

Charitable Trust Board

Date: Thursday, 11th July, 2019

Time: 12.00 pm

Venue: Aix en Provence Room - Guildhall, Bath

Councillors: Councillor Rob Appleyard, Councillor Paul Crossley, Councillor Paul Myers, Councillor Joanna Wright and Vacancy

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. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. 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>

Charitable Trust Board - Thursday, 11th July, 2019

at 12.00 pm in the Aix en Provence Room - Guildhall, Bath

A G E N D A

1. ELECTION OF CHAIR
2. ELECTION OF VICE-CHAIR (IF REQUIRED)
3. WELCOME AND INTRODUCTIONS

4. EMERGENCY EVACUATION PROCEDURE

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

5. APOLOGIES FOR ABSENCE AND SUBSTITUTION

6. 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.

7. 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.

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

9. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 8)

To confirm the minutes of the meeting held on 14 December 2016.

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

To consider a proposal received by the Council from a third party in relation to transferring responsibility for the Alice Park Trust from the Council (as sole corporate trustee) to an independent community led initiative. (*Report to follow*).

11. REPORT TO CONSTITUTE THE ALICE PARK TRUST SUB-COMMITTEE (Pages 9 - 14)

To consider constituting the Alice Park Trust Sub Committee, following the Local Government elections in May, and to agree its membership in accordance with the Terms of Reference.

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

BATH AND NORTH EAST SOMERSET

MINUTES OF CHARITABLE TRUST BOARD MEETING

Wednesday, 14th December, 2016

Present:- **Councillors** Martin Veal (Chairman), Robin Moss, Michael Norton and Geoff Ward

Also Present: Councillor Lin Patterson

21 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting.

22 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

23 APOLOGIES FOR ABSENCE AND SUBSTITUTION

There were no apologies for absence or substitutions.

24 DECLARATIONS OF INTEREST

There were no declarations of interest.

25 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

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

There were no items from the public.

27 MINUTES OF THE MEETING HELD ON 4 OCTOBER 2016

The minutes of the meeting held on 4 October 2016 were confirmed as a correct record and signed by the Chairman.

28 APPOINTMENT OF INDEPENDENT PERSON

Martin Shields, Divisional Director, Environmental Services gave an update regarding progress on the appointment of an independent co-opted (non-voting) member of the Board. One person had expressed interest in this position that had a great deal of experience in public service. Details of the interested person along with their CV would be sent to members of the Board who could then decide whether to make an appointment directly or whether to form an interview panel to meet with the person before making a decision.

RESOLVED: To agree the approach outlined above to appoint an independent co-opted member of the Charitable Trust Board.

29 ALICE PARK SUB-COMMITTEE UPDATE

The Board received the following update from Councillor Michael Norton, the Chairman of the Alice Park Trust Sub-Committee regarding its work and decisions made at the last meeting. The draft minutes of the Sub-Committee meeting were also circulated.

- The Board have now appointed 2 co-opted independent members - Sujata McNab and Paul Hooper – who both attended the meeting last Tuesday.
- The Sub-Committee received further information regarding the valuation of land and equipment and the sale of Cottage No. 2 at Alice Park. Members have asked for further information regarding the charging regime for events within the park at the next meeting with a view to raising funds to increase the income of the Trust.
- The Sub-Committee agreed the content of the submission to the Charity Commission and agreed to adopt the relevant Council policies for the Alice Park Trust. Members also asked for a copy of a summary of the Council's financial controls to satisfy themselves that appropriate controls were in place.
- The main item for discussion on the agenda was the options for improvement at Alice Park which included proposals for a skate park. A number of members of the public attended for this item and there were speakers both for and against the provision of a skate park. This was a very emotive topic and there were strong views on both sides. The Sub-Committee discussed the matter at length and considered the various options for the park bearing in mind that the Council has allocated £97k towards the provision of a skate park at this site.

There were some concerns about the consultation that has taken place and whether this had been wide enough. There were also some questions around future maintenance costs which would have to be met by the Trust. Some members were also concerned that if the skate park proposal did not go ahead that the allocated funding would be lost. On balance the Sub-Committee decided that it did not have adequate information to make an informed decision at the meeting.

The Sub-Committee ultimately decided to proceed as follows:

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

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

- (3) Requesting interested members of the Sub-Committee to prepare a further consultation document, the form of which is to be approved at the next meeting of the Trust.
- The Sub-Committee also considered a SWOT analysis of the park and made recommendations for improvement works with a view to compiling a comprehensive management plan. Future capital funding will be sought from the Council for 2018/19.
 - Lastly the Sub-Committee noted the recommendations of the Tree Inspector to fell four trees in Alice Park for health and safety reasons.
 - The next meeting will be held in March on a date to be agreed.

Councillor Moss asked a question regarding the sale of Cottage 2 in Alice Park. He queried whether disposing of the cottage under the right to buy scheme had been lawful. The Chairman advised Councillor Moss to raise this issue with the Monitoring Officer.

Councillor Moss also queried whether the Alice Park Trust should be seeking alternative sources of funding for equipment such as a skate park rather than from the Council. Councillor Norton agreed to respond to Councillor Moss regarding this issue.

Councillor Patterson pointed out that a petition requesting the provision of a skate park in Alice Park had been presented at the meeting and that there were also a number of people who spoke in favour of a skate park.

Councillor Ward commented that this had been a highly charged meeting and had focussed mainly on the issue of the skate park to the exclusion of other matters. He expressed concern about the behaviour of some people at the meeting and felt that respect should be shown to both councillors and officers at the sub-committee meetings. He felt that there had been a lack of respect shown towards the chair and other trustees. It was important to have the best interests of the park at the heart of any discussions.

Councillor Veal stated that he was both disturbed and disappointed by comments he had heard about some of the behaviour displayed at the Alice Park Trust Sub-Committee meeting. He stated that any member representing the Council at a meeting should conduct themselves in a proper manner. They should present a balanced view and ensure that they do not incite, excite or intimidate and should show respect to others. He noted that complaints about the conduct at this meeting had been received from councillors and members of the public. He felt that this presented the Council in a negative light.

Councillor Veal requested that a report from the Monitoring Officer be submitted to the next meeting of this Board explaining how future meetings of the Alice Park Trust Sub-Committee should be taken forward.

Councillor Patterson contested the view expressed about the meeting. She felt that people supported the provision of a skate park at Alice Park and were concerned that the Council was now trying to quash the proposal. She agreed to contact the Monitoring Officer to express her views about the meeting.

RESOLVED: To note the report from the Alice Park Trust Sub-Committee.

30 FUTURE MEETING DATES

RESOLVED: To hold future meetings of the Board on the following dates:

- Weds 15 March 2017 – 10am
- Weds 13 September 2017 – 10am

The meeting ended at 10.30 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING/ DECISION MAKER:	Charitable Trust Board
MEETING/ DECISION DATE:	11 July 2019
TITLE:	Report to Constitute the Alice Park Trust Sub-Committee
WARD:	Lambridge
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Proposed terms of reference for the Alice Park Sub-Committee	

1 THE ISSUE

- 1.1 To agree to constitute the Alice Park Trust Sub-Committee following the Local Government elections in May 2019 and to agree its membership in accordance with the Terms of Reference.

2 RECOMMENDATION

- 2.1 To appoint members to the Alice Park Trust Sub-Committee in accordance with political proportionality and the terms of reference.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Allowances will be managed within the existing budget for member allowances. The Alice Park Trust has its own budget which is administered by an accountant within the Council's Finance Team.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Alice Park Trust Sub-Committee will need to form, decide its priorities and prepare to comply with the obligations imposed upon it by its Terms of Reference. In particular ensuring that the Trust files annual returns with the Charities Commission and that it reports annually to the Charitable Trust Board.

4.2 In accordance with the requirement for political proportionality, under Section 15 of the Local Government and Housing Act 1989, the membership should comprise two Liberal Democrat members and one Conservative member from the membership of the Charitable Trust Board (excluding the Cabinet Member for Community Services to avoid any conflict of interest). There are also two independent members, Paul Hooper and Graham Page, who have been appointed for a three year term of office. Paul Hooper's term of office ends on 31 October 2019 and Graham Page's term of office ends on 31 July 2021.

5 THE REPORT

5.1 The Council is sole trustee for a number of Trusts including the Alice Park Trust in Bath (Schedule 1 of the Charitable Trust Board Terms of Reference). The Board will ensure the clear separation of the Council's interest as sole trustee of these charities and the Council's interests as a Local Authority.

6 RATIONALE

6.1 The Board, is a committee of the Council, and will need to create sub committees to manage each Trust for which the council is sole corporate trustee and thereby demonstrate the decisions taken on their behalf, as sole trustee, are being independently taken in accordance with each Trust's objects and the duties it owes pursuant to the Charities legislation.

6.2 The Board must ensure that each Trust complies with its objects and charities legislation. To do this it will receive an annual report from each sub-committee which it creates to manage a specific Trust. The Board will then report to full Council on an annual basis to provide reassurance that the Council as sole corporate trustee is complying with its obligations.

6.3 As sole trustee of the Alice Park Trust (schedule 1 of the Charitable Trust Board Terms of Reference) the Council will constitute the Alice Park Trust sub-committee to ensure the objectives detailed in 6.2 above are being met.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 Those consulted in preparing this report include the Leader of the Council, the Cabinet Member for Communities, Section 151 Officer and Council Monitoring Officer.

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.

10 CLIMATE CHANGE

10.1A well-run park supports local bio-diversity and can help cities be more resilient to climate change by improving air quality and absorbing carbon from the atmosphere.

Contact person	<i>Michael Hewitt – Legal Services Manager</i> Email: Michael_Hewitt@bathnes.gov.uk Tel: 01225 395125
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

Schedule 1
Charitable Trust for which the Council is sole trustee

The Alice Park

Schedule 2
Charitable Trust for which the Council is responsible

Weston Recreation Ground
No.4, Circus
Firs Field
Free Fields (Rainbow Woods)
Beechen Cliff
Newbridge Meadows (Queen Elizabeth the Second Fields)
Blackstones
Innox Park
Post Office Museum
Former Radstock Infant School

Proposed Alice Park Trust Sub Committee Terms of Reference

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

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

Appointed by: The Charitable Trust Board

Membership:

- 3 Councillors from the membership of the Charitable Trust Board (excluding the Cabinet member for Community Services)
- Ward members(s) for Lambridge as co-opted non-voting members
- 2 non-voting independent members

Quorum: 3 voting members

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

Lead Officer Group Manager – Neighbourhood and Environmental Services
Deputy Officer Team Manager – Parks and Bereavement Services

Decision Making Powers:

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.

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