

Alice Park Trust Sub-Committee

Date: Monday, 5th February, 2018

Time: 4.00 pm

Venue: Aix en Provence Room - Guildhall, Bath

Councillor Rob Appleyard

Councillor Michael Norton

Councillor Geoff Ward (Chair)

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

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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.

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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, 5th February, 2018

at 4.00 pm in the Aix en Provence Room - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. ELECTION OF CHAIRMAN

3. EMERGENCY EVACUATION PROCEDURE

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

4. APOLOGIES FOR ABSENCE AND SUBSTITUTION

5. 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.

6. 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.

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

8. MINUTES OF THE PREVIOUS MEETING (Pages 7 - 14)

To confirm the minutes of the meeting held on 30 October 2017.

9. UPDATE ON ACTIVITIES REGARDING ALICE PARK

The Chair will give an update on activities that have taken place regarding Alice Park since the last meeting.

10. SKATE PARK DESIGN AND LEASEHOLD ARRANGEMENTS (Pages 15 - 22)

To consider a report by the Team Manager, Parks and Bereavement Services, regarding the proposed installation of a skatepark in Alice Park.

11. FEES AND CHARGES UPDATE (Pages 23 - 28)

To consider a report by the Team Manager, Parks and Bereavement Services. The Sub-Committee is asked to agree the charging policy and rates for events in Alice Park for 2018/19 to ensure a consistent approach and maximisation of income to the Trust.

12. ALICE PARK INVESTMENTS (Pages 29 - 36)

To consider a report by the Group Accountant requesting the Sub-Committee to review all financial investments held on behalf of the Alice Park Trust and to decide how those that have expired should be invested.

13. FORWARD WORK PLAN (Pages 37 - 38)

To consider the forward work plan for the Alice Park Trust Sub-Committee and to amend as necessary.

14. FUTURE MEETING DATES

To consider setting meeting dates for the remainder of 2018 as follows:

Monday 4, 11, 18 or 25 June 2018

Monday 8, 15, 22 or 29 October 2018

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

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ALICE PARK TRUST SUB-COMMITTEE

Minutes of the Meeting held

Monday, 30th October, 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)
Sujata McNab	-	Independent Member (non-voting)

12 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

13 ELECTION OF CHAIRMAN

Cllr Norton explained that he wished to stand down as Chair of the Sub-Committee. He nominated Cllr Geoff Ward to be Chair; this was seconded by Cllr Lin Patterson.

RESOLVED: That Cllr Geoff Ward be elected Chair of the Alice Park Trust Sub-Committee.

(Cllr Geoff Ward in the Chair)

14 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer explained the emergency evacuation procedure.

15 APOLOGIES FOR ABSENCE AND SUBSTITUTION

There were no apologies for absence.

16 DECLARATIONS OF INTEREST

There were no declarations of interest.

17 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

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

Janet Marton had submitted some public questions to the Sub-Committee. The Chair explained that a response to the questions would be sent within 5 working

days of the date of this meeting.

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

19 MINUTES OF THE LAST MEETING

The minutes of the meeting held on 3 July 2017 were confirmed and signed as a correct record.

(Note: Cllrs Appleyard and Patterson disputed the resolution under minute no. 8 as they felt that in resolution (1)(a) there had been no agreement of the skatepark being approximately 50% of the original design and in resolution (1)(e) felt that the word “contribution” should read “surplus”.)

20 SKATEPARK UPDATE AND DESIGN

It was noted that the Cabinet Member had now approved capital funding of £97k for the installation of a skate park and further capital improvements at Alice Park. In addition a further £30k had been pledged by the community for the delivery of a skate park.

Mark Cassidy, Team Manager – Parks and Bereavement Services, presented the report and explained that provisional designs for the skate park had been put forward in the summer.

It was noted that due to the time lapse the tenders submitted for the design were now void and officers would now retender for the work incorporating the criteria specified at the last meeting. Mark Cassidy outlined the revised tender brief. Before going out to tender the £30k pledged by the community needed to be confirmed. Cllr Appleyard stated that this had already been confirmed in writing.

The following issues were then discussed:

- Cllr Ward stated that he would like to see some surplus monies to put towards other park improvements. Now that a smaller skate park had been approved he hoped that this would be possible. He was keen to start the work on the skate park and other projects as soon as possible.
- Paul Hooper asked for further details on the project brief and confirmation of the proposed location for the skate park. He also queried whether the views of all stakeholders would be taken into account. He stressed the need for costs, performance and quality to be considered along with the appropriate risk assessments.
- Mark Cassidy explained that the Council had a great deal of experience in running major projects and had overseen the instalment of the skate park in Royal Victoria Park. He confirmed that Jane Robson, Parks Manager, was liaising with the relevant user groups. Trial pits would also be dug in the proposed location to ensure that this was suitable prior to starting any work on site.

- Cllr Appleyard stated that the location had already been agreed in line with the relevant criteria e.g. to protect the boules area and the trees. It was important to move the project forward as soon as possible. He also pointed out the strong demand for the skate park and stated that funds raised by the community should only be used to provide a skate park as this is what it was intended for.
- Cllr Patterson expressed concern about any proposal to redesignate some of the skate park funding as surplus and to spend it on other improvements. She felt that the allocated funding should all be spent on the skate park. Cllr Patterson was also unhappy about the specification that the skate park should be approximately 50% of the original design. Mark Cassidy confirmed that this wording was not included in the project scope. He also explained that the dimensions set out in the scoping document were only a guide to ensure that the project remained below the requirements for seeking planning permission.
- Jane Robson explained that tenderers would require price brackets to enable them to put forward designs. Different price options could be provided.
- Cllr Ward summed up by acknowledging that there remained some disagreement about whether all the available funding should be spent on a skate park. He hoped that the project would come in under budget to enable some wider park improvements to take place.

RESOLVED:

- (1) To note the content of the report and to agree to proceed with two options, one of £97k less 8% contingency funding and one of £127k less 8% contingency funding.
- (2) To agree that the £30k pledged community funding shall be passed to the Council to enable delivery to be undertaken by the Council in accordance with the agreed design.
- (3) To agree that decisions around establishing the lease/licence and the detail of the further capital improvements be reported back to the full Sub-Committee.

21 ORGANISED FOOTBALL USE OF THE PARK - UPDATE

The Sub-Committee considered a report setting out an update on the trial of organised youth football within the park and the actions necessary to reduce the impact of this use next year.

Mark Cassidy, Team Manager – Parks and Bereavement Services, presented the report. He informed members that the use of the park for organised football had been very successful. However at the tail end of the season the grass was sparser due to the impact of sports use. If the Trust decided to continue the sports use then it would be necessary to re-seed the area in April/May using a more durable mixture.

- Paul Hooper stated that the park appeared to be used for football more often

than stated in the officer report. He asked about the charging policies. Mark Cassidy confirmed that the charges for football could either be per use or per season.

- Cllr Appleyard stated that he was in favour of re-seeding the area. It was important to obtain the right balance on charging and how this was managed.
- Mark Cassidy explained that the standard rate for B&NES mini football hire was £25.20 including VAT per use. This was benchmarked to other facilities in the area. The youth football team had not been charged for the last year as this had been a trial period.
- Sujata McNab stated that it would be important to consider the charge rate in the light of costs incurred. She also suggested that rather than look at one charge in isolation all fees and charges for events and use of the park should be considered together.
- On balance members felt that a charge should be levied for use of the park for organised football but that this should not necessarily be the full £25.20 in the first instance.
- Members also requested that the question of fees and charges (including collection of monies) be considered at the next meeting. The report should include indicative activity figures.
- Paul Hooper asked whether the “bootcamp” that takes place in the park currently pays any fees. Mark Cassidy confirmed that they are not currently charged. It was felt that officers should approach the organisers of the bootcamp with a view to charging for this use.

RESOLVED:

- (1) To permit the continued football use of the area.
- (2) To improve the current grass sward by re-seeding to increase dwarf perennial rye and creeping red fescue species. This will make the site far more durable for football use and events generally and ensure the site recovers quickly at the end of future seasons. This seeding should be carried out every three years.
- (3) To fill any holes that may cause injury.
- (4) To request the Team Manager – Parks and Bereavement Services – to negotiate with the football organiser to agree a suitable fee for the organised football use of the park.

22 DATE OF NEXT MEETING

It was agreed that the next meeting will take place on Monday 5 February 2018 at 4pm.

The meeting ended at 5.40 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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ALICE PARK TRUST SUB-COMMITTEE – 30 OCTOBER 2017

PUBLIC QUESTIONS FROM JANET MARTON

Skate Park

- (1) I note that once again the agenda for the next meeting of Alice Park Trust is devoted to the skatepark, with no agenda items on the other pressing improvements required in the park. When will there be a discussion of how to improve the park for all users and not just the skate park group?

Response

The skatepark is a complex installation with an ambitious completion date of March 2018, we must ensure that we do all that we can to ensure the brief is reflective of the census of opinion in order to facilitate progress. With regard to other issues, at the meeting we discussed and agreed the need to improve the grass sward to make it more resilient for the regular sports use, in addition the parks manager and trust chairman are meeting on the site this week to agree planned winter works as defined in the parks management plan and which was signed off in March.

- (2) I am still concerned as a resident and regular park user that the concrete structure can be 4m above ground, and that sprayed concrete of up to 200 cu m will be used. Alice Park is a registered green space, and I assume is protected from over development and excess use of concrete. Can you as trustees and the council officers confirm that due attention has been paid to the requirements set out in the legislation on protected green spaces? There is a lack of peaceful green space in this area, and I am concerned about the destruction of some of that highly valued space for a concrete skate park.

Response

The specific dimensions quoted are planning constraints and are there to frame the maximum dimensions we must stick within. Please be assured that we do not envisage the skatepark being 4m in height above ground level and that it is intended to be of a scale in-keeping with the park to balance it against the needs of other users of the park as you refer.

- (3) Mention is made in the agenda report pack of consultation with user groups, but consultation with residents whose properties adjoin the park is also imperative. In particular details of noise impact and environmental impact should be shared with the greatest transparency. Security in the evenings and especially in winter is important, so how will BANES and you as trustees, monitor the security of the park after dark to prevent the use of the skate park then?

Response

We currently don't have revised skatepark plans but when we do we will present those plans in order to consult with neighbours and users, this will most likely be upon the site and on a pre-agreed date to achieve maximum feedback. Within the brief we are setting out to achieve maximum noise attenuation and screening, we do not foresee that the skatepark will be used in the dark (as they are not in the skateparks we currently have).

Trees

- (4) A number of trees have recently been felled, I assume for safety or because of disease, and I wonder what programme of replanting is in place in Alice Park to replace those trees which have been removed. Alice Park is a registered green space and it is important to preserve a variety of trees for the benefit of all park users as well as for birdlife.

Response

The trees were at the end of their safe useable lives and we have adopted the council's principle of replacing felled trees like for like numerically – these trees will be replaced this winter

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Alice Park Trust Sub Committee	
MEETING/ DECISION DATE:	5 February 2018	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Skatepark design and leasehold arrangements.	
WARD:	Lambridge	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix A - Project scope and objectives		

1 THE ISSUE

- 1.1 £97k capital has now been fully approved by the Council for the installation of a skate park with any remaining funding being spent on further capital improvements at Alice Park. In addition the £30K pledged by the Community is in the process of being confirmed and transferred into the Council's accounts to contribute to the delivery of a skate park, although it has not been received as yet.
- 1.2 The Council have to tender the design and build of the skate park in order to adhere to council standing order procedures; however a brief is yet to be fully agreed by Trust members.
- 1.3 Council Officers cannot progress with the tender until agreement is reached by the Trust regarding the size of budget the skatepark is to be designed to, its specific location and its footprint size. Clarification is sought over these critical details in order to remove ambiguity and prevent further delays.
- 1.4 In addition a CIL application for funding for footpaths has been made by Cllr Appleyard for footpath installation. This is yet to be formally discussed with the Trust, but if successful may reduce associated skatepark access costs.

2 RECOMMENDATION

- 2.1 That the Trust give clear guidance on their preferred location of the skatepark, its footprint size in m2 and the amount of budget to be designed to.
- 2.2 That when the above parameters are agreed, that the tender documentation will be compiled and draft designs received for agreement by the user group and Trust.
- 2.3 That once the tenders are received, and the skate park built, any surplus from within the £127K budget (after the costs of developing the lease, seeking an independent

valuation and contingency has been accounted for) is allocated towards wider park improvements which will be costed and proposed by the Parks Manager and agreed by the Trust.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 £97K capital has been allocated by the Council for the development of a skate park in the east of Bath and further capital improvements as the budget enables.
- 3.2 The Council's contribution to develop the skate park will be capped at a maximum of £97K including all associated project and officer costs.
- 3.3 The Trust has also had confirmation that £30K of private donations have also been committed to developing the skate park, subject to confirmation of the Council's £97K commitment; £20K from the Medlock Trust, and £10K as a private donation from a Larkhall resident.
- 3.4 The inspection and maintenance of the facility is intended to be carried out by B&NES within the existing level of subsidy that it gives to Alice Park. There will be additional revenue expenditure but under normal circumstances this is anticipated to be minimal, particularly if the inspections are carried out by the Council's play inspectors who already visit the park, and if the skating community and volunteers are tasked with helping keep the site clear of litter and in good order.
- 3.5 Should the costs be more than reasonably budgeted for then the Council will need to consider its position and may seek to reduce the extent works within the current subsidy by re-prioritization. The Trust should be prepared to contribute financially to any identifiable shortfall from its own resources/income streams.
- 3.6 Insurance – As the skate park will be maintained and inspected by B&NES the insurance liability will be picked up under the Council's Insurance arrangements and is within existing budgets.
- 3.7 As this is intended to be a council facility to be placed on the park with the trustee's agreement, there will need to be a lease including full repairing covenants and agreement to remove this facility at the end of its useful life imposed upon the Council.
- 3.8 The council's property services department will produce the lease but the trustees must satisfy their s.36 Trustee Act duty to get best value for the land. The trustees need to obtain their own valuation (from a surveyor) at their own cost. The fees for drafting the lease being attributed to the Alice Park Trust and funded from within the £97k capital funding. This will need to be agreed prior to commencement of any capital works being undertaken.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Council is sole corporate trustee of the Alice Park Trust. The Alice Park Trust's 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 Members in their capacity as Trustee must administer the Trust in good faith, abiding strictly to the objects of the Trust and administering the Trust for the benefit of the public which may at times conflict with the interests of the Council.

- 4.3 The objects of the trust require the land bequeathed to be used as a public park and children's recreation ground. The Sub-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.
- 4.4 One important consideration for the APT Sub-Committee to consider, when deciding upon the issue of expenditure generally but specifically in respect of the skateboard park is, that the income from the Endowment and arising from the Trust Property is currently insufficient to maintain the park without a subsidy from B&NES' and therefore a very clear legal basis is required in order to enable B&NES as trustee to permit any project to go ahead, if that would involve future expense.
- 4.5 The Trust would need to agree for the Council to lease the land for the use of a skate park. The Council would then construct the facility within the funding envelope available and provide maintenance as necessary.
- 4.6 The £30K of private sector funding is being identified currently and is planned to be released to the Council once the skate park has been commissioned for spend at Alice Park.
- 4.7 The design & build of the skatepark will be tendered in accordance with council contract standing orders.

5 THE REPORT

- 5.1 At its meeting on the 3 July 2017 the Sub-Committee detailed the design specification which would be acceptable to them in developing the facility. Agreement was given to tender the skatepark contract at 2 overall values (97k & 127k) in November 2017.
- 5.2 It has since emerged that there is no unanimous agreement on the specific location of the skatepark, and Trust members have questioned Council officers regarding how and when funds can be attributed to other park improvements from the overall cost envelope (i.e. from the outset or only following the tendering the works to the brief). The brief cannot be progressed until the Trust is clear on its specification.
- 5.3 The skate park will be a predominantly sprayed concrete construction and the design will need to fit the located area and provide features that will meet the need of the user group.
- 5.4 The provision of facilities that will be suitable for use by skate boarders, BMX riders, inline skaters, roller bladers, roller skaters and scooter riders so that park users will be provided with a park that they can ride time and time again and have fun exploring the lines in many different ways whilst developing their skills in the process.
- 5.5 The Project scope and objectives are outlined in Appendix A.
- 5.6 The key outcomes and success factors for the project are;

- to be completed by no later than 30th March 2018 – however this is now looking increasingly unlikely due to the lack of a firm brief and this timescale will need revising.
- to be completed within the approved budget (including fees for lease/licence, project management and Parks Officers time).
- to meet BS EN 14974
- for the contractor to provide an after care service for 2 years
- for the surfaces and rides to have a life expectancy of 20 years
- A skatepark is a bespoke item and a 'design and build' contract framed by a brief is the most cost effective method of procuring this due to its specialist nature. This allows the parameters of the brief (including the overall budget) to be worked within and the end users and stakeholders to judge/score against ensuring best suitability.

6 RATIONALE

6.1 The skate park has previously been specified as detailed by the Sub-committee at its meeting on 3 July 2017 however Trust members have subsequently questioned this brief and there is a need to reconfirm.

7 OTHER OPTIONS CONSIDERED

7.1 These have previously been detailed to the Sub-Committee in order to determine the specification now decided upon to build a skate park primarily aimed at beginners and improvers.

8 CONSULTATION

8.1 Initial designs will be taken out to consultation with the public user group and the Sub-Committee as part of the evaluation process.

8.2 Once the contract has been awarded further design work will include further consultation with future users of the park and organised in conjunction with Bath & North East Somerset Council's Parks officers.

8.3 Contractors submitting a bid should have experience of, and be confident with, working with young people and the public as part of the design process and will present their designs to representatives of user groups and to Council Officers.

8.4 The Council's S 151 officer approval has been received to release the £97K funding.

8.5 The Council's legal team have had opportunity to comment on this report.

9 RISK MANAGEMENT

9.1 Risks to the project's successful completion are;

- project over running past 30th March; this is now certain to occur and clarity of the skatepark parameters will prevent further delays. It would be more realistic to agree a deadline of end of May.
- project cost exceeding the allocated budget (The Council has been clear that its contribution will be capped at £97K but that the additional 30k donations aligned to the skate park delivery will extend the value of the overall project to £127k enabling Council funding to be applied to other capital improvements); within this there will be an 8% contingency fund allocated to the project which is considered reasonable to the risk.
- currently unknown site constraints such as sub surface ground conditions; trial pits are planned to ascertain sub-terranean conditions.

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

Contact person(s)	<i>Mark Cassidy 01225 396811</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

Appendix A

PROJECT SCOPE AND OBJECTIVES

We anticipate that the successful design will incorporate features to satisfy the following user groups:

Skate facilities for a variety of users:

- Skate boarders (including Penny boarders)
- Scooter riders
- BMX riders
- Inline skaters / roller bladers / roller skaters

Types of rider experience (all ages)

- Beginners
- Improvers

PROJECT SCOPE

Possible features to include a selection of the following (to be confirmed during the consultation design development process):

- ramps / curved transitions
- a selection from street and plaza features such as rails, steps, blocks, banks, kerbs etc
- rideable space for gentle cruising, away from other skate lines i.e. not in the path of features. This is to prevent riders crashing into one another and to allow beginners space to practice balancing
- DDA compliant rideable access and pathways from the existing park path to connect with and encircle the skate facility (removing any need to ride over grass to get on / off the skate park)
- design to include maximum possible noise attenuation within the available budget
- design to incorporate include necessary, suitable and sufficient screening and planting

The project may also require appropriate external works:

- drainage
 - surface treatment for non-rideable surfaces i.e. pathways, rubber matting / SAFA surface
 - soft landscaping to soften edges and provide some visual screening
- All activities must be outside of the drip line of any trees.

OUTLINE PROJECT DELIVERABLES AND/OR DESIRED OUTCOMES

General conditions:

- We are looking for a lifespan of at least 20 years for surfaces, rides and external features.
- We are happy for contractors to sub-contract the build where relevant. Any subcontractor proposed should be submitted to the Council for approval prior to commencement.

MATERIALS

Materials chosen by the contractor, and construction methods chosen should be fit for purpose and able to withstand intensive use over a 20 year period.

CONSTRAINTS

- The budget is limited to £97,000 inclusive of all fees (including internal fees) and costs, and the contractor's submission must demonstrate that this is achievable.
- Planning permission is not required for this site providing design and construction is limited to a maximum height above ground level of 4m and a maximum cubic capacity of 200m³. The design must comply with these limits.
- No trees should be cut, trimmed or removed for construction.
- The adjacent boules area cannot be impacted upon, removed or relocated.
- The size and design should be proportionate to the size of the park so that it shall in no way dominate the park or detract from the enjoyment of other park users and neighbouring residential occupiers.

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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Alice Park Trust Sub Committee	
MEETING/ DECISION DATE:	5 February 2018	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	FEES & CHARGES UPDATE	
WARD:	Lambridge	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix A – B&NES events rate card 2017-18 & 2018-19		

1 THE ISSUE

- 1.1 There is a need for the Trust to agree the charging policy and rates for events in Alice Park for 2018/19 to ensure consistency of approach, that income to the trust is maximised and that the Council charges for its time and administrative support to the Trust appropriately.
- 1.2 Currently there are a variety of different charging mechanisms for events and sports in Alice Park. This report recommends standardising by adopting the Council's rate card and procedures.

2 RECOMMENDATION

- 2.1 That Alice Park Trust adopts the B&NES rate card in 2018/19 and agrees for B&NES to administer the events as currently.
- 2.2 That discretionary amendments to hire charges may be agreed between the Alice Park Trust chairman and the Parks Manager from time to time.
- 2.3 That Alice Park Trust agrees the basic principle of applying charges to anyone making financial gain from goods and services provided within Alice Park with the exception of nurseries and schools.
- 2.4 That the Alice Park Trust is happy to proceed with football, rugby, fitness hire charges as detailed in Section 3.1 below.

- 2.5 That Alice Park tennis income continues to be collected by the Café concession whilst an alternative proposal is worked up to link with investment in improving the facilities.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Larkhall Athletic Football Club has agreed a series of rates that reflect the duration of its use. These are:

Day/time	Unit cost	No.	Total cost
Sat mornings 9.30 – 11am	£20	32	£640
Weekday school football – up to 1 hr	£10	16	£160
			£800

Payments to be made as:-

£267 for usage between 1st February 2018 until 31st May 2018

£267 for usage between 1st June 2018 until 30th September 2018

£267 for usage between 1st October until 31st January 2019

- 3.2 Rugbysots have agreed to train on Saturday afternoons for a set no. of dates.

Day/time	Unit cost	No.	Total cost
Saturday afternoon 1.30 – 3.15	£30	46	£1380

Payments to be made per term - *please note there are no retrospective charges.

- 3.3 A weekly fitness training/class is charged at £25 per month or £100 per annum. Example - three classes per week would therefore equate to either £75 per month or £300 per year and B&NES will deduct a £75 + vat admin fee.

- 3.4 Tennis income for April 2017- December 2017 is £295 (+ £50 payment for Christmas Market use).

- 3.5 That the Alice Park Committee agrees to pay the Parks section a nominal fee of £75 + vat per agreement as acknowledgement for each separate arrangement.

- 3.6 That the community garden remains free to use for community gardening purposes but the production of a formal licence agreement to detail this use is prioritised by the Trust.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Council is sole corporate trustee of the Alice Park Trust. The Alice Park Trust 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 Members in their capacity as Trustee must administer the Trust in good faith, abiding strictly to the objects of the Trust and administering the Trust for the benefit of the public which may at times conflict with the interests of the Council.
- 4.3 The objects of the trust require the land bequeathed to be used as a public park and children's recreation ground. The Sub-Committee must consider whether the trust's objectives are enhanced by hosting events and organised sports uses and whether charging for use is acceptable under the terms of the trust deed.4.4.

5 THE REPORT

- 5.1 B&NES Parks Department sets an annual event pricing rate card and procedures for public events in Alice Park. A copy of the rate cards is attached which includes a £75 (+ vat) admin charge per event. This admin fee is a contribution to the time required in carrying out safety checks such as scrutinizing risk assessments and event management plans, ensuring items are licenced/fit for purpose, insured and payments processed.
- 5.2 There is an existing informal tennis agreement whereby the Café lessee hires the courts out to tennis players and 50% of the proceeds comes into the Council. This is passed onto the Trust.
- 5.3 Recent agreement was given at the Alice Park Trust Sub-Committee on 30/10/17 to formalize children's football/rugby training and to negotiate suitable fees. The rationale logically extends to fitness clubs/personal trainers using the park for sports derived incomes.
- 5.4 In order to avoid inconsistency and challenge it would be beneficial for the Trust to agree a basic principle regarding charging as other paid entities use the park such as the adjacent nursery.
- 5.5 The Parks Department would like to agree a similar levy for the time spent in arranging Alice Park incomes and would like to charge fees of £75 + vat per agreement consistent with the event admin fees.

6 RATIONALE

- 6.1 Events and sports uses attract vibrancy and investment into the site and fulfil the aims of public recreation generally. The principle of taking an income from those charging for services upon the site ensures the income can be used to provide improved facilities (e.g. a better grass sward).
- 6.2 The management process surrounding an event agreement considers potential issues (noise nuisance, damage to land etc) and any event that may cause concern shall be notified to the Chairman, and mitigations explained and agreed prior to confirming the booking.

7 OTHER OPTIONS CONSIDERED

7.1 Don't agree sports/events uses.

7.2 Don't charge for sports/events uses.

Both options were dismissed as not being in the best interests of the Trust.

8 CONSULTATION

8.1 The Council's Section 151 Officer (Divisional Director - Finance) has had the opportunity to input to this report and have cleared it for publication.

9 RISK MANAGEMENT

9.1 Events are great attractions that can bring the community together; events also have variable risks that require management (a harmless bouncy castle blew away in 2015 causing a fatality). The use of the Council's event management processes will be a prudent action and will ensure safety and site risks are prevented/mitigated.

9.2 To ensure each user is insured for their own personal risks (e.g. a rugby incident).

9.3 To ensure the licence agreement places a responsibility upon the users to inspect the playing surface for dog faeces residues, divots and other harmful items.

9.4 That the playing surface will be re-seeded in April 2018 and that users will train on a separate area within the park ensuring their use and the income is maintained.

Contact person(s)	<i>Mark Cassidy 01225 396811</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

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.

Administration Fee - A non-refundable application fee of **£75+VAT** (£90) will be charged at the point of submitting your event application via Event App for checking, validating and processing applications.

Multiple Events Administration Fee – For a series of similar events such as a market **£150+VAT** (£180)

NEW Major Events Administration Fee - **£150+VAT** (£180)

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, Botanical Gardens.

Type of event

Cost per day

Commercial

£ 1345

Charity

£ 530 (concessionary rate)

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

All other parks and open spaces in B&NES

eg. The Circus, Henrietta Park, 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

£ 620

Charity

£ 242 (concessionary rate)

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

Boules Bookings - £22 per terrain

Forest Schools - £25 admin charge plus £5 per session or £100 per year – one session per week

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 Council Officer is required to attend the event, this will be charged at a flat rate of **£75.00** per hour.

Water and power supply are not included in the above charges but are available in some parks and open spaces
water £21 per day, **electricity** £21 per day

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Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Alice Park Trust Sub-Committee	
MEETING/ DECISION DATE:	5 February 2018	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Alice Park Investments	
WARD:	Lambridge	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
1. HM Macvicar – Last Will and Testament (Extract)		

1 THE ISSUE

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

2 RECOMMENDATIONS

- 2.1 That the Trustees continues with the current cash fund investments held by Alice Park Trust into the Charities Official Investment Fund (COIF.)

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The Charities Official Investment Fund (COIF.) currently holds 3 cash fund investments with balances of £11,843, £4,880 and £885 totalling £17,608 on behalf of the Trust, as originally donated through the last Will and Testament of HM Macvicar and held in line with the requirements of the Will and Testament.
- 3.2 The Trust additionally holds 278 Majedie Investment PLC shares at a current value of £3.0012 a share as at 19 January 2018, total holding £828.33 held by Majedie Asset Management.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Will and Testament requires 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 the most suitable investment mechanism for the funds. The recommended option is to continue with the current investments 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 0.25% per annum this is where the funds are currently invested.

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 allow the Council to manage its funds. The estimated return investing through the council would be 0.25% given the current Bank of England interest rate. There may also be an admin charge associated with the council managing the fund which would negate the interest raised.
- 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 this option has not been investigated further or proposed.
- 7.3 Other alternative investments available include investing on the Foreign Exchange (FOREX), market hedging, stocks, cryptic currencies or commodities. These are also higher risk options with no guarantee that any sum invested will be returned, and are staff intensive to manage and so have not been investigated further.

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	Edward Dawson edward_dawson@bathnes.gov.uk 01225 396363.
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	

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In the High Court of Justice

The District Probate Registry at *Bristol*

BE IT KNOWN that *Herbert Montgomerie MacLear*
of The Elms Bathenston 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 Ray Street Bath aforesaid Basil Henry
Sheldon of 4 Queen Square Bath aforesaid
Solicitors Ethel Warner 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. A. New.

Deputy District Registrar.

Probate

Extracted by

Pye-Smith & Popham
Solicitors Bath

(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

(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)-

3

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

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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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ALICE PARK SUB COMMITTEE

FORWARD PLAN

<u>Meeting Date</u>	<u>Report Author</u>
<u>June 2018</u>	
Management Plan Update	Mark Cassidy
Statement of Accounts and Annual Report for 2017/18	Edward Dawson
<u>October 2018</u>	
Marketing Strategy for Alice Park	Mark Cassidy
Annual report to the Charitable Trust Board	Marie Todd

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