

## **BATH AND NORTH EAST SOMERSET**

### **MINUTES OF ALICE PARK TRUST SUB-COMMITTEE MEETING**

Wednesday, 22nd January, 2020

Present: Councillors Rob Appleyard (Chair), Paul Myers and Sarah Moore (in place of Joanna Wright) and Graham Page (Independent Member)

#### **29 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

#### **30 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the emergency evacuation procedure.

#### **31 APOLOGIES FOR ABSENCE AND SUBSTITUTION**

Apologies for absence were received from Cllr Joanna Wright – substitute Cllr Sarah Moore.

#### **32 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

There was no urgent business.

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

(a) Derek Swift submitted a number of questions. Copies of the questions and answers were circulated at the meeting and are attached as an appendix to these minutes.

(b) Tony Hickman made a statement saying that he loves the park and has done a lot to improve it. It has been a Bath in Bloom winner. The café is one of the plastic free top 60 businesses in Bath, there have been two new initiatives since the award – paper cones and resealable cans. He supports local businesses including food, crafts and cards so that they are happy.

Local charities and local schools are also helped with enterprise projects. The café supports the local community and has a recognised safe space for autistic children. It is open every day and provides employment for 7 adults and 2 juniors. The dedicated and loyal staff that are at the meeting today have combined Alice Park employment of over 28 years.

The parks department are happy and property services seem happy. Customers like the café too with over 480 reviews on google, trip advisor etc with 477 good or excellent reviews.

There is more to come:

- Community events
- A Friends group to fund raise for the Alice Park Trust
- Enclose the shed at the back
- Green flag status aim

Don't ruin a good thing. Let us carry on developing the best park in the South West. Let's keep making everyone happy!

- (c) Colin Fairweather from the U3A tennis club stated that the group has been running for over 20 years and has contributed financially to Alice Park. The group would like to plan for the summer season and would like to know more about the arrangements for the upgrading of the tennis courts. The surface of the courts is currently not very good.
- (d) Jane Shaw from the Roller Derby Group asked whether it would be possible for the group to use the lower tennis courts.

Cllr Rob Appleyard responded to the questions as follows:

- He acknowledged the contribution that the café has made to the park. He understood the concerns regarding the future lease arrangements and stated that the service provided by the café was greatly valued.
- He explained that the aspiration is to improve the tennis facilities in the park and hoped that the Trust could work with the tennis club to facilitate this. He agreed to keep the tennis club updated on future plans for the courts.
- He explained that the plans for the tennis courts are currently under discussion and stated that, although it was unlikely that the lower tennis courts would be available for use by the Roller Derby Group it was possible that an alternative area could be found.

### **35 MINUTES OF THE MEETING HELD ON 23 DECEMBER 2019**

Graham Page queried whether the words "Sub-Committee" should be deleted from Minute No. 26, Resolution (3) as it was actually referring to the Alice Park Trust and not the Sub-Committee.

The Legal Services Manager explained that the Council is the sole corporate trustee and that the Alice Park Trust Sub-Committee administers the Trust on behalf of the Council. Therefore, the decision could not be overturned because of the wording used.

The minutes of the meeting held on 23 December 2019 were confirmed and signed as a correct record.

## **36 ACCOUNTS AND ANNUAL REPORT 2019/20**

The Sub-Committee considered a report which set out the accounts and annual report for the Alice Park Trust for 2019/20 for submission to the Charity Commission.

Members thanked Steve Rann, Group Accountant, for all his work on the accounts and budget. Cllr Myers was satisfied that he now had backing evidence for each budget item and asked that this information be shared with all Sub-Committee members. He also requested that events, booking arrangements and a charging policy be discussed at a future meeting. He suggested that, in future, internal invoices should be received throughout the year as and when work was carried out. Currently this was dealt with by an internal transfer with payment being made annually in advance. He suggested that quarterly invoices would be a better arrangement going forward. This would also enable the Sub-Committee members to have a clearer idea about the work that the Council is carrying out on behalf of the Trust.

Graham Page welcomed the report and the improved format.

RESOLVED:

- (1) 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.
- (2) To 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.

## **37 ALICE PARK TRUST BUDGET**

The Sub-Committee considered a report which gave an update on the 2019/20 budgets and current year financial position.

Cllr Appleyard noted the recommendation to delegate approval for the Parks Manager to spend a certain level of funding. He felt that there should be some consultation with members in the first instance prior to a decision being made.

Cllr Myers felt that there should be provision in the budget for emergency works which could be signed off following completion. It was important for the Sub-Committee to have clarity on spending decisions.

Graham Page was grateful for the work carried out by the Council to support the park such as arboricultural work, bin emptying and maintenance of play equipment. However, it was important to regularise the way money is spent and perhaps an annual grant from the Council to the Trust would be more appropriate. He appreciated that the Council funding ensured that the Trust remained solvent. He felt

that the maintenance team should have the authority to carry out urgent work if required.

Cllr Myers would welcome a 5-year budget plan which would enable the Trust to identify any potential gaps and to address this in a more timely manner. There should also be more awareness and discipline about work that the Council is carrying out.

Cllr Appleyard recommended a 10-year plan going forward with the aim of the Trust becoming self-sufficient and no longer requiring financial assistance from the Council. It was important that any organisation using the park for a commercial activity should make a contribution to enable the park to be sustainable.

RESOLVED:

- (1) To note the budget report.
- (2) To delegate Alice Park budget approval of up to £2k to Bath and North East Somerset Council's Parks Manager. This power should only be used in the case of emergency work affecting health and safety and/or amenity following approval from the Chair and one other member of the Sub-Committee.
- (3) Following such approval the Chair must report the decision to the next meeting of the Sub-Committee explaining the action taken and the reason for this.
- (4) To agree to start the process of drafting a 10-year financial plan for the park.

### **38 EVENTS IN ALICE PARK - POLICY AND APPLICATION FORM**

The Sub-Committee considered a draft events policy and application form which had been prepared by Graham Page. Members thanked Graham for the work that he had undertaken to produce the documents.

Graham then explained that the Council's events team had withdrawn its support to the Trust and that this had left a gap. It was unlikely that very large events would take place in the park (i.e. over 500 people). A reference had been made to drones as these could constitute a health and safety risk. It was also important to consider the use of flammable gas in the park and he suggested that barbeques should be banned.

Cllr Appleyard stated that he would take advice from the Council regarding the use of drones in the park. He also required more information on the use of gas. Barbeques could be managed by providing suitable facilities which could be more easily controlled.

Cllr Myers stated that there should be a clear process for events and a charging policy. Cllr Appleyard explained that the Trust currently used the Council rate card for events.

Cllr Moore suggested that there should also be reference to action required following an event such as clearing up the site etc. It would also be important to consider a clear licensing regime and a system for logging dates.

RESOLVED: To agree that the Trust should adopt its own events policy and to work on the detail over the coming months.

### **39 REQUEST FOR MULTI-USE BALL WALL**

Cllr Appleyard reported that he had received a request to consider installing a multi-use ball wall in Alice Park. Some further details were circulated. If members wished to install this equipment, they would have to consider the space required and a suitable location as well as any health and safety issues. They would also have to undertake some consultation. Cllr Appleyard also agreed to investigate any planning requirements.

RESOLVED: To explore this proposal in more detail at the next meeting.

### **40 MESH NET REPLACEMENT**

The Sub-Committee noted 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.

### **41 ALICE PARK PUBLIC CONVENIENCES**

The Sub-Committee considered a report which set out the contractual arrangement currently in place for the provision of public conveniences at Alice Park.

It was noted that the contract was in place until 2029 and that there would be a penalty if the Trust broke the contract before this date. The facilities are cleaned at least twice per day and there is a charge of 20p to use them.

Graham Page queried whether the current contract is a good deal for the Trust and whether better value could be obtained elsewhere.

On balance members felt that the current contract is fit for purpose and provides value and security for users of the park.

RESOLVED: To retain the current arrangements for the provision of toilets in Alice Park.

### **42 ALICE PARK CAFE LEASE**

The Board considered a report regarding the lease for the Alice Park Café. The report gave a summary of existing terms of the café lease, gave 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. It also covered considerations regarding the lease end and occupation going forward.

Cllr Appleyard stated that he understood the concerns of the current lessee and his members of staff. He explained that the Trust had to go through the correct process to obtain best value and confirmed that matters would be progressed as soon as possible.

The Sub-Committee agreed to discuss this matter in private session as exempt information was likely to be disclosed.

#### **43 DATE OF NEXT MEETING**

The Sub-Committee agreed to meet in approximately four weeks' time. The exact date will be confirmed in due course.

#### **44 EXCLUSION OF THE PUBLIC**

RESOLVED that:

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, 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.

#### **45 ALICE PARK PUBLIC CONVENIENCES - EXEMPT APPENDIX**

The Sub-Committee considered an exempt appendix which gave details of the Healthmatic contract for the public conveniences in Alice Park.

RESOLVED: To retain the current arrangements for the provision of toilets in Alice Park.

#### **46 ALICE PARK CAFE LEASE - EXEMPT APPENDIX**

The Sub-Committee considered a report regarding the lease for the Alice Park Café. The report gave a summary of existing terms of the café lease, gave advice on actions which need to be taken with regard to the lease and options which need to be considered before the termination date. It also covered considerations regarding the lease end and occupation going forward.

Cllr Appleyard stated that he understood the concerns of the current lessee and his members of staff. He explained that the Trust had to go through the correct process to obtain best value and confirmed that matters would be progressed as soon as possible.

The Sub-Committee discussed this matter in private session as exempt information was likely to be disclosed.

RESOLVED: To agree that the lease for the café be openly marketed to obtain the best terms.

The meeting ended at 6.25 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

This page is intentionally left blank

## QUESTIONS TO ALICE PARK TRUST SUB-COMMITTEE – 22 JANUARY 2020

### FROM MR DEREK SWIFT

1. The accounts are showing £13,600 of the rental income as restricted funds. I do not understand this. Why is this amount shown as restricted? This implies that the tenant has applied a restriction? How is this possible on a lease? If it is restricted what in the restriction? I.e. what part of the charities work can the £13,600 not be used for?

*A: This has been included as restricted to ensure the income is restricted to the maintenance/running costs of the Park*

2. The accounts are showing £145 of investment income as restricted? Why is this? What is the restriction?

*A: This has been included as restricted to ensure the income is restricted to the maintenance / running costs of the Park*

3. The line Income -deficit subsidised by B&NES. This is showing at £22,592. In past accounts the wording has been different, and I would ask what “subsidised” really means. Does this mean gift, or does it mean loan, or does it mean something else? This is critically important to understand the accounts. In the past the wording has been gift which is clear. However, if this is a subsidy which could be reclaimed by B&NES should the charity make a profit or have a windfall in the future then this would appear to have the characteristic of a loan?

*A: A subsidised deficit is a more accurate description as the Alice Park generated income does not cover its running costs, as a result the Council Parks revenue budget is subsidising the deficit and running costs of the Park. The Council is not currently accruing this subsidy in its accounts as an outstanding debt.*

4. The costs relating to Grounds Maintenance, Play equipment Maintenance and Tree management all have SLA after them. I assume this means Service Level Agreement. Scrutinising the minutes back to 2016 there would appear to be no item documenting these SLAs. Surely a service level agreement would need sign off by the committee. When was this done?

*A: The service level agreements were agreed by the Trust in principle, detailing the basic maintenance functions that the Council would undertake for a fee (which is a Council subsidy currently). If the Trust now requires further detailed SLAs, then these can be developed under agreement. When the Trust are in full control of their budget they can chose to commission work in a different way if they wish.*

5. Following on from the last meeting where the sign off on the leases for the skate park and the tennis courts was agreed. Have the sub-committee considered that they are signing two 25-year leases at peppercorn rent to B&NES when the Trust is currently wholly dependent on the annual gift/loan/subsidy from B&NES. In my view to sign 25 year leases the Trust must have a real expectation of being a going concern for that period. What undertakings have been sought by the Trust from B&NES that they will continue to support the trust for the lifetime of those leases?

*A: No undertakings have been sought and are considered unnecessary on the basis that the Council cannot provide an undertaking to itself. The Council has subsidised the deficit to date and there is no reason to consider that this will not continue.*

6. The 2019/20 Budget discloses the tea Chalet Income. This is a public document and as the Tea Chalet lease is up for renewal this could seriously prejudice the existing tenant's position. I ask that this be removed immediately.

*A: This has been removed.*

7. The minutes of the meeting of 4 September 2019 refer in section 11 to the £25,000 which the Sub-Committee had agreed to allocate to other projects and there was a discussion about whether the trust could return some of that money to the Council for skate park funding.

This £25,000 does not appear in the accounts to 31 March 2019 or in the budget for 2019/20. This must mean that either the accounts or the budget has been materially misstated by this £25,000. It is not clear to me when this £25,000 became the property of the Trust. However, the minutes of the meeting of February 2019 use the past tense when talking about the allocation. Therefore, I would expect to see the £25,000 in the March 2019 accounts in restricted income and also in the balance sheet as it is specifically earmarked for future Park Improvements rather than running costs of the Park?

If sub-committee members are being presented with information that is materially incorrect how can they possibly make proper financial decisions? £25,000 is a huge omission from the numbers.

*A: The £25,000 was given with the condition that this will be spent on the Skate Park, as a result this has been treated as a third-party receipt to fund the Skate Park Capital scheme that is in the Council's Capital programme. Other improvements to the park are being funded from the available income as reported in the 2019/20 budget monitoring update with some of the expenditure being subsidised by the Council's Parks budgets.*