include renovating of the Plaque area, removing the old shrub borders and cherry trees and replanting with fastigiate trees to create a more formal look and under plant with a curving swathe of flowering bulbs and incorporate lavender and roses to accentuate the formality of the area. This could be a phased project to be completed in 2018 i.e. the 100 year anniversary of World War 1.

(4) To agree the following works that will be undertaken as part of the winter works schedule and which are identified in the SWOT (Appendix 1 of the report):

- To paint the railings and Alice Park Sign at the main entrance (maximising the use of volunteers and the probation service where possible).
- To remove the circular bed in front of the nursery and return to lawn.
- To plant successional spring flowering bulbs (January to May) in the lawn in front of the nursery.
- To lift the canopy of the Lime Trees in the Car Park and those overhanging the Tennis Courts.
- To remove weed tree seedlings.
- To mow out the blind daffodils.
- To clean and repaint the benches in the War Memorial area.
- To moss kill the tennis courts.
- To cut back the shrub growth from northern boundary returning it to the line of holly.

25 **ROUTINE TREE PROGRAMMED WORKS 2016/2017**

The Sub-Committee considered a report regarding routine tree works. The annual tree inspection had been carried out in October 2016. The inspection identified essential tree works required including the felling of 4 trees that were over 10m tall. These trees have to be removed due to their poor and deteriorating condition. The risk of branch failure would become unacceptably high if they were not removed. Replacement trees would be planted during the winter.

RESOLVED to note the recommendations of the Tree Inspector to fell four trees in Alice Park.

26 **DATE OF NEXT MEETING**

RESOLVED to hold the next Sub-Committee meeting in March on a date to be confirmed.

The meeting ended at 6.40 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

ALICE PARK TRUST SUB-COMMITTEE – 6 DECEMBER 2016

PUBLIC QUESTIONS FROM JANET MARTON

Agenda Item 11 - Property at Alice Park

- (1) If Cottage 2 should not have been disposed of by B&NES, surely the right to buy scheme should not have applied. Has there been compensation to the trust for the sale of the property at below market value?

The RTB sale of Cottage 2 took place on 27th September 2004 as evidenced by the proprietorship register of the official title copy obtained just after this date. This was five years after the transfer to Somer Housing and so was in effect a sale by Somer under the preserved right to buy of their secure tenant. The disposal under RTB is legally effective and the Trust cannot undo that transaction. The Trust can only regularise the position by accounting for the proceeds of sale together with interest.

The Trust has not been compensated for the difference in the value of receipt that would have been obtained from a sale at open market value as against a sale at a discount under the RTB scheme. At the time of sale, the cottages had tenants who had assured tenancies with security of tenure. In the circumstances a market value was not applicable. It should also be noted that the Charity operates with a significant annual deficit and only remains solvent due to the grant in-kind received from the Council.

It is for the trustees to satisfy themselves that they have obtained best value and if not satisfied then to raise this with the Council. This would place trustees in a conflict situation with the Council and each party would need to be separately advised.

Agenda item 13 – Options for Improvements at Alice Park

- (1) Does the money budgeted for the skatepark include money for the following:
- (a) landscaping, including shrubs to mask the impact of a piece of concrete in the centre of green space and making good damage to grass during construction?

Landscaping as described in the Canvas document is included in the price i.e. shrubs around the seating area, banking up the grass around the skate park and decorating the walls to blend in with the landscape – several masonry paint finishes available. Making good damage to the grass will be commensurate with the position and damage e.g. levelling and reseeded in places.

- (b) the removal and replacement of the boules pitch?

Yes

- (c) measures to mitigate the impact of a skate park on other park users and those who live in or near the park? (Measures would be needed to address concerns of those who oppose the skate park in a designated green space).

No other measures, either on or off site are included in the price.

- (d) Contingency for overruns

Included (*Canvas are going to send over some costed plans but they were not ready at midday of 5 December*).

- (2) What are the estimated annual maintenance costs and insurance for the skate park options and the other options?

Canvas will return after 1 year to undertake snagging on the skatepark, to be agreed jointly with B&NES Council and Canvas and they also provide for an additional 24 year guarantee on their work. None of the outdoor assets such as bins, benches and play equipment are insured in any Council parks. A new skate park would be classed as a new piece of play equipment and be included in the play inspection regime.

- (3) Given that the trust deed focuses on provision for children under 14 years of age, how would this affect the decision on the size of the skate park if the skate park option is chosen?

The designs have been created for everyone: each design allows for a range of skills, from beginner upwards. There is nothing that a beginner cannot use and the real difference is in the way that a beginner or an intermediate or an advanced rider would use the skatepark, not the actual skatepark features themselves. At Royal Victoria Park, the design was crafted to allow advanced riders to gain most from the deep bowls, however for Alice Park all the features cater for all levels of rider.

- (4) As tennis courts and other facilities are not well maintained, what are the implications for the available funds for maintenance of other facilities if the skate park is approved? Would these then be neglected?

The tennis courts are on a maintenance schedule separate from the skate park.

- (5) The little children's play area is the one which is most used every day of the week and is in serious need of improvement. What are the trust's plans for this area, if the skate park option is pursued, especially given the increase in children under 5 in the area?

The Trustee Committee will have to apply for funding to upgrade the play area, just as the B&NES Council Parks Team bids for capital money each year to refurbish all the other play areas in the county.

- (6) Given equal opportunity concerns, should wheelchair access to all areas of the park be a priority to facilitate equal access for all users?

This is an issue for the Trust to decide rather than officers of the Council.

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PUBLIC STATEMENTS

(1) Evie Campion-Dye (on behalf of Dr Sam Carr)

Educationalist Henry Giroux has argued that,

“The futures we create for generations of young people who follow us arise out of our ability to imagine a better world, recognise our responsibility to others, and define the success of a society to the degree that it can address the needs of coming generations.”

We urgently need to consider this statement as we reflect upon the sort of society, institutions, spaces, and places we currently offer our young people.

Social geographers have suggested that government policy around urban regeneration has frequently lacked a meaningful focus on young people (Rogers 2003b), as well as other vulnerable minority groups such as the homeless (Daly 1998), the criminal (Beck and Willis 1995; Oc and Tiesdell 1997; Silverman and Della-Giustina 2001), and the disabled (Gleeson 1998).

It is not uncommon for government policy and society in general to adopt a prescriptive and judgemental approach to certain groups of people - based upon a perceived undesirability or anti-sociability of the things such people do in public spaces. According to research by the School of Environment and Development (Rogers, 2006) at the University of Manchester, legislation and town and city planning and management are at risk of beginning to extend such judgement and prescription to the ways in which public space is used and allocated.

As key users of public space, a powerful consumer demographic and the population of tomorrow, young people should be at the centre of urban development, place, and space. Yet, somehow they are most frequently thought about in terms of provision and protection or demonization and judgement (Valentine 2004).

Tensions between the perception of young people in policy can be linked to increasing public panic over the morality of young people, which has peaked in contemporary society. For example, the high profile given to the problem of “gangs” and “yobs,” has been a feature of the demonization of young people in the popular media (Anon 2004; Connor 2004; Craig 2004; Hastings 2004; Wheeler 2004) that has led to the increasing restriction of young people and their activities in public spaces (Eubanks-Owens 1997).

To date, youth policy has reflected a misunderstanding of youth as a political demographic and a “zero-tolerance” (Collins and Kearns 2001b) approach to “nuisance” behaviour (Cloke and Jones 2005) has created a perception of youth as a problem that needs to be solved.

However, there are several key groups that lobby tirelessly in defence of young people and their right to a voice in the cities in which they live. The National Youth Agency (NYA) and the Local Government Association (LGA) have coordinated a push for the inclusion of young people in local democracy in line with the UN Convention on the Rights of the Child (1989), to which the UK has subscribed.

Research suggests that there is a need for children and young people to engage in autonomous activity that is free from the authorities that bind them in the home and school. These spaces must be seen (by adult members of society) as central to the successful transition of young people into autonomous and socially responsible adults. Yet, somehow young people are increasingly being eliminated from the urban landscape (Cloke and Jones 2005), by “designing out” or failing to “bring in” places and spaces they connect with.

Dr Sam Carr, Director of Studies, Education with Psychology, Department of Education, University of Bath

(2) Anna Caron

My name is Anna Caron and I live at 2 Alice Park and have lived here for 6 years with my husband and 2 young boys.

We do not accept that Alice Park is the ONLY suitable location in the East of Bath for a skate park. Why dig up a beautiful green space when you could put a skate park somewhere that is already concrete?

Alice Park is a small safe and quiet park which has a special ambience and during the week is mainly used by toddlers and dog walkers. It is plain to see that the Park is in need of major refurbishment and the funds could be better spent updating the playground & tennis courts. Now that the retirement homes development is going ahead across the road an all-weather perimeter walkway would be very much appreciated by wheelchair users as well. I play netball on the tennis courts in the summer and we have sustained many injuries due to the slippery, mossy & uneven surface.

A skate park is a very noisy option for such a peaceful park and during the summer months when the park is full of people having picnics, parties, playing frisbee, cricket etc. We do not think that the noise would be appreciated by anyone trying to use the park as they have been able to for so many years. The noise would very much affect us and the neighbouring houses particularly as it was decided that the ONLY suitable location would be directly in front of our home. During the summer when we must have our windows open, it's not dark until 10pm and the park is not locked or supervised at night how are we ever going to get any peace.

Alice Park is very open, kids on wheels move fast and a parent cannot always keep up. On the drawings there appears to be no fence surrounding the skate park to

prevent young children going near it or having accidents. There also appears to be no funds to maintain or landscape the skate park.

There is also the problem of anti-social behaviour that often comes with a skate park. The cafe has had its fair share of vandalism and break ins, the football goals stored in the park have been vandalised 3 times in the last few months and that is with nothing attracting people here at night.

The public consultation for the skate park was badly publicised and held in December, during the week when the park is quiet and we were not given the option of choosing 'no Skate Park' or other options such a playground/tennis courts refurbishment. Teenagers do need something to occupy them in their spare time but Skate boarding is a male oriented sport and we feel that the funds should be spent covering the needs of girls along with the whole community young and old.

When Herbert McVicar donated the park to the local community it was cordoned off into 2 areas and one half which is now the playground and the proposed site for the SP was reserved specifically for children under the age of 14. His motto in life which is carved on the front of our house is interpreted as 'All should be equal in the scheme of things'.

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