

## ALICE PARK TRUST SUB-COMMITTEE

### Minutes of the Meeting held

Wednesday, 3rd February, 2021, 2.30 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
Bill Shaw	- Independent Member

#### 21 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting. He welcomed Bill Shaw to his first meeting of the Sub-Committee as the newly appointed independent member.

#### 22 APOLOGIES FOR ABSENCE AND SUBSTITUTION

There were no apologies for absence.

#### 23 DECLARATIONS OF INTEREST

There were no declarations of interest.

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

There was no urgent business.

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

Questions were submitted to the meeting by Paul Hooper, Janet Marton and Derek Swift. The Chair confirmed that responses would be sent within 5 working days of the meeting. *(A copy of the questions and responses is attached as an appendix to these minutes).*

Graham Page, Independent Member of the sub-committee made a public statement. He stated that, as an independent member, he felt that it was his role to bring the concerns of park users to the attention of the sub-committee. It was important for decisions made by the sub-committee to adhere to legal requirements and to be made in a transparent way. He felt that some previous decisions made by the sub-committee had been overridden and ignored. He also felt that some decisions had been taken without the approval of the sub-committee and in the absence of any formal delegation. He had requested that certain items be placed on the agenda for consideration, but this request had been declined. He also felt that some of the responses provided to questions submitted by members of the public were incomplete. He stressed the obligation on the sub-committee for business to be

conducted in an open, lawful and timely manner.

Cllr Appleyard explained the need for agenda item requests to be submitted through the chair to ensure a balanced and well-managed agenda. The sub-committee noted the statement and agreed that the concerns raised would be discussed at a future meeting.

## 26 **MINUTES OF THE MEETING OF 7 DECEMBER 2020**

The minutes of the meeting held on 7 December 2020 were confirmed as a correct record.

Graham Page queried the accuracy of the minutes as he believed that he had raised some issues relating to the skatepark under the Chair's Update.

*(Note: Having reviewed the YouTube recording of the meeting it was confirmed that the issues referred to by Graham Page were not raised during the public meeting).*

## 27 **CHAIR'S UPDATE**

The Chair gave updates on the following issues:

- Alice Park Trust Accounts - Discussions have taken place between the Council and the Charity Commission about how the Alice Park Trust accounts should be produced. The Charity Commission has agreed an extension for the submission of the accounts, which must now be submitted by 31 March 2021. The issues discussed have now been satisfactorily resolved and the sub-committee will be asked to approve the accounts and annual report at its next meeting once they have been independently examined.
- Tennis Courts – An operator has now been appointed to run the new tennis court provision. This means that park users can now look forward to an improved provision, refurbishment of the tennis courts and a high-quality service. The Chair was not aware of the exact timescale for these works, but he agreed to find out more details and to send further information to sub-committee members.
- Workshop – 15 February – A workshop has been arranged for members of the sub-committee to discuss the 10-year plan, community engagement plan and the policy for memorial trees and benches. The Trust needs to become more financially self-sufficient and will need to increase its income to a reasonable and achievable level. This will enable the Council subsidy to reduce over a 10-year period.
- Skatepark – Graham Page requested an update regarding the skatepark, as park users and local residents were keen to know the latest position. The Chair informed members that the skatepark is a Council run project. He understood that officers are still awaiting the delivery of the new fencing which will be positioned between the skatepark and the sandpit. Discussions have taken place about whether to open the skatepark with the existing fencing in place, but this is not considered to be the right solution. The groundwork is

underway, but the wet weather has impacted on this work. Cllr Wright explained that members are working with the Council on this project and ask for regular updates regarding the delays. However, it was acknowledged that the Covid-19 pandemic has caused some hold up on this project. The Chair confirmed that the fencing will be provided to the required standard.

Cllr Myers felt that the issues raised by Graham Page regarding the governance of the sub-committee and the skatepark project should be discussed further. It was agreed that Graham would put his concerns in writing, including examples, for consideration.

## 28 **POLICIES FOR ALICE PARK**

The sub-committee discussed whether to adopt policies on particular activities within Alice Park, taking into consideration the current policies on drones and barbeques for parks managed by B&NES Council and existing byelaws.

### (a) Drones

RESOLVED: To adopt the B&NES Council policy regarding drones which states that drones are not permitted without permission.

### (b) Sky Lanterns

It was noted that B&NES Council does not currently have a policy regarding sky lanterns.

Members discussed the following issues:

- Cllr Myers felt that sky lanterns should not be permitted without express permission from the Trust (for example when releasing lanterns is an integral part of an event).
- Bill Shaw was concerned at the proximity of the park to the London Road and felt that lanterns could present a safety risk.
- Graham Page and Cllr Wright felt that sky lanterns should not be permitted.

Shaine Lewis, Legal Services Manager, advised that the Trust would only have control over the use of lanterns within the park. The lanterns could land outside of the park grounds and this could pose a fire risk which was, ultimately, a risk for the Trust.

Following consideration of the legal advice provided, it was:

RESOLVED: To prohibit sky lanterns within Alice Park.

### (c) Barbeques and Open Fires

It was noted that in B&NES Council-run parks barbeques are prohibited unless there are designated facilities (which are only provided in the Royal Victoria Park). However, even with the correct equipment provided,

barbeques can still represent a fire risk.

The following issues were discussed:

- Graham Page felt that there should be a complete ban but that this should be kept under review. He noted that the risks can be high.
- Cllr Appleyard pointed out that Alice Park has a café which serves food and so there is less need for people to have barbeques.
- Bill Shaw did not think that barbeques should be permitted.
- Cllr Myers raised the issue of open fires and whether these should be prohibited. It was noted that the forest school have made a request to use a fire pit and members felt that that this could be an exception as long as it can be controlled.
- Cllr Appleyard explained that, if given express permission, the forest school would use a fire pit in a designated position in the fenced off area by the pond.
- Cllr Wright stated that that forest school should be treated as an exception and also that the community garden area should be permitted to have a “Kelly fire”.
- Shaine Lewis, Legal Advisor, explained that the local byelaws prohibited damage to any turfed areas, and this would effectively rule out barbeques which would cause damage to the grassed area.

RESOLVED:

- (1) To prohibit barbeques in Alice Park.
  - (2) To prohibit open fires in Alice Park without prior written approval from the Chair of the Alice Park Trust Sub-Committee or a designated officer.
- (d) Byelaws

The Sub-Committee noted the B&NES byelaws which were circulated with the agenda papers, some of which apply to Alice Park. Shaine Lewis advised members that it would be preferable to have a policy on the byelaws and how these are applied than to amend the existing byelaws.

RESOLVED: That Cllr Rob Appleyard, Paul Pearce (Parks Manager) and Shaine Lewis (Legal Services Team Leader) meet to discuss the application of the existing byelaws and to consider this issue at a future meeting.

## 29 **COMMERCIAL ACTIVITIES IN ALICE PARK**

The Sub-Committee considered a discussion paper put forward by Graham Page, Independent Member. This raised a number of issues which needed to be considered when permitting commercial activities within Alice Park. These included data processing, safeguarding, fee structures and the need for an appeal process.

Cllr Appleyard explained that the objective is to generate an income for the Trust. This work started with the negotiation of a new lease for the café. A number of commercial enterprises use the park and the sub-committee previously agreed to

adopt the Council rate card when charging for the use of the park. However, a different approach has now been adopted and discussions are taking place with park users to ensure that any charges are not prohibitive. Most commercial users have responded positively. It is important to build a good relationship with the users of the park. A sum of £2k has been generated in this financial year from commercial activities.

Cllr Appleyard proposed that the sub-committee consider appointing someone to act as a booking agent for events taking place in the park, including the management of an online diary. There could be a small remuneration for this role.

Cllr Wright pointed out that it is important to realise that some people using the park make very little money from these activities but provide a valuable service for local people, enabling them to be active.

Cllr Myers supported the idea of appointing someone to manage the bookings process and other administrative tasks. He pointed out that it is important to be mindful of the costs involved and that the park is unlikely to make a profit on these small-scale activities. He noted that there are also opportunities to organise larger events in the park which would generate more income.

Bill Shaw noted that policing this type of event could be difficult. He pointed out that income generated from commercial activities would provide a contribution towards the upkeep of the park. He felt that someone may be able to assist with this role on a voluntary basis.

Graham Page pointed out that he had previously produced a draft events policy which could be used as a working document.

It was noted that the Council Events Team is no longer able to support the Trust with events held in Alice Park and that the charges for using the services of the Council team are likely to be high.

RESOLVED: To further explore the creation of an Events Co-ordinator role for the Alice Park Trust.

## 30 **MULTI-USE GAMES WALL**

The sub-committee discussed the possibility of installing a multi-use games wall within the park. It was noted that the wall could not form part of the tennis court provision and would need to be a stand-alone facility. Graham Page stated that it would be difficult to find a suitable location within the park for this type of facility.

RESOLVED: That no further action be taken on the provision of a multi-use games wall.

## 31 **OUTDOOR GYM EQUIPMENT**

The sub-committee discussed whether outdoor gym equipment should be provided within the park.

Cllr Appleyard stated that the provision of this type of equipment is good value. Six

or eight pieces of equipment is likely to cost around £15k.

Cllr Myers stated that the equipment is beneficial for people who cannot afford to join a gym. However, it does need to be regularly inspected and maintained. He would support its installation if a funder could be found.

Bill Shaw stated that he endorsed these comments but pointed out that the park is currently very muddy. A paved access area to the equipment would also be required.

Graham Page supported this proposal and felt that it would prevent some of the fitness groups in the park using trees as gym equipment. A suitable location would need to be identified.

Cllr Appleyard stated that the play area and gym equipment could be the two key areas for the sub-committee to focus on over the next 18 months. Funding for both projects will have to be identified.

RESOLVED: To agree to the provision of outdoor gym equipment in principle subject to funding.

## 32 **SOCIAL MEDIA ISSUES**

The sub-committee discussed whether there is a need for the Alice Park Trust to have a social media presence in its own right. It was noted that the café currently hosts most of the social media content relating to the park.

If an Events Co-ordinator is appointed, then this person will need a social media platform. It would be helpful if people could contact the Trust in this way regarding park maintenance and other issues.

## 33 **PATHWAYS**

Bill Shaw was concerned at the state of the pathways in the park near the gate to the pond area. He stated that these should either be paved or filled in with some hardcore.

Graham Page suggested that this work could be carried out at the same time as the remaining skate park work.

## 34 **DATE OF NEXT MEETING**

The next meeting will take place in March at a date to be agreed.

The meeting ended at 4.20 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services

## QUESTIONS – JANET MARTON

### Questions for Alice Park Trust Sub-Committee, Wednesday, 3rd February 2021

I submitted a series of questions to the sub-committee's last meeting on 7 December 2020. Some of the responses lacked detail and were incomplete.

#### Skate Park

##### 1. Response to previous question

Question 4 on 7 December 2020 was as follows:

"The design of the skate park appears to be different from the plans and located in a different place, dangerously close to the children's sand pit. Please provide a copy of the risk assessment that was done for the final location and the design constructed, together with details of actions to mitigate risk."

#### Response

This issue will be reviewed, and a report will be brought to a future meeting of the Sub-Committee.

***Why is this being done near the end of the project?  
When will this report be available and at which meeting will it be reviewed?***

#### Response

It is not known which sub-committee meeting this will be presented to, due to Covid-19 resources this has meant that timelines have slipped.

##### 2. Age of skate park users in Alice Park.

- a) When the scope of this project was decided, it was intended for young people 14 years old and under. It was referred to by one councillor / sub-committee member in the February edition of the "Local Look" magazine as a new play opportunity.

***What precise reasons do the committee have for not limiting the age of users in accordance with the original scope to ensure that this is a safe play opportunity for young people***

- b) I have been unable to find in any minutes any decision by a quorate committee regarding allowing access to the skate park to those over 14 years of age.

***If the sub-committee decided not to accept the original scope, where and when was this decision taken and recorded in the minutes?***

- c) There is a risk of young children being prevented from using the skate park by adults and older teenagers if there is no control over access. As an absolute minimum, to help protect and safeguard young children, a sign board should be erected to say priority **must** be given to younger children.

***Will the subcommittee implement this very basic safeguarding measure?***

### Response

There was a desire for some to restrict the use of the facility to 14 years and under, this is not practical to enforce, and the facility will be used by older children and based on ability. We will encourage inclusion and awareness to younger users

## **3. Risk Assessment for skate park**

- a) I asked for a copy of the risk assessment for the final design and location of the skate park in my questions to the committee on 7 December 2020. I understand this was requested from the project manager, but I have not received a copy of this to date. I have now submitted a formal freedom of information request to the Council. As the council was responsible for the construction contract a risk assessment must have been done.

***Does the council have a copy of a formal risk assessment for the current design and location of the skate park? If so, in what sub-meeting was this considered by the sub-committee?***

- b) ***Was a formal risk assessment also carried out by the Alice Park Trust Sub-Committee in advance of the building of the final design of the skate park in its current location?***
- c) ***Was this risk assessment documented?***
- d) ***What was the date of the document and when was it discussed by the sub-committee?***
- e) ***If so, may we have a copy of the risk assessment and minutes?***

### Response

The sub-committee would not have conducted a separate risk assessment, and this would be undertaken by the Council whose project this is.

## **4. Fencing and planting**

- a) I see in the “Local Look” magazine that fencing around the skate park is scheduled to be installed at the end of January.  
***When is soft planting to be carried out and any noise reduction measures put in place?***
- b) The committee mentioned a soft opening, and this was also mentioned in the “Local Look”.  
***What exactly is meant by a soft opening?***

## Response

Ground repair and planting is now underway. A “soft opening” is a removal of construction fencing allowing use without any formal declaration. A more formal opening will occur later in the year where funders and partners can be recognised together with those many in the community that have lobbied and welcome this facility. I will ensure that you are invited.

## **Barbecues**

At the last meeting the sub-committee discussed whether to allow barbecues in the park. There seemed to be a view that they might be allowed, if they were in officially set aside barbecue areas. In other parks in B&NES they are mostly not allowed and I think this is much easier to enforce. There is already some annoyance from smoke and cinders in private gardens from barbecues in the park near residential property in summer.

***If barbecue areas are to be set up, please will you site them away from residential properties, trees and hedges to prevent fire risk and public nuisance?***

## Response

At the last sub-committee meeting on 3 February it was decided to ban the use of barbecues with the exception of allowing the community garden and the forest school activity to have a small open fire in a designated site, granted by way of written permission.

## **Trees and flowers**

The park is no longer as pretty as it once was. A number of trees have been felled and the hedges severely cut right back. Apart from the spring daffodils there are few flowers. The idea of a protected green space is to provide fresh air and pleasure to those who use it, and this park is much neglected compared with others such as Sydney Gardens and Victoria Park.

***Will the sub-committee in its role as trustee, consider planting some more trees, shrubs and flowers to enhance the park for all?***

## Response

The sub-committee is mindful of the need for additional planting etc, but also mindful of the need to pay for them. They would be happy to consider any ideas that you may have.

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## QUESTIONS FROM DEREK SWIFT

1. In Section E of the Annual Report of the Charity submitted to the Charity Commission in January 2020 there is the following statement:

“Should the trust have reserves in the 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”

What in essence does this mean? If there was a surplus in the future would the Council be able to claim back past subsidies? If that is possible then the accounts would look very different.

### Response

Bath and North East Somerset Council will not claim back past subsidies, the Trust's annual deficit subsidised by the Council has been funded from within the Council's prior year's revenue outturn. There are no conditions attached to past subsidies. The processes referred to are around financial controls. The use of any possible reserves generated in future years would be for the sub-committee to allocate as it sees fit and as per its published Terms of Reference.

2. In Section D of the Annual Report of the Charity submitted to the Charity Commission there are the following statements:

- a. “working in conjunction with local volunteers, a new self-sustaining wildlife garden has been created in the pond area of the client”

How has the trust built on the goodwill of those volunteers? What have they done to reach out to those volunteers since the construction?

### Response

The pandemic has prevented a natural development of the goodwill shown by volunteers, and when the conditions permit this focus will be opened up to the many possibilities their work has created.

- b. “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.”

There are no accounts being set before the committee at this meeting and no interested member of the community has had a chance to comment on the accounts? This does not comply with the statement in the Annual Return

### **Response**

The 2019/20 accounts will be presented to the sub-committee at its March meeting to review and approve prior to submitting to the Charity Commission. The deadline for this submission is 31 March 2021.

3. In the minutes of the previous meeting of 7 December 14 (e) it was hoped that a new independent member would be appointed. Will this be covered in the Chairman's statement?

### **Response**

Mr Bill Shaw has been appointed as a new independent member. Mr Shaw attended the February meeting, and this was covered in the Chair's statement.

In the minutes of the previous meeting of 7 December 14 (f) the 10-year plan was referred to. When is this 10-year plan to be published?

### **Response**

The 10-year plan will be published when finalised. The date is currently unknown as this is a work in progress.

4. In the minutes of the previous meeting of 7 December 14 (g) A Community Engagement Plan was to be developed. I see that a workshop is arranged for February. How were participants selected for this workshop? There are several of us who have shown a sustained and deep interest in the Park and none to my knowledge have been invited?

### **Response**

The workshop is for sub-committee members only, to discuss the framework of consultation on community engagement, this will include further connections to the wider community on many aspects of developing the park.

5. In the minutes of the previous meeting of 7 December 15. A budget was presented yet in answers to one of my points I was advised that the budget was incorrect as it did not have all income in it. Has the budget now been revised?

### **Response**

The response to the previous question raised on the 2020/21 budget was as follows, "The budget paper was prepared in advance of the new lease being agreed and therefore is still reflective of the previous value."

Changes in expected income levels will be reflected when budgeting for 2021/22.

6. As a follow up to my question about the Independent examiner. The answers to my questions indicate that the Trustees would rather pay their in-house auditor £255 per annum rather than an independent professional firm do the work for nothing? This seems a bizarre response for a charity which is losing money? Why are the Charity happy to pay £255 for something when they do not need to? Most normal charities would leap at the offer of a pro-bono piece of work.

### **Response**

The Trust needs to be assured that the work of its independent examiner/auditor is independent with no conflict of interest to ensure that an objective opinion can be provided. The Trust is aware of a pro-bono offer of support from a local professional firm but it is not satisfied that it can provide the required independence. That firm has a conflict of interest having acted for a counter-party in the renegotiation of a lease in conflict with the Alice Park Trust's interests.

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## **QUESTIONS FROM PAUL HOOPER**

The residents and neighbours of Alice Park have some concerns regarding the skatepark, and I wondered if you could answer some questions and provide some background information to allay their concerns.

1. It appears that the skatepark has been constructed.

### **Response**

Yes, the skatepark has been constructed.

### **Paul Hooper Response and Question**

Is this true? Fencing has to be added along with planting, landscaping and repair to the access route. Legal requirements such as a Risk Assessment have to be produced and Health and Safety checks conducted. This project is not just about a lump of concrete.

### **Response**

Yes the skate park has been constructed, but the final landscaping and fencing is still to be completed. No date for completion of this work is yet available.

2. At Ref. A, Ref. B was approved.

3. Ref. B, Project Scope: “design to include maximum possible noise attenuation within the available budget”; “design to incorporate include necessary, suitable and sufficient screening and planting”; “soft landscaping to soften edges and provide some visual screening”. £1500 was included in the Preliminary Budget to address this. When will the promised landscaping and planting be completed?

### **Response**

The landscaping and planting will be completed at the end of the project and when nature takes its course.

### **Paul Hooper Response and Question**

So when will this take place? Dates should be easily obtained from the project plan which I expect would have been risk adjusted to cover problems associated with COVID, etc. e.g. supply of materials, labour, plant, etc.

### **Response**

No specific date is available, this has been influenced by supplier delay.

4. Ref. B, Agreement for 'Works': "c) Any damage caused to the property as a direct result of the work will be made good by the tenant and/or its appointed contractors." When is the contractor going to 'make good' the damage to the grassed area caused by plant accessing the site?

**Response**

This work will take place at the end of the project.

**Paul Hooper Response and Question**

But when is this going to happen? Suggest looking at the project plan again.

**Response**

This work will take place at the end of the project.

5. The change in design (from Ref B, Page 25) has altered the size, shape, and location to the originally approved skatepark and thus introduced considerable Health and Safety risk due to the close proximity to the Victorian boating pond/sandpit, which I believe is the subject to a preservation order, and the rest of the children's play area. Had a formal Risk Assessment been conducted? I assume this is a legal requirement for a construction in the public space. Are both BANES and The Trust liable or just The Trust? How do you plan to manage this issue? It appears that either the skatepark should be changed back to the original approved design or there has to be a fence between the two facilities. Was the original design formally Risk Assessed? If the design had not been changed this may not have been such an issue but clearly, in its current form, there is an accident waiting to happen.

**Response**

This will be reviewed at the completion of the project.

**Paul Hooper Response**

Really? Your response suggests this work won't happen. This needs to be done before the end of the project to avoid rectifying work and additional/duplicate costs.

**Response**

The matter is in hand, the very reason for the delay is the supplier delay on the fencing that will divide the skatepark and the sandpit, an obvious safety provision.

6. Whilst the skatepark is yet to open, it is in use every day into the early hours. The serious concern is that people over fourteen, including adults, are using the facility which I believe breaches the covenant. I have also heard of adults 'pushing' young children off the facility, so they have sole use. Ref B, Project Scope and Objectives: "The upper age limit for the skate park usage is 14 years (so the design

should reflect this)". How do you plan to ensure **only** under fourteens use this facility? Maybe, comms stressing the age limit would be helpful rather than pictures of adults grasping skateboards!

### Response

The skatepark is for all ages but the design is aimed primarily at the younger age groups. Use by over 14s is not illegal. Any anti-social behaviour in this area is a matter for the police. The construction area is fenced off and checked on a regular basis. Steps are being taken to prevent people gaining access to the skate park site until it is officially open.

### Paul Hooper Response and Question

I was appointed to the Alice Park Trust Sub-Committee for its inaugural meeting and remained a member for the permitted three years. For the vast majority of this time (estimated in excess of 95%) all that we discussed was the skatepark. Never was the skatepark described or campaigned as a play facility for adults or teenagers over 14. It was always identified as a facility for young children to develop and improve both their confidence and skills before moving on to the more challenging skatepark at Royal Victoria Park. Interestingly, the Lambridge Ward Cllrs article in the Oct/Nov 2020 edition of Focus concluded with: "This facility will give many children on the east of Bath a place to play, a place to be and place to learn to fall over and get up again.". There is no mention of adults or even teenagers! **How do you think the parents and children who supported the Alice Park campaign would feel if they knew it was always the intention to allow adults and teenagers over 14 to use the facility at the expense of younger children?** Exposing young children to the social graces that this demographic would bring, examples of which have been evident even before the facility is officially opened, would be of huge concern to parents. Is this not a clear case of misleading people to achieve a personal objective?

When former Cllr Geoff Ward and I proposed the current site for the skatepark we thought the location, within the children's play area, would keep all the children's play facilities together within a fenced (controlled) area making safety, including child safeguarding, easier to manage and implement. Allowing adults and teenagers over 14 to use this facility introduces significant risk to the young children in this area. The change in design, bringing the facility closer to the sand pit, has clearly increased the risk. Even if the facility is now fenced off, this risk still exists with the commuting to and from the site by the demographic. Not least with the increased likelihood of young children being exposed to bad language.

The Approval of Heads of Terms re the Skatepark Lease dated 4th September 2019 clearly states, "The upper age limit for skatepark usage is 14 years". Once again, I ask, what controls are you going to put in place to control usage of the skatepark?

With regard to antisocial behaviour, as a sub-committee you decided to host the skatepark in Alice Park. Therefore, your decision has introduced the issue i.e. you have caused the problem. Do you not feel that you should take some responsibility

for your actions and assist with providing a solution? Given the Lambridge Ward Cllrs knowledge of the local skateboarding community, maybe they could have a word with them and discourage such activity in the future especially, in the current climate, getting them to obey the law and observe COVID regulations.

The residents and neighbours of Alice Park would be pleased and surprised to have their concerns being addressed by the committee, especially action being taken to mitigate this issue.

### **Response**

This question is asking for an opinion and not a confirmation of fact.

7. Significant antisocial behaviour is already taking place: mobile floodlighting; loud music; the constant 'clatter' of skateboards; breach of COVID restrictions; behind the cafe and hedgerows being used as toilets. Residents and neighbours are becoming more and more stressed with this, especially at 1 am! What policing and controls do you plan to put in place to mitigate these significant issues, through life?

### **Response**

Anti-social behaviour is a matter for the Police.

### **Paul Hooper Response**

Please see comments above.

### **Response**

This question is asking for an opinion and not a confirmation of fact.

8. In Cllr Wright's campaign to get the skatepark built, she highlighted that skateboarding is now considered a sport and is to be included in the Olympics. As BANES charges for **all** its sporting facilities, including those used by children, does this policy not introduce an opportunity for the Trust not only to control access to the facility, as highlighted at 7 above, but make some money for the Trust? A fence with electronic gate control (needing a skatepark membership to gain access?) is a possible solution. This would provide a degree of age control but it is still open to abuse. Tony Hickman could possibly help with this?

### **Response**

There are no plans to charge for use.

### **Paul Hooper Response and Question**

Clearly precedence is being set here. How can the Trust charge: the tennis players, for such awful facilities; the footballers; and the pétanque players and not the skatepark users? All are sports, with only pétanque not in the Olympics. Is this not

positively discriminating in favour of skatepark users and their brand new £100k facility? Given this, should the Alice Park Trust not make all sport in the park free of charge? As stated before, BANES charges for all of its sporting facilities and the Alice Park Trust uses BANES charging structures as a bases for charging park users. Maybe people and sports clubs who use BANES sporting facilities could use the Alice Park skatepark model to support an argument to make all BANES sporting facilities free of charge to the public!

### **Response**

B&NES Council does not charge for the use of skateparks within the authority.

9. Ref. B, identified the need for a fence to compartmentalise the skatepark from the play area in the following sections: Resource Implications (Finance, Property, People); The Report; Constraints. Ref. B, also identified that the £25k set aside for other park improvements would need to be used to complete the skatepark. Resource Implications (Finance, Property, People) identified that the budget was insufficient to complete the project without this money. Risk Management highlighted that BANES' contribution would be capped at £97k. However, Risk Management also stated that there was a risk that project costs could exceed the allocated budget. Design changes significantly increased the Health and Safety risk and the need to fence off the facility. Was this additional risk premium added to the project costs? How did you plan to pay for this? Is it possible that it was known that there were insufficient funds to deliver a safe skatepark when construction started?

### **Response**

As this is a council project it is for them to comment, but we are assured the facility and appropriate fencing will be provided within the project cost.

### **Paul Hooper Response and Question**

Not true. The Approval of Heads of Terms re the Skatepark Lease dated 4th Sept 2019 clearly stated that BANES contribution to the project would "be capped at £97k and for Alice Park Trust to reasonably contribute to costs in order to facilitate this project being delivered". Also, that "the budget was insufficient as a fence to compartmentalise the skatepark from the play area was advised and vehicle ground protection will be required during construction".

Following two Freedom of Information requests (never even acknowledged by BANES, which is against the law), and all my time on the subcommittee, I have yet to gain any visibility of project documentation which I appreciate is under BANES control and it could have been argued that I had 'no need' 9k and it may have been commercially sensitive. Where is the Alice Park Trust going to obtain the additional funding needed, given it is broke, and why should Alice Park Trust money be used to bale out the skatepark which was clearly underfunded? Whilst, no doubt, there would be an attempt to blame the previous administration, it is clear that no due diligence was conducted during the concept/approval phase of this project. This is when a

number of issues would have been identified, not least legal and Charities Commission requirements. I believe, this was during the previous Lib Dem administration and before the Alice Park Subcommittee was formed. Please remember that the survey of park needs, conducted by the cafe, identified the need for a skatepark as the lowest user priority. Why spend money on a skatepark at the expense of higher user priorities?

### **Response**

The sub-committee has made its decisions, and although frustrated with the impact of Covid-19, feels confident that a safe and compliant facility will be provided and we look forward to inviting you, as a past sub-committee member, to its official opening later in the year, conditions permitting.

If you have not received a response to your Freedom of Information requests then please contact the Information Governance Team regarding this issue.

10. This is not a great start to living with the skatepark 24/7. There are huge concerns as to the safety of young children using the play area, especially the sandpit, and the users of the skatepark. What is going to happen when the skatepark is actually open and lighter nights and warmer weather arrive? If controls are not put in place early this is going to be a nightmare to live with.

### **Response**

Thank you for your comment, the use of the skatepark will be monitored and we look forward to skaters making full use of the facility.