

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **MINUTES OF CHARITABLE TRUST BOARD MEETING**

Thursday, 11th July, 2019

Present: Councillors Rob Appleyard, Paul Crossley, Paul Myers and Joanna Wright

Apologies for absence: Councillor Mark Roper

### **1 ELECTION OF CHAIR**

RESOLVED: To elect Cllr Paul Crossley as Chair of the Charitable Trust Board.

### **2 ELECTION OF VICE-CHAIR (IF REQUIRED)**

No Vice-Chair was required at this time.

### **3 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

### **4 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

### **5 APOLOGIES FOR ABSENCE AND SUBSTITUTION**

Apologies for absence were received from Cllr Mark Roper.

### **6 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **7 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

The Chair informed members that there was one item of urgent business regarding the Charity of Frances Georgina Cooke (charity no. 266101) re 4 The Circus, Bath. The reason for urgency was the need to nominate additional trustees to support the charity as soon as possible.

Stephen Bird, Head of Heritage Services, explained that the charity requires four trustees and that three trustees are required for a quorum. There is currently only one trustee. The Council is not a sole corporate trustee of this charity and trustees do not have to be councillors.

The Heritage Team have now moved out of the building at 4 The Circus and the Bath Spa University fashion and design courses will be moving out in September. There is currently no lease arrangement in place and Trustees are required to decide the future and possible disposal of the building. A number of options for the building

have already been considered and if there were an organisation willing to take it on then this could be discussed by Trustees.

RESOLVED: To request the Head of Heritage Services to advertise the vacancies and to appoint three Trustees to the Frances Georgina Cooke charity in consultation with the Chair of the Charitable Trust Board.

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

Mr Graham Page submitted some questions and made a statement regarding item no. 10 on the agenda, the proposal to review an alternative delivery of the objects of the Alice Park Trust. Mr Page raised concerns regarding the increasing separation of the Council and the Trust. In particular he had concerns relating to officer support for technical and administrative functions, risk management, health and safety and event management. He also highlighted the need for the Trust to generate additional funding as it became more independent. A copy of the questions, responses and statement is attached as Appendix 1 to these minutes.

## **9 MINUTES OF THE PREVIOUS MEETING**

RESOLVED: To approve and sign the minutes of the previous meeting held on 14 December 2016.

(Note: None of the current members of the Charitable Trust Board were present at the previous meeting; however, a member of the public who was present stated that they were an accurate record).

## **10 PROPOSAL TO REVIEW AN ALTERNATIVE DELIVERY OF THE OBJECTS OF THE ALICE PARK TRUST**

The Board considered a report by the Director of Environmental Services. The report gave details of a proposal which had been received from a third party in relation to transferring responsibility for the Alice Park Trust (as sole corporate trustee) to an independent community led initiative.

It was noted that there was a risk that asset liabilities may be overlooked if the Trust/Council roles are misunderstood corporately. It was possible that the Council may not discharge its Duty of Care liabilities if the site was not managed properly and this could become a reputational risk.

Mr Derek Swift and Mr Sam McGuire presented their proposal for the structure and management of the Alice Park Trust Charity to the Board. The following points were raised:

- The park is now being used more frequently and there is already community involvement. However, the average user would feel that it is a Council park when, in fact, the park was left in trust to the people of Bath.
- The current structure for management of the park has not fully addressed this issue. The proposal put forward would ensure a clear separation of roles and

would give clarity. New Trustees would be identified and funds to support the park could be raised by legacies, gift-aid and sponsorship.

- There were opportunities to obtain support from the local community who could become more involved with the management of the park. A “Friends of Alice Park” scheme could be introduced whereby people would pay a nominal amount of money to become a “friend”.
- The proposal would introduce a framework for taking the Alice Park back to a model that more closely resembles Mr McVicar’s original vision for the park by giving it a structure that enables it to once more be run by “The Mayor, Aldermen and Citizens of Bath.” This would offer a positive reputational gain and save officer time.
- The intention was not to run large events or to commercialise the park.
- The proposals were in line with the Bristol and Bath Parks Foundation which is looking at new models and approaches to managing parks and green spaces. This would also address the pressures on public finances and all public resources. A charity is also able to access funding opportunities that the Council cannot.
- Sam McGuire explained that he had experience of running large scale business entities and Derek Swift was a Chartered Accountant who also ran his own business. He pointed out that local expertise could be used to push this project forward and noted that Larkhall is a strong and active community. It was also noted that, under current arrangements, only councillors can vote rather than local people or park users.

The Board then discussed the following issues:

- The current situation means that some people are running activities in the park but none of the money raised is going to the Alice Park Trust.
- Cllr Appleyard pointed out that the local expertise can still be harnessed under the current arrangements. To avoid putting extra pressure on officers they do not need to attend all meetings of the Trust but can be requested to attend only when necessary leading to a “lighter touch” arrangement. The current voting arrangements could also be reviewed to widen voting rights if this was legally and constitutionally permissible.
- Michael Hewitt, Legal Services Manager, explained that there was no legal requirement for the Council to be a trustee of the park. If responsibility was handed over to another body then this would reduce the impact on the Council.
- Cllr Appleyard questioned whether the benefit should be to the Council or to the park. He noted that there could still be a “Friends of Alice Park” scheme if the Council retained responsibility.

RESOLVED:

- (1) To review the options for governance and/or the Terms of Reference for the Alice Park Trust Sub-Committee to ensure that these are fit for purpose.
- (2) To ask officers to investigate the proposal submitted by a third party and to report back to the Charitable Trust Board with conclusions and recommendations on the sustainability of and merits and risks of the proposal.

- (3) To receive a report at the next Charitable Trust Board meeting giving a full review of both options and processes.

## **11 REPORT TO CONSTITUTE THE ALICE PARK TRUST SUB-COMMITTEE**

The Board considered a report by the Legal Services Manager which asked members to consider the membership of the Alice Park Trust Sub-Committee in accordance with its terms of reference.

RESOLVED: To appoint Cllrs Rob Appleyard, Paul Myers and Joanna Wright to the Alice Park Trust Sub-Committee.

The meeting ended at 1.35 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

## **Questions for Agenda Item 10**

1. If the council will reduce its liabilities, how will the Trust generate sufficient revenue? Will the council still contribute as there will be a need for finance to carry out the technical, administrative and management functions that the reformed trust will have to carry out?

### Response

The impact of these scenarios would need to be fully understood following officer investigation of the proposal that has been submitted. This will allow the Council officers to assess the financial impact on the Council and the Alice Park Trust and report back to the Charitable Trust Board.

2. Will there be any advice independent of council officers to inform the existing and proposed Trust Boards on the proposals laid out in appendix A?

### Response

The Charitable Trust Board (CTB) is a committee of the council and will be advised by Council officers in the usual way. It is entirely a matter for the CTB whether to recommend to Council whether or not its sole corporate trust status should be relinquished. The CTB may wish to consult the Alice Park Trust (APT) Sub-Committee, once formed, but if it does so the APT sub-committee will not be independently advised.

## **Comments on Appendix A**

- 1. The Trust Bequest requires between 5 and 7 councillors. In proposing 6 Trustees (5 of which are councillors the balance towards the council is too strong; 7 Trustees with at least two of which are independent might be more in the community interest.**
- 2. If the Friends of Alice Park is to be truly inclusive users of the park who may not be able to afford the standard fee will need to be accommodated.**
- 3. The provision of services is only one element of servicing Alice Park, The management of events issues of child protection, health and safety, oversight of commercial activities and events management will need to be addressed, particularly as the council have actively withdrawn from providing some of these services.**
- 4. There is no mention of the above activities as being potential revenue streams.**
- 5. Although Alice Park is a public body, the public disclosure of commercial information is not fair on both lessors and lessees and could be used by alternative providers to the detriment of existing lessees.**