

Alice Park Trust Sub-Committee

Date: Monday, 7th December, 2020

Time: 3.00 pm

Venue: Virtual Meeting – Public Access via YouTube

<https://www.youtube.com/bathnescouncil>

Councillor Rob Appleyard (Chair)

Councillor Paul Myers (Vice Chair)

Councillor Joanna Wright

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

Chief Executive and other appropriate officers

Press and Public



Marie Todd

Democratic Services

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1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

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 Council will broadcast the images and sounds live via the internet

<https://youtube.com/bathnescouncil>

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.

Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Mondays notice must be received in Democratic Services by 5.00pm the previous Wednesday.

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **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 - Monday, 7th December, 2020

**at 3.00 pm in the Virtual Meeting - Zoom - Public Access via YouTube
<https://www.youtube.com/bathnescouncil>**

A G E N D A

1. WELCOME AND INTRODUCTIONS
2. APOLOGIES FOR ABSENCE AND SUBSTITUTION
3. 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.

4. 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.

5. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS
6. MINUTES OF THE PREVIOUS MEETING (Pages 7 - 10)

To confirm the minutes of the meeting held on 30 September 2020.

7. CHAIR'S UPDATE

To receive an update from the Chair to include:

- Skate park
- Tennis courts
- Café lease
- Community garden
- Appointment of independent member
- 10-year plan
- Community engagement model

8. ALICE PARK BUDGET 2020/21 (Pages 11 - 14)

To consider the attached report, which provides an update on the 2020/21 budget and current year financial position for the Trust and raises considerations for the 2021/22 budget.

9. SALE OF COTTAGE NO. 2, ALICE PARK (Pages 15 - 18)

To note the attached report, which provides an update on the sale of Cottage No. 2 at Alice Park. This is an update on the report presented to the Sub-Committee on 6 December 2016.

10. POLICIES FOR ALICE PARK

To consider whether the Trust should introduce policies regarding:

- Barbeques
- Sky Lanterns

11. MEMORIAL TREES AND BENCHES

To discuss whether the Trust should introduce a policy regarding memorial trees and benches in Alice Park.

12. SURVEY OF ALICE PARK (Pages 19 - 22)

To consider a report by Graham Page regarding a survey of the park which he has recently undertaken.

13. MULTI-USE GAMES WALL (Pages 23 - 24)

To consider a proposal for a multi-use games wall within the park. Cllr Rob Appleyard will report.

14. DATE OF NEXT MEETING

To agree the date of the next meeting. Possible dates are:

Monday 25 January 2021 – pm

Wednesday 27 January 2021 – pm

The Democratic Services Officer for this meeting is Marie Todd who can be contacted on 01225 394414.

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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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Bath & North East Somerset Council	
MEETING/DECISION MAKER:	Alice Park Trust Sub-Committee Meeting
MEETING/DECISION DATE:	7 December 2020
TITLE:	Alice Park Trust – 2020/21 Budget and Forecast Update
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 Sub-Committee on the 2020/21 budgets and current year financial position.
- 1.2 The report will also raise considerations for the 2021/22 budget.

2 RECOMMENDATIONS

- 2.1 The Alice Park Trust Sub-Committee is asked to note and consider the report.

3 2020/21 FINANCIAL PERFORMANCE

- 3.1 Forecast spend for the financial year ending 31st March 2021 is £38,496. Forecast income is £16,694, resulting in a forecast deficit position for the Trust of £21,802.
- 3.2 In previous years, Bath and North Somerset Council have funded the Trust's deficit through its Parks revenue budgets. In 2018/19 the funded deficit was £23k and in 2019/20 the deficit increased to £30k due to one-off improvement costs.
- 3.3 The forecast deficit for the Trust in 2020/21 was budgeted at £24,069. The current forecast deficit is £21,802. The lower deficit is a result of incurring no additional costs on grounds maintenance or parks outside of the SLA, and higher income than expected on events.

3.4 Forecast financial performance for Alice Park for financial year ending 31st March 2021 is detailed in the table below:

	19/20 Outturn	20/21 Budget	20/21 Forecast	20/21 Variance
EXPENDITURE	£	£	£	£
Ground Maintenance SLA	11,087	11,309	11,309	0
Play Equipment SLA	8,406	8,574	8,574	0
Tree Management/Maintenance SLA	2,343	2,390	2,390	0
Public Conveniences	15,655	15,968	15,968	0
Audit Fees	250	255	255	0
Legal Fees	704	0	0	0
<i>Other costs -</i>				
- other grounds/parks expenditure	2,408	1,000	0	-1,000
- pest control	383	0	0	0
- footways (CIL)	46,800	0	0	0
	88,036	39,496	38,496	-1,000
INCOME	£	£	£	£
Investment Income - Dividends	-31	-31	-31	0
Investment Income - Interest	-102	-102	-102	0
Property Rental Income	-14,701	-14,701	-14,701	0
Tennis Court Income	-373	-373	-250	123
Events Income	-220	-220	-1,610	-1,390
CIL Allocation	-43,200	0	0	0
	-58,627	-15,427	-16,694	-1,267
Forecast Trust (Surplus) / Deficit	29,409	24,069	21,802	-2,267
Additional income subsidy from B&NES	-29,409	-24,069	-21,802	2,267
Revised Forecast Trust (Surplus) / Deficit	0	0	0	0

4 2021/22 BUDGET CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The long-term aim will be for the Trust to become financially self-sufficient, reducing and ultimately removing the need to rely on council subsidy to balance its budget.
- 4.2 In order to facilitate this, it is recommended that the Sub-Committee considers creating a medium-term plan, one that formalises the subsidy income currently received from Bath and North East Somerset Council. Ideally this subsidy would reduce over time and give the Trust a target year for financial self-sufficiency. Additional income generated from events in 2020/21 shows that the Trust is already moving to a more commercial outlook.
- 4.3 A further recommendation is for the Service Level Agreements (SLAs) with the council's Parks department to be reviewed and formalised, which in turn will allow for a more transparent and robust financial planning process.

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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Bath & North East Somerset Council	
MEETING/ DECISION MAKER:	Alice Park Trust Sub-Committee Meeting
MEETING/ DECISION DATE:	7 December 2020
TITLE:	Sale of Cottage No.2 at Alice Park
WARD:	Lambridge
AN OPEN PUBLIC ITEM	
List of attachments to this report: N/A	

1 THE ISSUE

- 1.1 To provide an update surrounding the sale of Cottage Number Two at Alice Park. This is an update on the report presented to the Sub-Committee on 6th December 2016.

2 RECOMMENDATIONS

- 2.1 To note the report which has been prepared for information purposes only and to provide a record for any future enquiries with regards to the sale of the cottage.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are two cottages at Alice Park. Cottage Number One remains an asset of Alice Park Trust; Cottage Number Two was sold to a private individual under the Housing right to buy scheme in September 2004.
- 3.2 Earlier this year the Charity Commission raised questions on the Alice Park 2018/19 Accounts, one of which centred around the sale of the cottage in 2004.
- 3.3 The accounts of the Trust were restated from 2004/05 to recognise the receipt from the sale of the property and again in 2013/14 to account for compound interest that would have accrued over time. The proceeds from the sale have been used to fund expenditure incurred by the Trust since. It is important for the Board to note that that Charity operates with a significant annual deficit and only remains solvent due to Council subsidy.
- 3.4 It was clear from the questions raised by the Charity Commission that they were under the impression that the subsidy recorded in the accounts was to reimburse the Alice Park Trust for the sale of the cottage. The Commission have subsequently been corrected and have closed their enquiry after receipt of the council's explanation.

- 3.5 This report will detail the background surrounding this issue for transparency and as a record for any future questions arising on the matter.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Council is sole corporate trustee of the Alice Park Trust and the 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 committee must consider whether any proposed use falls within the trust's objectives, 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 whilst minimising any conflict between the different uses to which the park is subject to under the terms of the trust deed.

5 THE REPORT

Background

- 5.1 On 1 April 1996, B&NES came into being as a Local Authority and has been subsequently supporting the Alice Park Trust since this date.
- 5.2 All income and expenditure associated with the Trust has been recorded in the accounts for the Trust, (Appendix One – Income & Expenditure Alice Park to 31 March 2016).
- 5.3 At the formation of B&NES, two cottages (Numbers One and Two) were held on Trust land and were maintained by B&NES Council as part of their housing stock.
- 5.4 On 1st April 1999, Cottage Number One and Number Two at Alice Park were transferred from B&NES Council to Somer Community Housing Trust (SCHT) under LSVT (Large Scale Voluntary Transfer). These were transferred for a sum of £8,107 each, paid to B&NES Council.
- 5.5 Cottage Number One was rented for a period and then stood empty until 2 August 2005, when it was purchased back by B&NES from SCHT. The actual cost of the property was £11,692, paid by B&NES Council, including administrative and legal costs, was £13,537.
- 5.6 Cottage Number Two was rented for a period until 27 September 2004, when the property was sold under the right to buy scheme to a private individual for the sum of £47,700. This income was paid to B&NES Council.
- 5.7 The sale of the housing stock to Somer Housing Association (now Curo) was unlikely to be pursuant to any statutory duty. The Local Government & Housing Act (1989) removed the requirement of principal Council's to hold housing stock. This provided an incentive to dispose of stock as money required for essential repairs could not be provided to a Council but could be provided to a Housing Association.
- 5.8 Advice provided by Counsel was that the Council were in breach of the Charities legislation (s.36 Charities Act 1993) when disposing of the cottages.

- 5.9 The disposal under RTB is legally effective and the Trust cannot undo that transaction. The trust can only regularise the position by accounting for the proceeds of sale together with interest
- 5.10 To record the sale proceeds correctly in the accounts, the sale needed to be recorded at market value, rather than at the sale value. A valuation of £90,000 was arrived at by taking the sale price (£47,700) and adding the discounted value as stated on the Land registry document (£42,300). This was also consistent with the market valuation placed on property by Curo and would be in excess of the 50% discount for a sitting tenant should that calculation have been applied.
- 5.11 £90,000 receipts were retrospectively applied to the 2004/05 accounts, which left a surplus in the I&E of £53,600. This surplus was utilised to meet the annual running costs of the Park in 2005/06, reducing the required Council subsidy from £56,380 to £2,780.
- 5.12 A further exercise was carried out to calculate compound interest of the £90,000 receipt given delays in applying the value to the accounts. £8,517 income was applied to the 2016/17 accounts to reflect this.
- 5.13 All costs and proceeds relating to the cottages at Alice Park have been reinvested into the Trust in line with the Trust deeds, as detailed in each year's annual audited accounts.

6 CONSULTATION

- 6.1 S151 and Monitoring Officer have had opportunity to review and input into this report.

Contact person	<i>Paul Webb – Finance Manager</i> paul.webb@bathnes.gov.uk
Background papers	<i>Property at Alice Park, Charitable Trust Board – Alice Park Sub-Committee, 6th December 2016</i>
Please contact the report author if you need to access this report in an alternative format	

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Survey of Alice Park [revised]

Introduction

This survey was carried out *in Spring 2019* at the request of the former Chairman of the Alice Park Trust Sub-Committee. He was concerned that certain elements of the park were in a dilapidated state and therefore did not present the park at its best. The survey is limited to those parts which are readily accessible to users. The survey does not include the interior elements of the playground and parts of the park not under direct control of the Trust. The observations are based on a circular tour of the park starting and finishing at the vehicle entrance in Gloucester Road. *This survey has been updated following another inspection in November 2020.*

Detailed Observations.

1. Entrance Gates.

The lower hinge to the right hand (southern) gate has been broken probably by vehicle impact and the gate has been removed for safety reasons. It is presently secured to the adjacent railings. The hinge requires repairing.

The southern gatepost is out of alignment and will require re-adjusting *or replacing* for the gates to operate correctly *before the hinge is refitted.*

2. Car Park Surface

The markings on the surface are so far worn that the limits of the pedestrian walkway, the bays reserved for disabled parking and the limits of prohibited parking for access of emergency vehicles to the main area of the park are no longer clear. These need to be repainted.

The provision of supplementary signage would assist in making the intention of the markings clearer.

3. Drain to the Car Park.

This is subject to frequent blockage. The cause of this should be investigated and appropriate remedial action taken.

4. Commemoration Plaque.

Situated between the nursery and the emergency entrance, the front left-hand support of the plaque has been impacted and distorted (probably by a vehicle). This requires repair. The structure and the plaque should be cleaned and repainted.

4.a. Protective Bollards

One of the decorative protective bollards which delineate the car park from the adjacent grassed area is missing. The bollard in question is important because it contributes to the system of bollards that control access of vehicular traffic to the main park. As such it should be replaced

5. There are two “prohibition of cycling” notices painted on the surface of the existing northern pathway. If the Trust is of the opinion that cycling on the footpath is prohibited, these require repainting.

6. Park Benches

The wooden surfaces to most the benches round the park would benefit from cleaning and retreating to improve their appearance.

Two benches (one in the lower tennis court; another nearest to the London Road entrance) have lost the top rail to their backs which should be replaced.

The left-hand support to the bench near the London Road is out of alignment and requires readjusting.

Some of the benches in the area between the northern element of the path and the hedge adjacent to the community garden have loose and/or missing seating rails these should be repaired or replaced as necessary.

7. Tennis Pavilion.

The guttering and down piping are rotted. (The downpipe has been removed to prevent it falling onto passers-by). The whole should be inspected as a matter of urgency and replaced/repaired as necessary.

Parts of the weatherboarding walls are broken. These require repairing.

Some of the wooden tiles to the roof are distorted and/or missing allowing potential for water to enter the interior of the building. These should be adjusted, repaired or replaced as necessary.

The top rail to the northern side of the staircase leading to the eastern external door has disappeared making the staircase dangerous for users. This should be replaced.

8. Iron Gates to London Road Entrance.

These have slipped in their restraining hinges and foul the restraining plate at ground level making them difficult to open and close readily. These should be adjusted to ensure their efficient operation. The missing bolt to the western gate should be replaced.

The smaller eastern gate could benefit from the installation of a self-closer to ensure that the gate returns to the closed position to ensure the safety of children using the park

9. Pergola.

The wood to the whole structure requires cleaning and repainting.

Some of the wooden roof tiles are distorted or cracked and require repair or replacement. There appears (from ground level) to be no protection to the ridge of the roof.

10. Perimeter Fence.

Close to the junction with London Road, a lower rail to the fence bordering Gloucester Road has been damaged (possible by someone standing on it to gain access to the park. This should be repaired and additional measures put in place to prevent unauthorized access.

11. Street Marking to Children's Cycle Play Area

These markings are faded and worn and require repainting.

12..

There are two sources of electricity, one to the pavilion adjacent to the tennis courts, the other servicing both the café and the toilet block. The Electricity at Work Regulation requires that these should be periodically examined and tested to ensure adequacy and integrity by a competent person and certificates provided.

There is evidence that the supply is nearing its capacity to supply the café and the toilet block. This should be investigated with a view to upgrading the supply to deal with the increased loading.

13. Tennis Courts

The surfaces to the courts have been recently cleaned. The renovation of these is currently under review and dilapidations will be addressed as part of that programme.

Conclusion

These matters are put before the Sub-Committee for its consideration. *The items in italic font have been included as a result of the re-inspection. Some items that have been dealt with since the original report have been deleted.*

ALICE PARK GAMES WALL

This sheet summarises a proposal for a Games Wall in Alice Park, Larkhall. The proposal is put forward by local residents Chris Hall & John Ingham for consideration by the Alice Park Trust. The Games Wall would be a new, free to access facility, for Alice Park. Simply, it would be a free-standing wall which individuals or small groups will be able to use for play & more focused practice, by hitting balls toward it and having them returned.

The wall would have painted on it markings associated with a number of sports, including a tennis net, cricket stumps, a football goals, as well as other markings that provide specific targets. Inspirational quotes regarding practice & sporting achievement could also be added, as well as information on different types of games that could be played using the wall and ground surface.

Durability & low maintenance are key design drivers, and as such it is proposed to build the wall from blockwork, with the mortar flush on one side and recessed on the other, and a painted finish applied over the top. Some foundations would be required, and it is recommended that a Structural Engineer is consulted. The wall would be central within a new but small area of hard-standing so that it can be used from both sides and in all weathers; one half of the hard-standing could be replaced by artificial grass. The facility would be largely self-governing, but some guidance could be given as to use.

Following some analysis there are a number of possible sites but the one near the cycle track, as shown opposite, is considered the best. The wall and its surroundings should be incorporated into the wider park, and as such there is the possibility to provide new connecting pathways, seating and planting.

A fund raising campaign could be supported by a 'buy-a-block' scheme or sponsorship from a local sports organisation. The design & build processes might also involve the local community

The project team are enthusiastic about the facility, and informal support has been gained from a number of Alice Park users. Further information can be provided to help move the project forward. Thank you.



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