

## ALICE PARK TRUST SUB-COMMITTEE

### Minutes of the Meeting held

Wednesday, 30th September, 2020, 1.30 pm

Councillor 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

#### 1 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the virtual meeting.

#### 2 APOLOGIES FOR ABSENCE AND SUBSTITUTION

There were no apologies for absence.

#### 3 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair explained that he had agreed to consider one item of urgent business at this meeting. Members were asked to give approval for the Council's Legal Department to act for both the Trust and the Council to finalise the lease for the skate park in Alice Park. This would avoid the Trust incurring any further legal charges. The reason for urgency was that a decision needed to be made prior to the next meeting to enable the lease to be finalised.

The Legal Services Manager explained that the Trust has received independent legal advice regarding the lease for the skate park from VWV Solicitors. The Charity Commission had given approval for the Trust to enter into the lease. The lease must now be registered with the Land Registry and approval was being sought for the Council's legal team to act on both sides of the transaction.

In response to a question from Cllr Myers, the Chair confirmed that this was purely a process and not a negotiation. He also confirmed that if there were to be any changes to the Heads of Terms then the Sub-Committee would be consulted on these.

#### RESOLVED:

- (1) To agree that the Council's legal team act for both the Alice Park Trust and the Council to finalise the lease for the skate park in Alice Park.

- (2) To delegate authority to the Democratic Services Officer, in consultation with the Chair, to approve the completion of the lease.

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

The Chair informed the Sub-Committee that some questions had been received from Carly McKeever. The questions had been circulated to members of the Sub-Committee and made available to the public on the Council website.

Responses would be prepared and circulated within five working days of this meeting. *(A copy of the questions and responses is attached as an Appendix to these minutes).*

## 6 **MINUTES OF THE MEETING HELD ON 22 JANUARY 2020**

The minutes of the meeting held on 22 January 2020 were confirmed as a correct record.

## 7 **UPDATE REPORT AND RECOMMENDATIONS REGARDING THE ALICE PARK CAFE LEASE**

The Sub-Committee considered a report which provided an update on the Alice Park Café lease negotiations following the meeting held on 22 January 2020 and advised members of the following issues:

- A summary of discussions with the current tenant.
- A proposal to discontinue with a marketing strategy and to deal directly with the tenant.

Cllr Appleyard informed the Sub-Committee that lease terms have been discussed and negotiated which provide a good position for both the Trust and the current tenant. There was a will on both sides to move forward.

Graham Page and Cllr Myers requested that, if negotiations failed and there was subsequently a need to revert to openly marketing the tenancy as originally planned, then this should be discussed at a Sub-Committee meeting prior to any action being taken. This would give members the opportunity to review the situation and to reconsider the trading terms if necessary.

### **RESOLVED:**

- (1) To enter into direct negotiations with the current tenant.
- (2) To delegate to the Corporate Property Officer, in consultation with the Chair of the Sub-Committee, the authority to finalise the terms and to ensure completion of the necessary legal documents and formalities with the current tenant, if satisfactory terms are negotiated. This may require a tenancy at will (or appropriate document) to be put in place whilst the lease is documented.

The meeting ended at 1.55 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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## Questions to the Alice Park Trust Sub-Committee

Carly McKeever

- (1) When will the Trust publicly release their Covid-Specific risk assessments for their events to reassure the public that park user safety is paramount?

***The general advice is that all event organisers and businesses should be completing a COVID-19 Specific Risk Assessment as a legal requirement.***

***In any case, any event organiser, or activity organiser should ensure there is clear messaging to members of the public to ensure they feel safe and know how to behave at that event.***

- (2) What COVID related safety measures do the trust plan to implement for public safety?

***The government guidance on using Alice Park is the same as that which applies to all other open spaces in B&NES. The public should practice social distancing, practice regular hand washing and wear a face covering when in a public space indoors; but this is guidance only and cannot be enforced. However, the restrictions on congregating in numbers have recently been tightened and genuine concerns about large numbers congregating in groups can be addressed to the police who may be able to enforce the law.***

- (3) Since the last meeting on Jan 29<sup>th</sup>, what progress has the trust made for its proposed 10-year plan? Ref minutes from last meeting, action plan carry out actions.

***The report on the progress of the 10-year plan will be reported to the Alice Park Trust Sub-Committee, as of yet no date has been set.***

- (4) Are the ward councillor trustees adequately able to discharge their responsibilities as trust members alongside their councillor roles avoiding personal conflicting interests at this time? For example, the Alice park community garden pays no rent for their space in the park. As Ms Wright is a committee member of Transition Larkhall who oversee this project, how can she balance offsetting the trust deficit and validate not charging rent to established park users but charging licence fees to other park users?

If they not discharge their responsibilities adequately, what provisions have they put in place to oversee a smooth operation of the park that won't affect the health and safety of park visitors during this uncertain time?

***The Ward Councillor members of the Sub-Committee are able to adequately discharge their responsibilities at this time.***

**Commercial users of the park are asked to contribute by way of a licence fee, which is set to the published rate card adopted by the APT Sub-Committee. The community garden is not a commercial operation so does not fall within that scope.**

- (5) After using an image of the ward councillors celebrating the upcoming skatepark in party literature, why was no ward councillor available on site as works commenced for the skatepark, when the temporary works path would have conflicted with parts of the park other organisations must already pay to use?

**There is no requirement for ward councillors to be available on site for the commencement of works.**

And is a risk assessment in place for the works as they will take place in an area used by children who must be safeguarded?

**The contractors provided a full construction phase plan which included the site safety plan, risk assessments, COVID 19 measures, and method statements for activities such as deliveries onto site and excavations.**

**The site and the temporary roadway have been securely fenced. A banksman will direct vehicles from the park entrance to the construction site and again when leaving site.**

- (6) Why is the only independent member routinely uninformed of events happening in the park during a pandemic when their professional background in environmental health is crucial at this time?

**It is for all Trust members to satisfy themselves with issues of the park outside of the information and progress provided at APT Sub-Committee meetings. Enquiries are positively responded to.**

- (7) With the trust running a deficit, how are the trust funding events in the park?

**Financial information is presented to the Committee when appropriate. As mentioned in a previous answer the Trust is looking to balance its accounts by working with commercial users of the park to licence their activity. A process which is being successful and accepted as fair by those users. The park is open and free to use by all other users.**

(8)

[www.Democracy.banes.gov.uk/documents/557125/alice%20park%trust%20sub-committee.pdf](http://www.Democracy.banes.gov.uk/documents/557125/alice%20park%trust%20sub-committee.pdf) clearly states 'ward members for Lambridge are co-opted non-voting members'. If this was agreed as part of the trust formation by the charitable trust board, who authorised going against this to allow them to be the only voting members?

**The two ward members for Lambridge have been appointed by the Council administration as full voting members. They are not the only voting members as there is also one voting member from the Conservative Group. Under the terms of reference, the ward members**

**are automatically entitled to be co-opted non-voting members, but this does not exclude them from being appointed by the Council as voting members.**

- (9) If the original conveyance established a minimum of 6 trust members, when will applications for trust membership re-open to ensure balance within the trust.

**The original conveyance has been superseded and B&NES Council is now the sole corporate Trustee. The Council has chosen to administer the Trust through the APT Sub-Committee, but the individual members are not Trustees. The vacancy for an additional independent member is currently under review.**

- (10) In the last meeting it was stated by Mr Appleyard that the survey report undertaken by Bath Area Play Project was a private report. Why did it clearly state on it that it was commissioned by the Alice Park Trust and if it is relevant to the Alice Park Trust, why is it not being put forth for consideration and instead repeated FOI requests are being ignored by both Appleyard and BAPP at Mr Appleyard's request? Does this need to be referred to information commissioner's office?

**The report is a private report intended for the Alice Park Trust and not commissioned by the Alice Park Trust. It will be presented to the Trust when appropriate and the next stage of improvements to the play area can proceed. As with the report, full consultation with members of the public and park users will be undertaken.**

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