

Alice Park Trust Sub-Committee

Date: Monday, 3rd July, 2017

Time: 4.00 pm

Venue: Council Chamber - Guildhall, Bath

Councillor Rob Appleyard

Councillor Michael Norton (Chair)

Councillor Geoff Ward

Co-opted members non-voting: Councillor Lin Patterson (Bath and North East Somerset Council), Paul Hooper (Independent) and Sujata McNab (Independent)

Chief Executive and other appropriate officers

Press and Public



Marie Todd

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 394414

Web-site - <http://www.bathnes.gov.uk>

E-mail: Democratic_Services@bathnes.gov.uk

NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **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.

4. **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. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

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

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Decision Making Powers of the Sub-Committee:

1. To discharge the Council's role as Corporate Trustee for the Alice Park Trust, in line with Charities Commission guidance. The objects of the Alice Park Trust are for use as a public park and children's recreation ground.
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.

Alice Park Trust Sub-Committee - Monday, 3rd July, 2017

at 4.00 pm in the Council Chamber - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out on the Agenda.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTION

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair will announce any items of urgent business accepted since the agenda was prepared under the Access to Information provisions.

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

7. MINUTES OF THE MEETING OF 27 MARCH 2017 (Pages 7 - 12)

To confirm and sign the minutes of the meeting held on 27 March 2017.

8. SKATE PARK UPDATE

- (1) To receive a verbal update regarding the provision of a skate park at Alice Park.
- (2) The Trust Sub-Committee is also asked to consider whether they wish to request the Group Manager, Neighbourhood Environmental Services, to seek approval to add to the Cabinet forward plan a request for the Cabinet Members to release the £97k provisional capital for the sole purpose of building a skatepark in Alice Park. To be spent in the 2017/18 financial year.

9. ALICE PARK TRUST STATEMENT OF ACCOUNTS 2016/17 (Pages 13 - 40)

Expenditure incurred for Alice Park Trust in 2016/17 was £35,486; this was offset by income of £23,583, and a donation from Bath & North East Somerset Council of £11,903.

The Trust Sub-Committee is asked to:

Agree and sign the financial statements of the Alice Park Trust for the year ending 31 March 2017 and their submission to the Charity Commission.

Agree and sign the annual report for the Alice Park Trust for the year ending 31 March 2017 and its submission to the Charity Commission.

10. CHARGES FOR EVENTS HELD IN ALICE PARK (Pages 41 - 42)

To note the attached information setting out fees for land hire for events in parks and open spaces from 1 April 2017.

One event has been held in Alice Park this year:

Larkhall Festival - £380 (Charity rate for 2 days).

Therefore to date the Trust has received an income of £760 from events this year.

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

This page is intentionally left blank

ALICE PARK TRUST SUB-COMMITTEE**Minutes of the Meeting held**

Monday, 27th March, 2017, 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 Member (non-voting)

27 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

28 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer explained the emergency evacuation procedure.

29 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies for absence were received from Sujata McNab, Independent Member.

30 DECLARATIONS OF INTEREST

There were no declarations of interest.

31 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair announced one item of urgent business which had been brought to his attention following the agenda despatch, and which required a decision before the end of next week.

The RSPB (Royal Society for the Protection of Birds) had contacted the Council to offer family nature activities as part of their outreach work. If the Trust Sub-Committee agreed they would bring a gazebo and some simple fun activities relating to birds/nature for families to enjoy. If there was another event in the park then they could "piggy-back" onto this or could come along as a stand-alone activity in the summer holidays.

It was noted that the Larkhall Festival would be taking place during the May Day bank holiday weekend and that this could be suitable date. The park would also be busy during the school summer holidays if this was more convenient.

RESOLVED: To accept the offer from the RSPB to provide family nature activities in Alice Park.

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

(a) Petition

Anna Caron presented a petition to the Sub-Committee containing 179 signatures. The wording of the petition was:

“To decide against the construction of a skate park within the Alice Park Estate as this would change the character, ambience and family qualities of the park forever. We want active preservation of green space and trees for people of all ages to enjoy.

Why is this important?

Alice Park has very special qualities that are enjoyed by many generations. We recognise that improvement is required and support inclusive developments such as:

- Installation of all-weather perimeter track
- Upgrading of children’s play area
- Renovation of the tennis courts with one being converted into a multi-sport court for basketball, netball and badminton
- Creation of an adventure/wild play area
- Installation of an outdoor gym
- Repair and maintenance of existing facilities
- Restoring and refreshing of flower beds, ponds and gardens”

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

(b) Public Statements

The following members of the public made statements in support of the provision of a skate park in Alice Park:

Sally Wilson – Lecturer in Youth Work at Bath College
Kez Hawkins – Student Union President at Bath College
Rob Popejoy – Bath College Chaplain
Dr Bryn Jones
Niki Jewett
Otto White
Joanna Wright

33 **MINUTES OF THE MEETING HELD ON 6 DECEMBER 2016**

The minutes of the meeting held on 6 December 2016 were confirmed and signed as a correct record subject to the following amendments:

(a) Page 6 – Minute Number 23 – paragraph 14 – second line – after the word “residents” add the words “and interested parties”.

(b) Page 6 – Minute Number 23 – delete resolution number 3.

34 DRAFT MANAGEMENT PLAN - ALICE PARK

The Sub-Committee considered a draft management plan for Alice Park. The Management Plan was written in a style that reflected the seven Green Flag principles:

- A Welcoming Place
- Healthy, Safe and Secure
- Well Maintained and Clean
- Environmental Sustainability
- Conservation and Heritage
- Community Involvement
- Marketing

Officers pointed out that the proposals were currently uncoded. It was noted that an annual report would be submitted to the sub-committee detailing progress and informing members of any issues that have arisen. The Plan also allowed for priorities to be set as and when funding allows and would enable the Sub-Committee to respond promptly to any future funding opportunities.

Members thanked officers for the excellent plan and noted the budget pressures that the Council was currently operating under. It was important to take a holistic approach to any improvements. Maintenance would be the main challenge.

Two areas of concern within the park were highlighted – the muddy area at the rear of the tennis court and the boggy central area which made it difficult to play team sports.

The Management Plan was a live document and would be updated as necessary. The Chairman proposed that an informal meeting take place to discuss the priorities for the park and action to be taken. It was suggested that this meeting could take place on site at Alice Park.

RESOLVED: To agree the draft management plan as set out in the report.

35 ALICE PARK USER SURVEY

Mr Tony Hickman (Lessee of the Café/Tea Chalet) had undertaken a survey of park users in the first part of 2017 and presented his findings to the Sub-Committee. The survey asked people how they would spend £100k to improve the park and set out a list of 22 different options. The results had been independently verified.

The Sub-Committee members thanked Mr Hickman for carrying out the survey which had been a worthwhile exercise.

Councillor Appleyard thanked the public speakers for their contribution to the meeting. He also thanked the Legal Services Manager for his helpful advice and clarification. He noted that the Council had identified Alice Park as the most suitable location for a skate park in the East of Bath. The Council could only proceed to construct a skate park in Alice Park with the agreement of the owners (i.e. itself

acting through the Alice Park Sub-Committee as Trustee). It was clear from the user survey that people wanted some funding to be spent on improvements to other facilities in the park.

Councillor Appleyard then proposed that the Sub-Committee request the Council to allocate £70k, of the £97k provisionally approved, to provide a skate park facility. If the Council then accepted the £30k that had been raised by community donations then this would be sufficient to provide a facility for young people up to the age of 14/15. The remaining balance of Council provisionally approved funding, totalling approximately £30k, could then be allocated to provide improvements to other facilities within the park such as children's play equipment.

The Legal Services Manager explained that because the proposal changed the way the funding would be spent this would have to be approved by the Council. The Council would require confirmation that the £30k raised via donations would be transferred to B&NES before any commitments to the skate park project were made.

Officers confirmed that the skate park facility would be governed by B&NES Council under the terms of a licence which would include maintenance costs.

Councillor Ward had some reservations about this proposal. He pointed out that the Trustees had to ensure the financial viability of the park. Alice Park was a small space used by a wide cross section of the community. He noted that some users were concerned about the provision of a skate park altering the nature of the park. He understood the arguments put forward about encouraging young people to be active to improve their health and would be in favour of a smaller skate park facility. He suggested a junior skate park costing in the region of £50-55k with the remainder of the allocated Council funding being used for other park improvements as there were a number of other facilities people would welcome. He was not in favour of a skate park that would dominate Alice Park.

Councillor Appleyard expressed concerns that a less expensive facility may not attract the community funding and that the Trustees would then forgo the £30k that had been offered.

Councillor Norton suggested that an impact assessment be undertaken to consider the effect of noise and general impact of the skate park on Alice Park as a whole prior to any development going ahead.

Paul Hooper stressed the need for any facility being provided to have the assurance of through-life funding to ensure that there were no extra maintenance costs for the Trust. He also asked members to consider the timing of the proposal as there was a possibility that further funds could be raised in the future.

The Legal Services Manager suggested that the Sub-Committee could agree to a skate park in principle subject to:

- The Council funds being made available
- The agreement of a site location
- Lifetime funding for the site from the Council
- Satisfactory licence terms

Councillor Patterson pointed out that the footprint of the skate park designs were similar regardless of how much they cost. The additional cost involved making the design more intricate and challenging rather than increasing the actual size of the facility.

Councillor Appleyard stated that the possibility of a £50k skate park had never been discussed either by the Council when allocating the funding or by the Sub-Committee. The cost mentioned had always been in the region of £100k.

Following further discussion the Chair put forward a proposal and it was unanimously:

RESOLVED:

- (1) To agree to the provision of a skate park in Alice Park, the size and design of which to be determined at the next meeting.
- (2) To formally ask the Council whether a proportion of the provisionally allocated funding could be reallocated and used to provide and/or improve other park facilities.
- (3) To confirm the availability of privately donated funding towards the provision of a skate park.
- (4) To request officers to carry out an impact assessment in relation to the skate park.

36 DATE OF NEXT MEETING

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

The meeting ended at 6.00 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

This page is intentionally left blank

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Charitable Trust Board Committee – Alice Park Sub-Committee	
MEETING/ DECISION DATE:	3 July 2017	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Alice Park – Statement of Accounts 2016/17	
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 31 March 2017 2. Trustees' Annual Report to 31 March 2017 3. Independent Examiners Review 4. Charity Commission Reporting – Extract of Accounting Requirements 5. Conveyance of Alice Park Trust 6. 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 31 March 2017. (Appendix 1.)
- 1.2 To agree the Annual report for Alice Park Trust for year ending 31 March 2016. (Appendix 2.)

2 RECOMMENDATIONS

- 2.1 Agree and sign the financial statements of Alice Park Trust for year ending 31 March 2017 and their submission to the Charity Commission.
- 2.2 Agree and sign the annual report for Alice Park Trust year ending 31 March 2017 and submission to the Charity Commission.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Expenditure incurred for Alice Park Trust in 2016/17 was £35,486; this was offset by income of £23,583, and a donation from Bath & North East Somerset Council of £11,903. (Appendix 1.)
- 3.2 The cost of donations to the Trust to the Council in 2016/17 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 £189,812. 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 2016/17 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 (31 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 through a formal SLA agreed during 2016/17.
- 5.5 The accounts of 2016/17 reflect the reassessment of the treatment of the sale of property in September 2004. Compound interest of £8517.38 has been applied and is reflected in the accounts of the Trust.

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

The essential Trustee – what you need to know:
<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3>

Guidance to preparing annual reports:
<https://www.gov.uk/guidance/prepare-a-charity-trustees-annual-report#about-charity-trustees-annual-reports>

Prepare a Trustees annual report:
<https://www.gov.uk/guidance/prepare-a-charity-trustees-annual-report>

Please contact the report author if you need to access this report in an alternative format



Alice Park			304650	CC16a
Receipts and payments accounts				
For the period from	01/04/2017	To	31/03/2017	

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	1,052	13,600		14,652	-
Events Income	350			350	-
Investment Income		64		64	-
Income - compound interest	8,517			8,517	-
Income - grant in kind	11,903			11,903	-
Sub total (Gross income for AR)	21,822	13,664	-	35,486	-
A2 Asset and investment sales, (see table).					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total receipts	21,822	13,664	-	35,486	-
A3 Payments					
Grounds Maintenance SLA	10,547		-	10,547	-
Play Equipment Maintenance SLA	8,000		-	8,000	-
Tree Management SLA	2,230		-	2,230	-
Tennis Court maintenance	825		-	825	-
Bin & Bench replacement	322		-	322	-
Public Conveniences Maintenance	13,342		-	13,342	-
Other - Audit Fees	220		-	220	-
			-	-	-
Sub total	35,486	-	-	35,486	-
A4 Asset and investment purchases, (see table)					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total payments	35,486	-	-	35,486	-
Net of receipts/(payments)	-	13,664	-	0	-
A5 Transfers between funds	-	-	-	-	-
A6 Cash funds last year end	-	-	-	-	-
Cash funds this year end	-	13,664	-	0	-

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			-
	Funds - previously invested in 3.5% war stock			-
	Funds - previously invested in 2.5% consolidated stock			
	Total cash funds	-	-	-
	(agree balances with receipts and payments account(s))	Agreement Error	Agreement Error	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	811	
COIF special range 951170001C - 32911/05	Unrestricted	884	
COIF special range 115410001C	Unrestricted	11843	

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	2016		31	03	2017

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	Cllr Martin Veal		1 st April – 6 th Dec 2016	
3	Cllr Michael Norton.			
4	Cllr Rob Appleyard			
5	Cllr Geoff Ward		6 th December onwards	
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)

--

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)	Trustees comprise of the Leader of Bath & North East Somerset Council and Trustees elected as part of the Council's charitable trust board sub-committee for Alice Park.

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.

--

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.

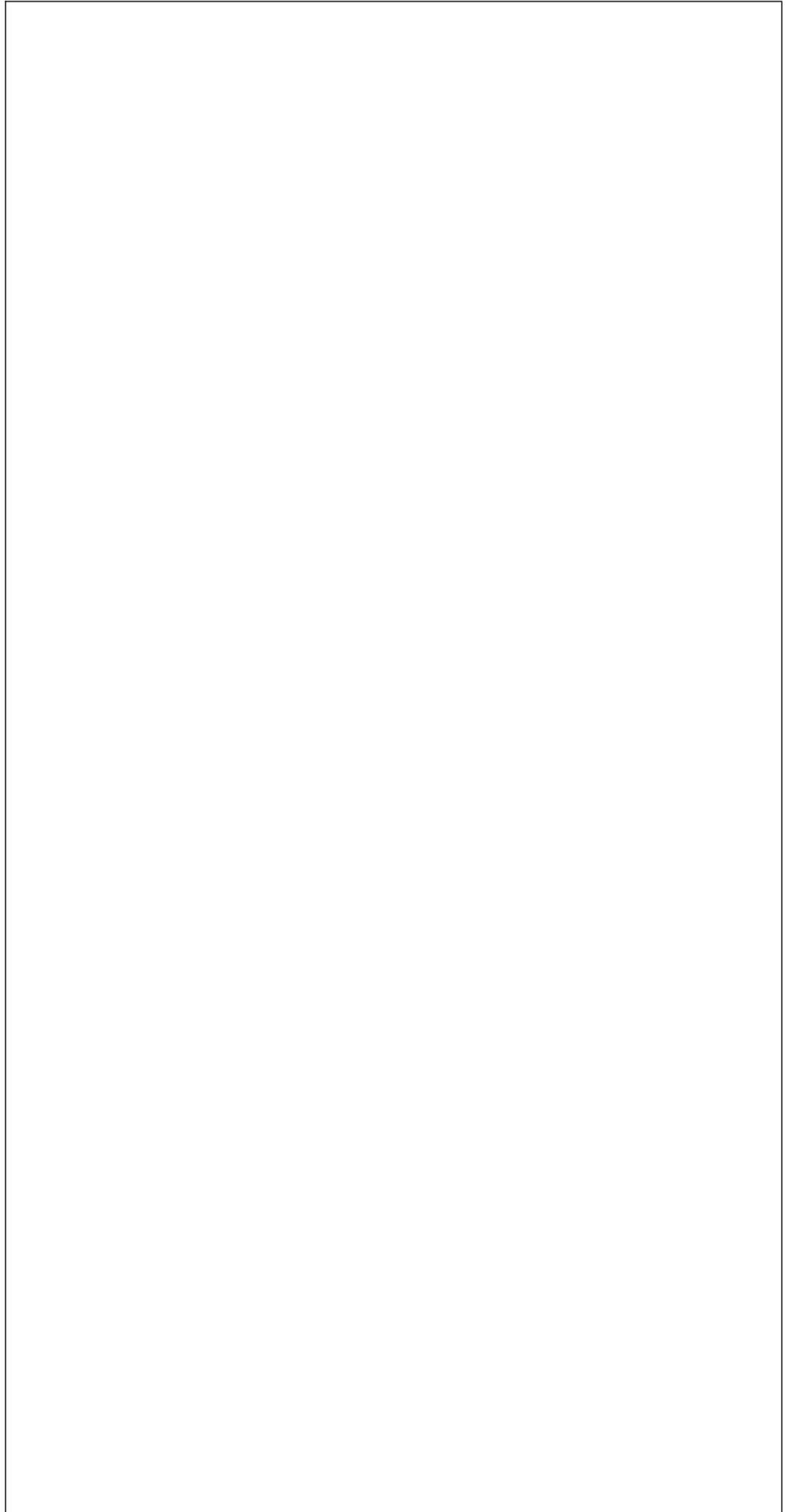
Summary of the main activities undertaken for the public benefit in relation to these objects (include within this section the statutory declaration that trustees have had regard to the guidance issued by the Charity Commission on public benefit)

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

A large, empty rectangular box with a thin black border, occupying the majority of the page. It is intended for the user to provide a summary of the charity's main achievements during the 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

Dear Kate,

Please find below the outcome of my independent review of the Alice Park Trust accounts as recently discussed.

To confirm, I have:

- examined the accounts under section 145 of the 2011 Act
- followed 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: Susan Bressington

Relevant professional qualification and body: Certified Internal Auditor (CIA) – Chartered Institute of Internal Auditors (IIA)

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

Date accounts examined: 6/6/17

Sue Bressington, PIIA, CIA
Senior Auditor

Audit West

Working in Partnership

www.auditwest.co.uk

*Bath and North East Somerset Council
Guildhall, High Street, Bath BA1 5AW*

Tel: 01225 477696

Mob: 07980 998710

This page is intentionally left blank

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>

This page is intentionally left blank

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 Goldball High Street Bath
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 Bathaston 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 Bathaston 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.

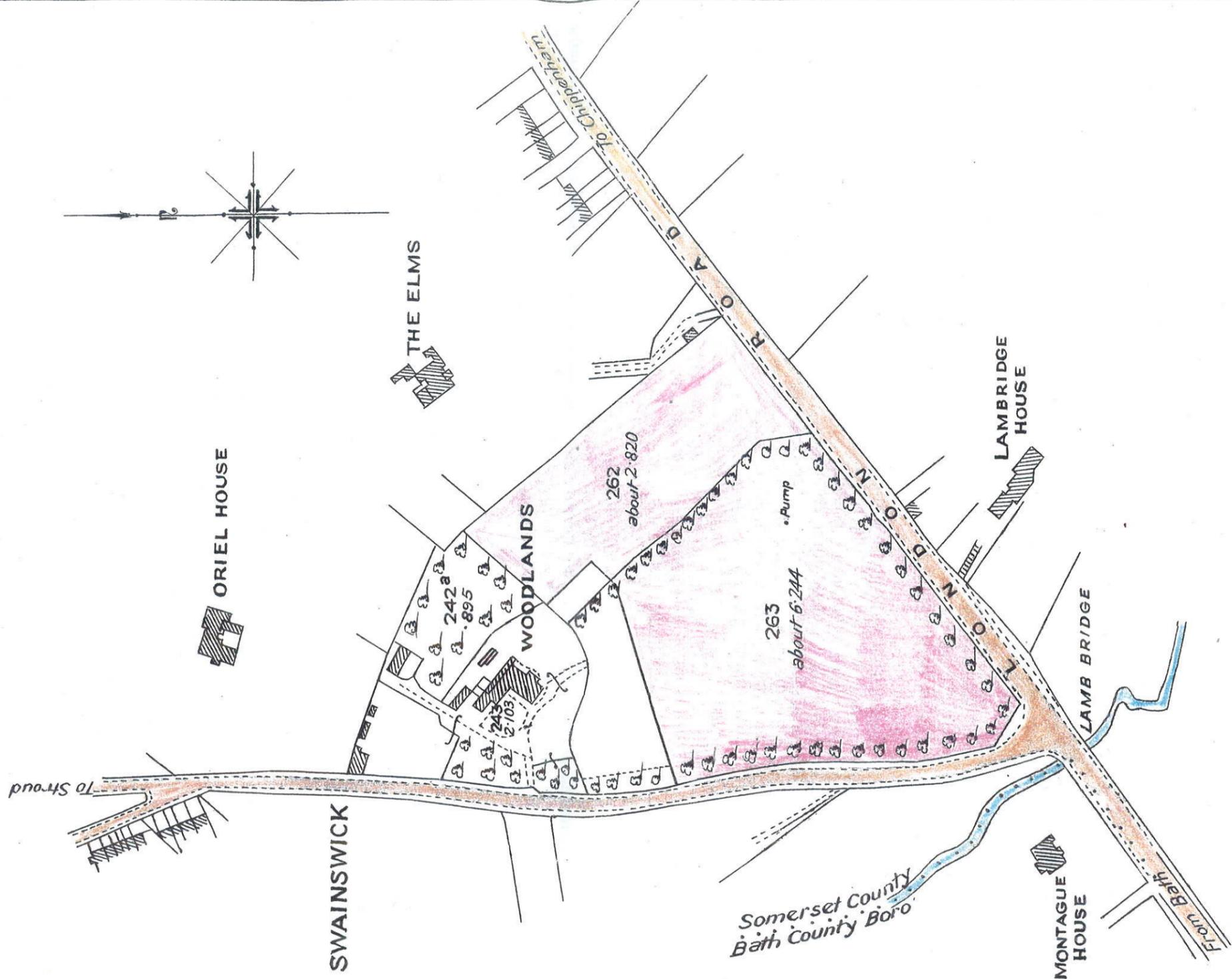
3. THE Trustees may at any time invite and receive or without such invitation receive any voluntary contributions from any person or persons either by way of donation annual or other subscription legacy or otherwise for the support or otherwise for the benefit of the charity hereby constituted.

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.

(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.



This page is intentionally left blank

97

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 Pye-Smith* of *7 Kay Street Bath aforesaid* *Basel Henry Sheldon* of *4 Queen Square Bath aforesaid* Solicitors *Ethel Wames 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.

1953145-13981-30-18-55
G111

Probate

Extracted by

Pye-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

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

5-57-5/60

(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

This page is intentionally left blank

**Rate card For Land Hire For Events In Parks And
Open Spaces From 1st April 2017**

All fees quoted are a minimum guideline per day. Each land hire enquiry will be assessed depending on seasonal demand for the site, the length of your booking and how much impact on the general public's access to the site your event will have. There is limited availability for bookings for major events (for more than 1500 people) / site occupancy of more than 10 days. At least 6 months' notice is required of an event for more than 1500 people or an event which is on site for more than 2 days including get-in.

Hire of the Royal Crescent Lower Lawn (Royal Crescent backdrop) in Royal Victoria Park – our premier location for your event.

Cost per day
£ 3975

Hire of an area of a heritage park or prime city centre location for your event

Royal Victoria Park, Parade Gardens, Sydney Gardens, Queen Square, The Circus, Botanical Gardens, Henrietta Park.

Type of event	Cost per day
Commercial	£ 1280
Charity	£ 390 (concessionary rate)

Build and break days are charged at half the daily rate.

All other parks and open spaces in B&NES

eg. Alexandra Park, Alice Park, Beazer's Maze, Firs Field, Green Park, The Hollies at Midsomer Norton, Kensington Meadows, Lansdown playing fields, the Memorial Park in Keynsham, the Tumps, Weston Recreation Ground.

Type of event	Cost per day
Commercial	£ 590
Charity	£ 190 (concessionary rate)

Build and break days are charged at half the daily rate.

Boules Bookings - £21 per terrain
Forest Schools - £25 admin charge plus £5 per session
Fitness Class - £25 per month or £100 per year – one session per week

Other activities in parks and open spaces in B&NES

Balloon lift/tether in parks - £ price on application

Deposit Bond A land hire deposit bond of **£500 - £2,500** will be held for large events or events that are likely to cause damage to the ground. The bond is an amount, to be determined depending on the scale of the event, which will be held on deposit for the reparation of council land and assets. The bond will be returned in full to the Hirer no later than 28 days from leaving the site subject to a satisfactory site visit by the parks manager.

If a Parks or Events Officer is required to attend the event, this will be charged at a flat rate of **£50** per hour.

Water and power supply are not included in the above charges but are available in some parks and open spaces
water £15-£20 per day, **electricity** £15-£20 per day
Water System Flushing £110

This page is intentionally left blank