

Alice Park Trust Sub-Committee

Date: Wednesday, 22nd January, 2020

Time: 4.00 pm

Venue: Brunswick Room - Guildhall, Bath

Councillor Rob Appleyard (Chair)

Councillor Paul Myers

Councillor Joanna Wright

Co-opted members non-voting: Graham Page (Independent)

Chief Executive and other appropriate officers

Press and Public



Marie Todd

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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 Guildhall - Bath.

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>

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 - Wednesday, 22nd January, 2020

at 4.00 pm in the Brunswick Room - 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 HELD ON 23 DECEMBER 2019 (Pages 7 - 10)

To confirm and sign the minutes of the meeting held on 23 December 2019.

8. ACCOUNTS AND ANNUAL REPORT 2019/20 (Pages 11 - 26)

The Sub-Committee is asked to:

- Agree and sign the financial statements of the Alice Park Trust for the year ending 31 March 2019 and to approve their submission to the Charity Commission.
- Agree and sign the annual report for the Alice Park Trust for the year ending 31 March 2019 and to approve its submission to the Charity Commission.

9. ALICE PARK TRUST BUDGET (Pages 27 - 30)

The purpose of this report is to update the Alice Park Trust Sub-Committee on the 2019/20 budgets and current year financial position.

The report also raises considerations for the 2020/21 budget.

10. EVENTS IN ALICE PARK - POLICY AND APPLICATION FORM (Pages 31 - 52)

To consider a draft events policy and application form to be used by the Trust. This has been prepared by Graham Page, Independent Member of the Sub-Committee.

11. REQUEST FOR MULTI-USE BALL WALL

Cllr Rob Appleyard will report on this request.

12. MESH NET REPLACEMENT

To note that the Chair has approved the replacement of a cargo net on the climbing frame in Alice Park at a cost of £1,471 plus VAT. The net had to be replaced urgently due to disrepair and subsequent safety implications.

13. ALICE PARK PUBLIC CONVENIENCES (Pages 53 - 56)

The report sets out the contractual arrangements currently in place for the provision of public conveniences at Alice Park.

14. ALICE PARK CAFE LEASE (Pages 57 - 58)

The purpose of this report is to advise the Sub-Committee about the following issues:

- Summary of existing terms of the café lease.

- Advice on actions which need to be taken with regard to the lease and options which need to be considered before the termination date of the lease.
- Considerations regarding the lease end and occupation going forward.

15. DATE OF NEXT MEETING

To consider the date of the next meeting.

16. EXCLUSION OF THE PUBLIC

The Sub-Committee is invited to pass the following resolution:

Having been satisfied that the public interest would be better served by not disclosing relevant information, the Sub-Committee, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, **RESOLVES** that the public shall be excluded from the meeting for agenda items 17 and 18, and that the reporting of that part of the meeting shall be prevented under Section 100A(5A), because of the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended.

17. ALICE PARK PUBLIC CONVENIENCES - EXEMPT APPENDIX (Pages 59 - 62)

18. ALICE PARK CAFE LEASE - EXEMPT APPENDIX (Pages 63 - 68)

To consider a confidential advisory note prepared by officers regarding the lease for the Alice Park Café.

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

ALICE PARK TRUST SUB-COMMITTEE

Minutes of the Meeting held

Monday, 23rd December, 2019, 9.30 am

Cllr Rob Appleyard (Chair)	-	Bath and North East Somerset Council
Councillor Paul Myers	-	Bath and North East Somerset Council
Councillor Joanna Wright	-	Bath and North East Somerset Council
Graham Page	-	Independent Member

19 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

20 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

21 APOLOGIES FOR ABSENCE AND SUBSTITUTION

There were no apologies for absence.

22 DECLARATIONS OF INTEREST

There were no declarations of interest.

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

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

Mr Tony Hickman had submitted a number of questions. Responses to these questions were circulated at the meeting. *(A copy of the questions and answers is attached as an appendix to these minutes).*

Mr Hickman then asked several supplementary questions which officers responded to as follows:

- Officers do not yet know who the operator for the tennis courts will be. It is hoped that this will be finalised before the end of the financial year.
- Cllr Rob Appleyard did not believe that there is any link between the café lease and the work carried out by Tony Hickman on behalf of the Council in respect of the tennis courts.
- In future the operator will either have someone on site or provide a mobile number for people to use for any queries relating to the tennis courts.

- It is possible that the café operator and the new tennis court provider could come to a mutual arrangement about the day to day running of the tennis courts, but this could not be guaranteed.
- Although the suggestion of a MUGA is a good one, it is likely that the tennis court provider will require all six courts to be in use.

25 MINUTES OF THE MEETING OF 4 SEPTEMBER 2019

The minutes of the meeting held on 4 September 2019 were confirmed and signed as a correct record.

26 APPROVAL OF LEASE TERMS FOR THE TENNIS COURTS AND ANCILLARY LAND

It was noted that to commence the refurbishment of the tennis courts, the Trust must enter into a lease, with a nominee, appointed by the Council, who will then assign the lease to the Council. The Sub-Committee considered a report which outlined the process for the granting of the lease and the reasons why a nominee is required.

Graham Page raised a query regarding the long-term management of the tennis courts and the income generated to improve the tennis facilities at Alice Park. He was concerned that the Trust would not receive this income. He also had concerns about the liability of the Trust if the tennis courts did not make a profit or if terms of grant funding applications were breached.

The Director of Legal and Democratic Services explained that the Council is the sole Corporate Trustee. If the tennis court operator does not make a profit, provided the Sub-Committee has taken reasonable steps to deal with this issue, then members would not be liable for any losses incurred.

The Team Manager, Leisure and Business Development, explained that the application for grant funding is being made by the Council and not by the Alice Park Trust. If the funding has conditions attached to it then the Council would follow these and responsibility for any non-compliance would lie with the Council and not the Trust.

Cllr Myers queried whether the Council would indemnify the Trust if no profit was made as the Council would be managing the tennis court operation on behalf of the Trust.

Cllr Appleyard explained that the Trust would be leasing the space to the Council to provide a tennis facility. He was satisfied that this would not create a liability for the Trust and that this would be written into the lease agreement.

In light of the concerns expressed by some members the Director of Legal and Democratic Services suggested wording that could be included as part of the resolution to ensure that there would be no liability for the Trust if a loss was made on the tennis court operation, or in the case of any disagreement between the parties.

RESOLVED, subject to approval by the Charity Commission and subject to the Council securing grant funding from the Lawn Tennis Association and Sport

England, to:

- (1) Approve the terms of the draft lease on the basis that these are the best terms that can reasonably be obtained.
- (2) Approve the grant of the lease (set out in Appendix 3 of the report) to the nominee and consent to the simultaneous assignment of the lease to the Council in its corporate capacity.
- (3) Authorise the clerk to submit the application (set out in Appendix 5 of the report) for Charity Commission consent to the lease on behalf of the Trust subject to the inclusion of the following wording as an addendum:

“The basis for entering into the lease by the Alice Park Trust Sub-Committee is that there will be no liability between them, the lessee and any third-party operator in relation to any grant funding.”

27 APPROVAL OF LEASE TERMS FOR THE SKATE PARK LEASE

The Sub-Committee noted that to commence the installation of the skatepark the Trust must enter into a lease, with a nominee appointed by the Council, who will then assign the lease to the Council. Members considered a report which outlined the process for the granting of the lease and the reasons why a nominee is required.

Graham Page raised concerns about the safety of park users. He felt that there was a need to create a barrier between the children’s play area and the skatepark. He stated that was important for the Trust to have regard to Health and Safety law as interpreted by the courts.

The Director of Legal and Democratic Services agreed that it was important to ensure that members have considered any potential risk.

Cllr Appleyard stated that the Sub-Committee could agree to consider the health and safety aspects being reviewed at a future meeting. Cllr Myers agreed that as long as provision has been made to consider these matters, he felt that this was reasonable.

RESOLVED:

(a) subject to approval by the Charity Commission, to:

- (1) Approve the terms of the draft lease on the basis that these are the best terms that can reasonably be obtained.
- (2) Approve the grant of the lease (as set out in Appendix 3 of the report) to the nominee and consent to the simultaneous assignment of the lease to the Council in its corporate capacity.
- (3) Authorise the clerk to submit the application (as set out in Appendix 5 of the report) for Charity Commission consent to the lease on behalf of the Trust.

(b) To agree that the Sub-Committee, at a future meeting, review the health and

safety aspects of the skatepark to ensure that members are satisfied that any potential risks have been fully considered.

28 DATE OF NEXT MEETING

It was noted that the next meeting will take place on Wednesday 22 January 2020 at 4pm.

The meeting ended at 10.00 am

Chair

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING/ DECISION MAKER:	Alice Park Trust Sub-Committee
MEETING/ DECISION DATE:	22 January 2020
TITLE:	Alice Park Trust Sub-Committee – Annual Report for the year ending 31 March 2019
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 31st March 2019 (Receipts and Payments account) 2. Trustees' Annual Report to 31st March 2019 3. Independent Examiners Review 4. Charity Commission Reporting – Extract of Accounting Requirements 	

1 THE ISSUE

- 1.1 To agree the Statement of Accounts for Alice Park Trust for year ending 31st March 2019. (Appendix 1)
- 1.2 To agree the Annual report for Alice Park Trust for year ending 31st March 2019. (Appendix 2)
- 1.3 To provide an update on activities undertaken by the Trust.

2 RECOMMENDATIONS

- 2.1 Agree and sign the financial statements of Alice Park Trust for year ending 31st March 2019 and their submission to the Charity Commission.
- 2.2 Agree and sign the annual report for Alice Park Trust year ending 31st March 2019 and submission to the Charity Commission.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Expenditure incurred for Alice Park Trust in 2018/19 was £38,378; this was offset by income of £15,786.

- 3.2 The deficit of £22,592 has been subsidised from the Bath & North East Somerset Council Parks revenue budget, 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 £189,734. 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 2018/19 have been prepared by the Council's Finance team and have been independently audited 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.
- 3.6 An annual report for the Trust has also been prepared for submission to the Charity Commission.
- 3.7 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.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The terms of reference of the Charitable Trust Board require it to receive an annual report from the Trust Sub-Committee after submitting any annual report to the Charity Commissioners.
- 4.2 The trustees, in making decisions surrounding the objectives and activities of the charity, must have regard to the Charities Commission public benefit guidance when exercising any powers or duties to which the guidance is relevant.

5 THE REPORT

5.1 Meetings and Membership

- 5.1.1 The Alice Park Trust Sub-Committee has met twice since the last annual report. There were fewer meetings than usual in this period due to the local elections which took place in May 2019. This led to a change of membership.
- 5.1.2 The current membership of the Sub-Committee is:
 - Cllr Rob Appleyard (Chair)
 - Cllr Paul Myers (Vice Chair)
 - Cllr Joanna Wright
 - Graham Page (Independent member non-voting)
- 5.1.3 The term of office of Paul Hooper, the other independent member on the sub-committee, expired on 31 October 2019. The vacancy was advertised but no applications were received. It is hoped that a new member will be found shortly following further publicity in the local area.

5.2 Activities Undertaken

- 5.2.1 Last year the Trust was awarded CIL funding of £43.2k to provide two sections of additional paths to create connections and to allow circular travel around the park. This work has now been completed and the new sections of footpath have brought a huge benefit to park users with many positive comments being received.
- 5.2.2 A replacement flagpole has now been erected in the park. A flag will be flown on Alice MacVicar's birthday each year as required by the terms of the original conveyance
- 5.2.3 A new petanque area has been created resulting in an extended terrain with 4 lanes which is approximately 4m larger than the previous area. The Bath Grand Cru Petanque Club now intends to use the park as its base.
- 5.2.4 Working in conjunction with local volunteers, a new self-sustaining wildlife garden has been created in the pond area of the park. The volunteers organised and carried out the work and the Trust met the cost of materials.
- 5.2.5 Work is ongoing to finalise the lease for the tennis courts in the park which will be refurbished, operated and managed by the Lawn Tennis Association. In the interim the Trust has funded some remedial works to the tennis courts to improve the playing surface.
- 5.2.6 Work is also ongoing to finalise the lease for the skate park and it is anticipated that this will be constructed in time for the summer holiday season.

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.

8 CONSULTATION

- 8.1 The Section 151 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	Stephen Rann, Group Accountant – Steve_Rann@bathnes.gov.uk 01225 396683
Background papers	None
Please contact the report author if you need to access this report in an alternative format	



CHARITY COMMISSION
FOR ENGLAND AND WALES

Charity Name	No (if any)
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CC16a

Receipts and payments accounts

For the period from	Period start date 01/04/2018	To	Period end date 31/03/2019
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The Alice Park Trust is reliant upon income deficits being annually subsidised by Bath & North East Somerset 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	1,017	13,600	-	14,617	14,845
Tennis Court Income	524	-	-	524	1,577
Events Income	500	-	-	500	760
Investment Income	-	145	-	145	44
Donations	-	-	-	-	-
Income - deficit subsidised by B&NES	22,592	-	-	22,592	21,981
	-	-	-	-	-
	-	-	-	-	-
Sub total (Gross income for AR)	24,633	13,745	-	38,378	39,207
A2 Asset and investment sales, (see table).					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total receipts	24,633	13,745	-	38,378	39,207
A3 Payments					
Grounds Maintenance SLA	11,087	-	-	11,087	10,652
Play Equipment Maintenance SLA	8,242	-	-	8,242	8,080
Tree Management SLA	2,297	-	-	2,297	2,252
Public Convenience Maintenance	13,557	-	-	13,557	13,557
Other Property/Parks Maintenance	2,945	-	-	2,945	4,445
Other - Audit Fees	250	-	-	250	220
	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
Sub total	38,378	-	-	38,378	39,207
A4 Asset and investment purchases, (see table)					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total payments	38,378	-	-	38,378	39,207
Net of receipts/(payments)	- 13,745	13,745	-	-	-
A5 Transfers between funds	-	-	-	-	-
A6 Cash funds last year end	-	-	-	-	-
Cash funds this year end	- 13,745	13,745	-	-	-

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		-	-	-
		-	-	-
		-	-	-
	Total cash funds	-	-	-

Categories	Details	Unrestricted funds to nearest £	Restricted funds to nearest £	Endowment funds to nearest £
B2 Other monetary assets		-	-	-
		-	-	-
		-	-	-

Categories	Details	Fund to which asset belongs	Cost (optional)	Current value (optional)
B3 Investment assets	COIF - charities deposit account 965060001C - 32911/04	Unrestricted	-	4,880
	Majedi Investments plc	Unrestricted	-	727
	COIF special range 951170001C - 32911/05	Unrestricted	-	891
	COIF special range 115410001C	Unrestricted	-	11,843
			-	-

Categories	Details	Fund to which asset belongs	Cost (optional)	Current value (optional)
B4 Assets retained for the charity's own use	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	-
			-	-

Categories	Details	Fund to which liability relates	Amount due (optional)	When due (optional)
B5 Liabilities			-	
			-	
			-	

Signed by one or two trustees on behalf of all the trustees

Signature	Print Name	Date of approval



Trustees' Annual Report for the period

	Period start date				Period end date		
From	01	04	2018	To	31	03	2019

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

Bath & North East Somerset Council is the sole corporate trustee. This is administered through the Alice Park Trust sub-committee.

	Alice Park Trust sub-committee members	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		1/4/18 to 11/7/19	
2	Cllr Michael Norton.		1/4/18 to 11/7/19	
3	Cllr Geoff Ward		1/4/18 to 11/7/19	
4	Cllr Rob Appleyard			
5	Cllr Paul Myers		From 11/7/19	
6	Cllr Joanna Wright		From 11/7/19	
7	Paul Hooper		To 31/10/19	
8	Graham Page		From 11/7/19	
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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)

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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 are 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.

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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.

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)

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.

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

Last year the Trust was awarded CIL funding of £43.2k to provide two sections of additional paths to create connections and to allow circular travel around the park. This work has now been completed and the new sections of footpath have brought a huge benefit to park users with many positive comments being received.

A replacement flagpole has now been erected in the park. A flag will be flown on Alice MacVicar's birthday each year as required by the terms of the original conveyance

A new petanque area has been created resulting in an extended terrain with 4 lanes which is approximately 4m larger than the previous area. The Bath Grand Cru Petanque Club now intends to use the park as its base.

Working in conjunction with local volunteers, a new self-sustaining wildlife garden has been created in the pond area of the park. The volunteers organised and carried out the work and the Trust met the cost of materials.

Work is ongoing to finalise the lease for the tennis courts in the park which will be refurbished, operated and managed by the Lawn Tennis Association. In the interim the Trust has funded some remedial works to the tennis courts to improve the playing surface.

Work is also ongoing to finalise the lease for the skate park and it is anticipated that this will be constructed in time for the summer holiday season.

Work is ongoing to ensure that the Trust's financial activities are clear and transparent. This includes reviewing current financial processes and procedures to allow for ease of income collection and monitoring of spend, to ultimately ensure clear understanding of financial performance.

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 deficit subsidy from Bath & North East Somerset Council 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 council 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

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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 with deficits currently subsidised by Bath & North East Somerset Council.

Section F Other optional information

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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)	Rob Appleyard	
Position (eg Secretary, Chair, etc)	Chair	
Date		

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The Alice Park Trust 2018/19 Accounts – Independent Examiner’s Report

To confirm, I have:

- examined the accounts under section 145 of the 2011 Charities 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 concerning any such matters.

My objectives were to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor’s report that includes my opinion. Reasonable assurance is a high level of assurance, but it does not guarantee detection of a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually, or in the aggregate, they could reasonably be expected to influence the decisions of users taken on the basis of these financial statements.

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 have not been met. Those such requirements were as follows:

- to keep accounting records in accordance with section 130 of the 2011 Charities Act, and;
- to prepare accounts which accord with the accounting records and comply with the accounting requirements of the 2011 Charities Act.

From my examination of the records, it is my opinion that I can provide reasonable assurance that the Alice Park Trust financial statements are free from material misstatement.

NOTE: During my examination and through my liaison with those responsible for the maintaining the accounts of the Alice Park Trust I concluded the following:

1. Land and property valuations do not need to be revalued in accordance with the Charities Statement of Recommended Practice (SORP)
2. Any deficit at year end is funded from the Council's general fund, which is reflected as income in the Trust's accounts

Independent Examiner: Dave Mehew (Audit West Associate)

Address of Independent Examiner:

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

Date accounts examined: 31/10/2019



Andy Cox

Head of Audit & Assurance

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>

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Bath & North East Somerset Council	
MEETING/DECISION MAKER:	Alice Park Trust Sub-Committee Meeting
MEETING/DECISION DATE:	22 January 2020
TITLE:	Alice Park Trust – 19/20 Budget and Forecast
WARD:	Lambridge
AN OPEN PUBLIC ITEM	
List of attachments to this report: N/A	

1 THE ISSUE

- 1.1 The purpose of this report is to update the Alice Park Trust Board on the 2019/20 budgets and current year financial position.
- 1.2 The report will also raise considerations for the 2020/21 budget.

2 RECOMMENDATIONS

- 2.1 The Alice Park Trust Sub-Committee is asked to note and consider the report.
- 2.2 The Alice Park Trust Sub-Committee is asked to delegate Alice Park budget approval up to £5k to Bath and North East Somerset Council's Parks' Manager.

3 2019/20 FINANCIAL PERFORMANCE

- 3.1 Forecast spend for the financial year ending 31st March 2020 is £90k. Forecast income is £59k, resulting in a forecast deficit position for the Trust of £31k.
- 3.2 In previous years, Bath and North Somerset Council have funded the Trust's deficit through its Parks revenue budgets. For 2018/19 the funded deficit was £23k. The increased forecast deficit of £31k in 2019/20 is due to a number of additional one-off improvement costs that are detailed in the monitoring table in paragraph 3.3.

3.3 Forecast financial performance for Alice Park for financial year ending 31st March 2020 is detailed in the table below:

	18/19 Outturn	19/20 Budget	19/20 Forecast	Variance Over (+) / Under (-)
	£	£	£	£
INCOME				
Investment Income	145	145	128	17
Rental Income	14,617	14,617	14,708	-91
Tennis Court Income	524	524	524	0
Other Income	500	500	500	0
CIL Allocation	0	43,200	43,200	0
SUB TOTAL	15,786	58,986	59,060	-74
Subsidised from B&NES Revenue	22,592	21,956	31,295	9,487
	38,378	80,942	90,355	9,413
EXPENDITURE				
Ground Maintenance SLA	11,087	11,087	10,870	-217
Play Equipment SLA	8,242	8,407	8,407	0
Tree Management/Maintenance SLA	2,297	2,343	2,343	0
Public Conveniences	13,557	15,655	15,655	0
Audit Fees	250	250	250	0
Other costs -				
- other grounds/parks expenditure	2,945	0	0	0
- pest control	0	0	383	383
- sign designs	0	0	1,000	1,000
- wildflower garden	0	0	1,408	1,408
- footways (CIL)	0	43,200	46,800	3,600
Further commitments -				
- notice boards (Arien Signs)	0	0	3,239	3,239
- movement of boules court re skatepark location	0	0	0	0
	38,378	80,942	90,355	9,413

4 2020/21 BUDGET CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 To improve transparency and governance, it is proposed that all Alice Park transactions are kept separate in the Council's general ledger. This will allow for easier reporting to the sub-committee, as well as streamlining the production of both the Trust and Council accounts.

4.2 To facilitate this separation, it is also proposed that the Trustee's consider creating a formal plan, one aspect of which will include formalising a grant request to Bath and North East Somerset Council for the Trust's grounds and play equipment maintenance costs. This would allow the Trust to budget for the

grant income as a funding source to pay for the maintenance costs that have previously funded from the Council's Parks' budget.

Contact person	Stephen Rann, Group Accountant – Steve_Rann@bathnes.gov.uk 01225 396683
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

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Insert Picture of Alice Park

Events in Alice Park Policy and Application Form

Introduction

1. Alice Park as a Venue

Alice Park was bequeathed by Hugh Montgomery in memory of his wife Alice McVicar who had a great interest in the welfare of children. The eight-acre site was opened in 1938. It is situated to the north of London Road on the eastern side of Gloucester Road on the east side of Bath close to Larkhall Village.

As can be seen from the picture on the front page, the park is a pleasant grassed area dotted with mature trees and contains an enclosed children's playground, a secluded wildlife area and a licensed café selling a variety of food and drinks. Toilet facilities are also provided. Electrical power and mains water can also be made available.

Centrally there is a gently undulating grassed area which has been used over the past years for a wide variety of events, a policy which the Trust wishes to continue and encourage.

2. Types of Event

The physical characteristics of the park would allow the following types of event:

1. Small scale concerts, theatrical performances, cinema and musical events,
2. Car and caravan shows,
3. Local sporting events,
4. Horse, dog and agricultural shows,
5. Historical re-enactments,
6. Firework displays,
7. Fairs and circuses.

3. Nature of Event.

The Park is primarily an amenity that serves the local community. These would be organised by:

1. A registered charity
2. Non-profit making organisations,
3. Community or voluntary groups that are directly beneficial to local residents.

The Trust actively encourages applications from such organisations.

Other organisations or businesses that will directly benefit from the event they arrange will also be considered as a means of benefiting both the park and the local community.

4 Size of Event

Events are considered **small** where the number of participants (audience, performers and staff) does not exceed **499** people.

Events involving more than **500** people are classified as **major**. Such events are likely to impact of the wider community and involve other agencies. Bath and North East Somerset Council have formed a Safety Advisory Group for Events. (SAGE). The Trust reserves the right to refer such events to that group. In such circumstances the organisers will be put in contact with this group.

5 Event Activities

The Trust bequest imposes limitations on the nature of events can be held in the park.

The Trust Deed prohibits the use of the park for religious and political purposes. The deed also stipulates that no charges can be levied or restrictions imposed on accessing park facilities e.g. the children's playground,

5.1 LICENSING REQUIREMENTS

Those wishing to apply to run an event in the park should be aware that certain activities require an application to relevant regulatory bodies for a licence. Events where a licence would be required are as follows:

5.1.1 The Sale of Alcohol (including alcohol provided as part of the price of admission or in exchange for donations).

5.1.2 Public Entertainments (which includes performances, music and dancing, cinematic presentation carried on in the presence of the public or in which they are invited to participate)

5.1.2 Late night refreshment (which involves the sale of hot food and drink between 11.00 hours at night and 5.00 hours the following day.)

The proprietor of Alice Park is a holder of licences covering such events and can be approached with a view to making an agreement for licensable activities to be carried out under his authorisation.

Organisers may wish to enter into agreements with other licence holders to make similar arrangements.

Alternatively, the organisers may wish to serve a Temporary Events Notice (TEN) on the Licensing Authority. This applies to small events of less than 7 days duration. Appendix 2 gives more details on this.

The Trust will only consider applications where appropriate consents and/or licenses have been obtained from the appropriate regulatory body. The Trust reserves the right to share information with such authorities and to refer applicants to them to obtain the relevant consents.

Applicants should bear in mind the time required by the Trust and regulatory bodies to obtain such consents. Applications should be submitted to the Trust at least four weeks before the date of the event.

6 Restricted Events

The Trust reserves the right to decline permission for any event. Such decisions are considered in relation to the terms of the Bequest as contained in the Trust document, the physical characteristics of the park or any other factor that the Trust considers relevant based on the nature of a particular application.

At present the Trust are minded to decline applications in respect of the following activities:

- 6.1 The release and use of self-supporting airborne objects or equipment (including balloons, drones, model aircraft and sky lanterns),*
- 6.2 Tobacco manufacture and distributions,*
- 6.3 Alcohol manufacture,*
- 6.4 The manufacture or distribution of fire-arms and related items of war or oppression,*
- 6.5 Any activity involved in the promotion of the sex industry,*
- 6.6 Any activity involving cruelty to animals, birds and other sentient beings,*
- 6.7 Promotion of the fur trade,*
- 6.8 Any activity that might reasonably be deemed inappropriate or on the advice of SAGE or any of its constituent representatives likely*

to cause disharmony or unrest to the detriment of the health and safety of participants and/or the local community.

Where any event involves the use of performing animals, the organiser must be able to produce relevant proofs of registration, animal health, and related welfare details as laid out the appropriate legislation relating to such events.

7. Matters to be considered prior to application

Prior to submitting an application to the Trust, potential organisers should consider the following:

7.1. Funding the Event.

Are you in a position to fund your event? Costs will include:

- 7.1.1 the infrastructure, (e.g. tents, staging, barriers)
- 7.1.2 services, (e.g. water, electricity, toilets)
- 7.1.3 fees associated with hiring, licenses and risk assessments.
- 7.1.4 insurance including public and employee liability,
- 7.1.5 where applicable bonds held by the Trust against costs of making reparations to Trust land and assets.

7.2 Relationships with neighbours and the community.

Events are more successful when good relations with residents and others in the community likely to be affected. Promoters will need to provide evidence to the Trust of how this has been carried out, The Trust may require organisers to take further steps where it is of the reasonable opinion that its own reputation might be adversely affected.

Information should include dates, times nature of the activity, numbers attending, likely disruption of the community from crowd numbers attending, noise, traffic movements etc. **The park abuts a residential area and parking both on site and the surrounding roads is severely and organisers should bear this in mind as part of their planning.**

7.3 Timescales.

Organisers should allow adequate time to bearing mind that regulatory agencies have specific requirements for applying for grants of licenses and permissions. (See appendix 3 for details).

8 Guidance on Legal Compliance and Best Practice

To ensure that an application for an event is processed without undue delay, organisers should consider that there are legal obligations that they may need to consider which could apply to their event. Following the best practice guidance associated with these legal requirements will help the Trust to discharge its own legal obligations in the supporting the proposed event. Not every event will need to meet every requirement but in planning an event the following should be considered:

8.1 Accessibility

The Trust has been pro-active in ensuring that it meets its obligations under the Equalities Act 2010 and all parts of the park, and its facilities are accessible to those with restricted mobility. However in planning organisers must ensure that those with disabilities are not comparatively disadvantaged compared with others attending.

The term “disability” is wide ranging and includes sensory as well as physical and mental impairment.

Organisers are required to make “*reasonable adjustments*” to ensure that the whole range of attendees can benefit from the experience. The cost and practicability of such adjustments will need to be balanced with the benefits to those attending which may include those who may not be disabled.

Such adjustments might include:

8.1.1 Additional walkways and/or ramps over wet and uneven ground or changes in level,

8.1.2 Disabled toilet facilities

8.1.3 Enhanced lighting

8.1.4 Communication with visually or hearing-impaired attendees particularly in case of emergency.

8.1.5 Warning regarding potential disturbing visual or sound effects.

These adjustments should anticipate potential needs and be in place prior to the event.

8.2 Advertisements

Larger and commercial advertisements are subject to local authority consent and the local authority should be consulted in good time.

There is an exemption for community and charitable who put up temporary signs advertising such events. Such notices should not exceed 0.6 of a square metre and must NOT be lit. The Trust can be approached for permission to install such advertisements but will require them to be removed promptly at the end of the event.

During the period of display they must:

- 8.2.1 Be kept clean and tidy
- 8.2.2 Be kept in a safe condition,
- 8.2.3 Not obscure any signs placed by any public authority or the Trust for the purposes of safety, security or public benefit.

Further information can be obtained from the Bath and North East Somerset Councils Development Management Team (See Appendix 1)

8.3 Charity Collections

If organisers are intending to hold a charity collection as part of the event the councils Licensing Team must be approached at a very early stage for the appropriate consent.

8.4 Emergency Vehicles

The Trust maintains two entrances to the park for the use of emergency vehicles and will not allow these to be compromised. In planning their event organisers should take account ensuring that the layout of their event does not in any way obstruct access of emergency vehicles to any part of the park,

8.5 Fire Safety

The Trust has an overall responsibility to ensure that it conforms to the Regulatory Reform (Fire Safety) Order 2005 to maintain fire safety.

However, anyone wishing to run an event in the park has a similar duty as a “responsible person” to ensure that their activities do not introduce any additional risks without adequate controls being put in place to minimise the

risk to both people and property. Neither should their activities compromise the overall safety of those using the park and the local community.

Officers from Avon Fire and Rescue Service in enforcing the above regulations have the right to carry out inspections before and during the event and can require organisers to carry out improvements or in extreme cases to prohibit certain activities.

The Trust supports the Fire Authority in carrying out its duty and urges event organisers to consult with them in ensuring the risks from fire are minimised.

In particular, organisers are urged to consult them in respect of;

- 8.5.1 The erection of marquees and other structures where access may be restricted,
- 8.5.2 The use of any equipment involving naked flames
- 8.5.3 The use of Liquified Petroleum Gas for heating and/or cooking
- 8.5.4 The use of Fireworks and/or other pyrotechnics,
- 8.5.5 Any other activity that has the potential to increase the risk of fire.
- 8.5.6 The use of any container containing gas under pressure

The contact address for Avon Fire and Rescue can be found in Appendix 1.

8.6. Health and Safety

Alice Park Trust is under an overall duty to protect the Health and Safety of those using the park. In inviting organisers to use the park the Trust must ensure that they discharge their duty to effectively manage the event in a way that protects the health and safety of everyone who is involved in or who is likely to be affected by the event.

The Trust requires that everyone who proposes running an event in the park completes a risk assessment which covers all activities relating to the event. For smaller events guidance is readily available on the internet. (See appendix 1). A useful source of advice is “The Purple Book” a document produced using the collective experience of professional and specialist organisations engaged in the events “industry”. Following the advice laid out in this and other relevant documents will help in enabling the organisers to discharge their legal duty.

For larger and more complex events a “competent person”, that is a person with relevant qualifications and experience should carry out the risk assessment.

The risk assessment should form part of the overall application to hold the event and be incorporated into the event management plan detailing how it is intended to run the event.

The Trust can be contacted for further information or advice. The Trust does reserve the right to pass information onto SAGE or other regulatory agencies where in their opinion advice or permissions may be necessary.

8.7 Planning Permission

As the Park is a private open space, it is subject to The Town and Country Planning (General Permitted Development) Order 1995. Whilst it is unlikely that events in the park will require specific planning permission the Trust reserves the right to refer applications to the local planning authority in appropriate cases.

8.8 Trading Standards

If the event involves the sale of food, drink or goods, The Local Authority Trading Standards department will be concerned that the following legislation is not contravened:

- 8.8.1 Weights and Measures Act 1985 which prohibits vendors giving short weight or measure to a customer,
- 8.8.2 Sale of Goods Act 1979 and Goods and Services Act 1982 which ensures that goods are of satisfactory quality and are fit for purpose according to the description of the article or product.
- 8.8.3 Copyright, Design and Patents Act 1988 and Trade Marks Act which impose severe penalties for selling counterfeit goods.
- 8.8.4 Licensing Act 2003 which prohibits the sale of alcohol to persons under 18 years of age.

Trading Standards Officers may attend the event to ensure that the requirements of the legislation are met. Individual Traders may be subject to enforcement action, the organisers are under a duty to see that those involved comply with the law.

The Local Authority Trading Standards Department are available to give advice and Information. (See appendix 1).

8.9. Temporary Structures,

Temporary Structures are subject to Building Control Acts and Regulations. These will include tents, marquees, canopies, staging, grandstands, screens, sound and lighting towers, and fixed enclosures. Organisers are advised to give adequate notice to the Local Authority Building Control Department with sufficient details of layout plans and construction details to enable them to determine the structural stability of these structures.

Organisers should contact the Local Authorities Building Control Department for relevant advice and information. (See appendix 1). In certain circumstances officers may carry out onsite inspections to satisfy themselves that appropriate measures are in place.

8.10. Waste Management.

The Trust has a policy of encouraging the recycling of waste as is possible. To facilitate this, event organisers must ensure that all waste generated as part of the event is collected to ensure that the park is returned to a fit state for subsequent use.

They should also make adequate arrangements with either the local authority or private contractors to provide adequate segregated containers for the collection and subsequent disposal of waste according to its nature. The waste containers provided in the park are generally unable to cope with waste associated with events. The Council's Directorate of Environmental Services can be contacted for Information and Advice (See Appendix 1).

9 In Conclusion.

The Trust recognises that the park plays a valuable contribution to the life of the local community and events in the park are part of enhancing this.

Applications are very welcome, but organisers should recognise that the more complex the event the longer it takes to ensure its effective planning. A suggested timetable for applications is laid out in Appendix 2. Some of these are advisory. Others are fixed to enable legal or local authority requirements to be met.

The Trust has agreed a scale of fees for using the park and its facilities Depending on the nature and duration of the event and the organisation benefiting, These Fees are laid out in Appendix 3 Initial applications should be

submitted on the attached form (Appendix 4) accompanied by a non-returnable registration fee of XXXXX Pounds to :

Alice Park Trust

Address:

Tel:

Email

Appendix 1
List of Useful Addresses

Appendix 2

Planning your Event

In order to plan your event, the table can be used to ensure that the necessary deadlines that need to be met are adhered to. Failure to meet some of these deadlines could result in permission to hold the event being refused. These are highlighted in bold print.

	Timescale Before date	Date and signature on completion
Check availability of park and reservation	Between 52 and 18 weeks	
Consultation with residents and businesses	Up to 26 weeks	
Trustees to consult SAGE	Up to 26 weeks	
Check whether the relevant licences are available. Apply for those needed	Up to 26 weeks	
Commence detailed planning for event. Use Purple Book as reference Guide	Up to 26 weeks	
Submit Draft Events Management Plan to Trust	Up to 18 weeks	
Inform Building Control of any proposed temporary structures	Not later than 18 weeks	
Book waste and recycling services	Not later than 12 weeks	
Submit formal application for necessary licenses and permits	Not Later than 10 weeks	
Deadline for Submission of Final Event management plan to Trust	Not later than 10 weeks	
Deadline for Submission of Final Event Management Plan to SAGE	Not later than 8 weeks	
Deadline for complying with SAGE directions	7 weeks before date of event	
Submission of Temporary Events Notice (if required)	4 weeks before date of event	
Final Submission of Temporary Events Notice (if applicable)	At least 10 working days before event	
If requested by Trust formally meet to Review Event	Within one month after event	

Appendix 3
Scale of Fees
(To be decided by the Trust)

Appendix 4
Events Application Form

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Application to hold an Event

Type of Event.

Event Detail

Title of Event:	
Event Start Date and Time:	
Event End Date and Time:	
Build Start Date and Time:	
Break Down End Date and Time	
Max number of attendees:	
Audience Profile: E.g. Families, Young People, Old People?	
IS the event open to the public?	
Is the event ticketed?	
Description of Event: E.g. Promotional, Community, Parade, Festival, Sporting, Celebration, Corporate, Market, Private Party, Performance, Charity	
Website for event:	

What benefits will this event bring to the local community?	

Organiser Details

Event Organiser:	
Contact Name:	
Contact Email:	
Contact Telephone:	
Address:	
Emergency contact and number on the day of the event:	
Previous event management experience:	

Financial

Contact name:	
Contact email:	
Organisation:	
Address:	
Telephone number:	
How will the event be funded?	
What is the budget for this event?	

Insurance

Name of Insurance Company	
Type of Cover	
Policy Number	
Amount of Liability	

Event Activities

Fireworks		Dance		Marquees	
		Recorded Music		Inflatables (bouncy castles etc.)	
Henna Tattoos					
Live Entertainment		Films/Movies/ Video screening		BBQ (cooking food)	
Other regulated activities		Live music		Lasers	
		Fairground rides		Beauty Treatments	
		Sporting activities			

Temporary Toilets		Litter bins		Skips	
Recycling bins		Litter pickers		Water waste	

Barriers or fencing		Generators		Signage	
Seating or tables		Lighting		Volunteers	
Stewards/security		Trackway		First Aid/Medics	
Vehicles on site for set up		Vehicles on site during event		Vehicles on site for break down	
Stages		Marquees		Other temporary structures	
PSA towers		Use of Public Electricity Supply		Use of Gas or Liquid from pressurised containers	

If any of the activities above are marked as YES – Please insert details in event plan

Event Safety Information

Will you have a communication method between staff and crew during the event that is consistent and reliable?	
Will you have means of preventing and fighting fires during the event?	
Will you have a means of ensuring that temporary structures are structurally safe and legally compliant?	
Will you have a clear safe method of evacuating the event in an emergency?	
Will you have a green and sustainable policy for your event?	
Will you have facilities for those with disabilities attending your event?	
Will you have a method of looking after lost children or searching for missing children?	
Any other Event Safety Information?	

If any of the activities above are marked as YES – Please insert details in event plan

Required Consents and Permissions

Will there be any food vendors at the event?	
Will there be any stalls and concessions selling items at the event?	
Will the event require any road closure orders or notices?	
Will the event require parking bay suspensions?	
Will the event include the sale of alcohol?	
Will you have any marquees, staging or other temporary structures?	
Do you intend to have any performance involving children?	
Do you intend to distribute any leaflets at the event?	
Do you intend to have any charity collections?	
Do you intend to play recorded music of any sort including background music?	

If any of the activities above are marked as YES – Please insert details in event plan.

GUIDANCE

Type of Event

- **Physical Characteristics** – Reference should be made to paragraph 2 to describe the event. If the type does not appear briefly describe the event.
- **Restricted Events** – Reference should also be made to paragraph 6 which describes activities where Trust Policy is to decline applications involving such activities.

Event Detail

- **Audience numbers** – It is important to document expected audience figures this will inform your Event Management and Health & Safety planning resources and determine licence requirements. Many venues and sites will have limitations on capacity.
- **Ticketing** - Ticketing an event has a direct effect in terms of the Safe Management of your audience. Planning capacity and managing flow of an audience into your event is vital. Please follow links below.

Financial

- **Event funding** - It is important to demonstrate to a venue that you all your funding has been agreed, and your budget reflects your ability to cover your required expenditure.
- **Budget** - It is important to demonstrate to a venue or site owner that you have sufficient funds to pay for everything that you may need in planning and staging a safe event.
- **Insurance** – Organisers will be expected to have or to take out appropriate public liability and if necessary employers liability insurance. Details of the policy should be provided.

Event Safety Information

- **Communication** - You must tell us about the method of communication you intend to use to help you coordinate the emergency procedures. We will expect a detailed communication plan to be created, and to form part of your event plan.
- **Preventing and fighting fires** - You will need to detail what provision you have made to help deal with a fire at your event. This will include fire extinguishers, fire proofing and alarm systems. Please look at the links to find out more.
- **Temporary Structures** - You will need to be very clear about any temporary structures that might form part of your event. There might be a requirement for planning permission.
- **Evacuation Plan** - You will need to have a comprehensive plan for evacuating the site of your event. An important element is the methods you will use to communicate this plan to the public
- **Sustainability** - We would like your event to be as "green" as possible, i.e. use recycling bins when possible. If you would like to find out more please check the links below for further information.
- **Lost Children & Vulnerable Adults** - You have a duty of care to provide welfare for the attendees at your event, this must include some provision for lost children. You will be expected to provide a plan showing how you will achieve this.
- **Provision for people with disabilities** – You will be expected to make provision for attendees with disabilities.

- **Severe Weather Plan** – You must include details of contingency plans in case of severe weather, including high winds, high temperatures and flooding.

Consents and Permissions

- **Food Vendors** - Confirm any food vendors who will be on site as part of your event as stipulated by the Local Authorities Environmental Health Team in order to comply with the Food Safety Act regulations. <https://www.bathnes.gov.uk/services/environment/food-safety/catering-events>
- **Sale of Alcohol** – It is important to confirm any retail sales of alcohol, this will determine your licence requirement. <https://www.bathnes.gov.uk/services/business/licences/alcohol-and-entertainment>
- **Road Closures** - <https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/highway-improvements-traffic-management/temporary-traffic>
- **Parking Suspensions** - <https://www.bathnes.gov.uk/services/parking-and-travel/parking-bay-suspension>
- **Marquees, staging or other temporary structures** – Full details to be provided in the event plan - This may be simply market stalls and a marquee, larger events and festival may include stages, grandstands, lighting towers, gantries, site offices etc. Please provide details such as size, height, width, maximum wind loads and a wind monitoring plan.
- **Child Performance Licence** - Children of compulsory school age who wish to take part in performances may need to apply for a licence from their Local Authority.
- **Animals at Events** - If your event involves animals then you should contact the City Vet who will carry out any checks to ensure the animal provider holds an appropriate licence, and he/she will assess if the arrangements on and off site are appropriate. <https://www.bathnes.gov.uk/services/business/licences/animals>
- **Leaflets** - If you or your sponsors are intending distribute leaflets it is important to inform the land owner of your intentions so they can check you have planned for adequate litter collection in your event plan.
- **Charity Collection Permit** - Please address in event plan. Any charity collection must be licenced by the council licencing team. <https://www.bathnes.gov.uk/services/business/licences/charity/do-i-need-street-collection-permit>
- **Music Licensing** - If you are intending to play music you will need to contact Performing Rights Society to obtain a licence. For advice on noise at events visit: https://www.bathnes.gov.uk/sites/default/files/best_practice_guide_for_events_ways_to_prevent_noise_disturbance.pdf

<http://www.hse.gov.uk/event-safety/index.htm>

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Bath & North East Somerset Council	
MEETING	Alice Park Trust Sub-Committee
MEETING	22 January 2020
TITLE:	Alice Park Public Conveniences
WARD:	Lambridge
AN OPEN ITEM CONTAINING AN EXEMPT APPENDIX	
<p>List of attachments to this report:</p> <p>Appendix 1 – Example Contract Repayment Fee calculation (exempt pursuant to Paragraph 3 of Schedule 12A Local Government Act 1972 (as amended) - information relating to the financial or business affairs of any particular person).</p>	

1 THE ISSUE

- 1.1 This report seeks to set out the contractual arrangements currently in place for the provision of public conveniences at Alice Park.
- 1.2 At the request of Alice Park Trust, the information provided in the body of the report is intended to address questions raised about the services provided within the Healthmatic contract. In turn this information enables the Trust to review its long term plans for the site.

2 RECOMMENDATION

The Committee is asked to;

- 2.1 Provide a clear position on the future management of the public conveniences in Alice Park.
- 2.2 Commit to providing sufficient contractual notice to remove the public conveniences from the contract held by Neighbourhood Environmental Services.
- 2.3 Acknowledge the risks of an early termination on the Lease of the building.

3 THE REPORT

- 3.1 The public conveniences in Alice Park are currently incorporated into the Council's Provision and Investment of a Public Convenience Service Contract with

Healthmatic. This contract is managed by the Council's Neighbourhood Environmental Services team.

- 3.2 The contract commenced on 6 January 2014 and is set to run until 5 January 2029, with a potential 5 year extension.
- 3.3 As part of the contract, significant investment to modernise the facilities has been undertaken. The capital costs associated with the works undertaken at Alice Park is incorporated into the monthly maintenance and servicing charge made by the contractor. The repayment costs for the works are therefore being written off over the full term of the contract.
- 3.4 This report seeks to provide the additional information requested by the Alice Park Trust in turn below.

Annual Charge

- 3.5 A breakdown of the annual contract cost attributed to Alice Park for Year 6 of the contract is set out in appendix 1.
- 3.6 The rate is adjusted in line with annual CPI inflation rates (capped at 2%) every January (the anniversary of the contract).
- 3.7 The income from the 20p user fee offsets the annual net charge applied.
- 3.8 The annual contract fee covers all capital works, on-going maintenance and repair of the building in line with the Lease. It also covers cleaning and provision of consumables, utilities, collection and banking of income, emergency call out work, and recording and responding to complaints and customer queries.

Opening hours

- 3.9 The public conveniences located in all parks covered by the Healthmatic contract open and close at pre-set summer and winter times as advertised to visitors on the Council's website. The current opening hours for the parks toilets are 7am – 9pm, they close at the earlier time of 6pm in the winter.
- 3.10 However where there is customer demand, there is of course flexibility in this arrangement. The opening hours at Alice Park were altered at the request of the local boules club. The public conveniences currently open at 7am and close an hour later at 10pm to allow for the clubs later tournaments.
- 3.11 The rationale in not making the toilets available 24/7 is to deter vandalism and homeless occupation of the facilities.

Service Contract

- 3.12 The Council may vary its public toilet provision at any time during the contract period.
- 3.13 In order to remove the facilities in Alice Park from the Healthmatic contract, a variation notice would need to be served providing a minimum of 3 months' notice.
- 3.14 Should the Trust opt to instruct officers to remove Alice Park from the Council's public convenience service contract, a proportion of the capital investment in the

facilities would need to be repaid to Healthmatic. The Contract sets out the formula to be used in this scenario. Appendix 1 sets out an example of the repayment formula. This appendix is exempt due to reasons of commercial confidentiality.

- 3.15 A significant investment has been made modernising the facilities at Alice Park. As previously noted, the repayment of this investment is made through the combined annual capital and revenue contract fee. Appendix 1 sets out an example of the repayment fee that would be payable by Alice Park Trust.

Lease

- 3.16 In conjunction with the contract, the Council's Property Services team agreed a full repairing Lease with the contractor for occupation and maintenance of the building to operate the public conveniences.
- 3.17 The current terms of the Lease do not allow for termination without the contractors consent. There is no break clause within the Lease which could be readily applied to a decision to remove the Alice Park site from the service contract. At this time, Healthmatic are not minded to agree a termination to the Lease as it is a key site within the service contract.
- 3.18 The break clauses within the Lease allows for termination on:
- (1) 5 January 2029
 - (2) In the event the service contract is terminated in its entirety.
 - (3) In the event that the landlord wishes to redevelop the premises
- 3.19 Property Legal has advised that a variation to the current terms of the Lease would be required, with Healthmatics consent.

4 STATUTORY CONSIDERATIONS

- 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

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The financial implications are contained within the body of the report.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.
- 6.2 The current arrangements allow for continued investment by the Contractor to ensure modern facilities are maintained over the remaining 10 years of the contract. These are unknown costs, the risk of which currently sits with the contractor.

7 CLIMATE CHANGE

7.1 This report is being provided for information only about Alice Park Trust options for the future provision of public conveniences, and therefore does not include any decisions that have a direct impact on Climate Change.

8 OTHER OPTIONS CONSIDERED

8.1 None

9 CONSULTATION

9.1 Those consulted in preparing this report include officers in Property, Legal, Parks and Finance teams.

9.2 The Council's Monitoring Officer, Section 151 Officer and Corporate Director have had the opportunity to input to this report.

Contact person	Lisa Gore 01225 394280
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council	
MEETING/ DECISION MAKER:	Alice Park Trust Sub-Committee
MEETING/ DECISION DATE:	22 January 2020
TITLE:	Alice Park Café Lease
WARD:	Lambridge
AN OPEN PUBLIC ITEM	
List of attachments to this report: Appendix 1 – Advisory Note to Alice Park Trust Sub-Committee (exempt pursuant to Paragraph 3 of Schedule 12A Local Government Act 1972 (as amended) - information relating to the financial or business affairs of any particular person).	

1 THE ISSUE

1.1 The purpose of this report is to advise the Sub-Committee about the following issues:

- Summary of existing terms of the café lease.
- Advice on actions which need to be taken with regard to the lease and options which need to be considered before the termination date of the lease.
- Considerations regarding the lease end and occupation going forward.

2 RECOMMENDATIONS

2.1 The Alice Park Trust Sub-Committee is recommended to consider how it wishes to proceed with the renewal of the café lease.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 It is incumbent on the Trust to achieve the best terms that can be reasonably obtained.

3.2 The cost for Property Services to undertake the marketing on behalf of the Trust would be £1,500 (based on an hourly rate) and would need instructions from the Trust to determine the parameters surrounding the proposed letting.

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 the 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 objective, 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 while minimising any conflict between the different uses to which the park is subject to under the terms of the Trust Deed.
- 4.4 Detailed reference to the requirements of the Charities Act 2011 will be needed.

5 THE REPORT

- 5.1 The advisory note from the Property Services Team sets out the issues that the Sub-Committee must consider regarding the renewal of the Alice Park Café lease.

6 OTHER OPTIONS CONSIDERED

- 6.1 A number of options are set out in the advisory note prepared by the Property Services Team.

5 CONSULTATION

- 5.1 The Section 151 and Monitoring Officer have had opportunity to review and input into this report.

6 RISK MANAGEMENT

- 6.1 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	Carol Maclellan – Group Manager, Neighbourhood Environmental Services Email: carol_maclellan@bathnes.gov.uk Tel: 01225 394106
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 1554/19

Meeting / Decision: Alice Park Trust Sub-Committee
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Date: 22/01/2020

Author: Lisa Gore

Report Title: Alice Park Public Conveniences
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Exempt Appendix Title: Exempt Appendix 1: Healthmatic Contract

The Exempt appendix contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemptions:

- | |
|---|
| <p><i>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</i></p> |
|---|

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the appendix be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the Sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. Paragraph 3 of the revised Schedule 12A of the 1972 Act exempts information which relates to the financial or business affairs of

the organisations which is commercially sensitive to the organisations. The officer responsible for this item believes that this information falls within the exemption under paragraph 3 and this has been confirmed by the Council's Information Compliance Manager.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. The main factor in favour of disclosure is that all possible Council information should be public and that increased openness about Council business allows the public and others affected by any decision the opportunity to participate in debates on important issues in their local area. Another factor in favour of disclosure is that the public and those affected by decisions should be entitled to see the basis on which decisions are reached.

Weighed against this is the fact that the exempt appendix contains strategic and financial information which could prejudice the commercial interests of the parties if disclosed at this time. It would not be in the public interest if advisors and officers could not express in confidence opinions which are in good faith and on the basis of the best information available. It is important for public authorities to have some measure of 'private thinking space', and that they are able to share important information with Elected Members tasked with representing the local community.

It is in the public interest that the Council is able to deliver cost-effective solutions. This depends partly on the Council being able to protect its commercial position while the detailed terms of relevant schemes are agreed.

It is considered that the public interest is best served in this matter by not releasing this information at this time and that a significant amount of information regarding the matter has been made available on these issues – by way of the main report. Relevant information will be put in the public domain at the appropriate time. Therefore it is recommended that exemption 3 applies. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A).

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 37/20

Meeting / Decision: Alice Park Trust Sub-committee
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Date: 22 January 2020

Author: Keith McCombie/Andrea Frow

Report Title: Report regarding Cafe lease

Exempt Appendix 1: Advisory Note to Alice Park Trust Sub-Committee
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The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
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The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the exempt appendix be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the Alice Park Trust Sub Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about property leases being disclosed into the public domain. Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;

Weighed against this is the fact that the exempt appendix contains strategic and financial information which could prejudice the commercial interests of the parties if disclosed at this time. The exempt appendix also includes the observations and opinions of officers regarding the proposal. It would not be in the public interest if advisors and officers could not express in confidence opinions which are in good faith and on the basis of the best information available. It is important for public authorities to have some measure of 'private thinking space', and that they are able to share important information with Elected Members tasked with representing the local community.

It is considered that the public interest is best served in this matter by not releasing this information at this time. Relevant information will be put in the public domain at the appropriate time. Therefore it is recommended that exemption 3 applies. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A).

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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