

ALICE PARK TRUST SUB-COMMITTEE

Minutes of the Meeting held

Monday, 29th March, 2021, 2.00 pm

Councillor Rob Appleyard (Ch) - Bath and North East Somerset Council
Councillor Paul Myers - Bath and North East Somerset Council
Councillor Joanna Wright - Bath and North East Somerset Council
Bill Shaw - Independent Member (non-voting)

35 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

36 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Paul Pearce, Team Leader, Parks and Trees.

37 DECLARATIONS OF INTEREST

There were no declarations of interest.

38 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

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

Questions were submitted to the meeting by Paul Hooper, Graham Page and Janet Marton. 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 made a public statement to the Sub-Committee. He informed members that he had resigned from his role as an independent member of the Sub-Committee for health reasons. He also explained that as he is also an independent member on the Charitable Trust Board, there could be a conflict of interest. He stated that he is very supportive of the work being carried out by the Sub-Committee and the improvements to Alice Park. However, he has some concerns regarding the way that health and safety, security and safeguarding issues are dealt with. He would be happy to support the work of the Sub-Committee going forward.

The Chair then wished Graham well for the future and thanked him for all the work he had undertaken as an independent member of the Sub-Committee.

40 **MINUTES OF THE MEETING OF 3 FEBRUARY 2021**

The minutes of the meeting held on 3 February 2021 were confirmed and signed as a correct record.

41 **CHAIR'S UPDATE**

The Chair gave an update on the following matters:

(1) Tennis Courts

Work to upgrade the tennis courts is ongoing. There has been liaison between officers from the Council's parks team and the workers on site. The old metal benches are being removed and will be replaced by wooden benches. The work is expected to be completed within the planned 12-week timeline.

(2) Skate Park

Security fencing will be positioned between the skate park and the sandpit area. Cllrs Appleyard and Wright are working hard to ensure that the work is completed as soon as possible. The Chief Operating Officer is aware of the current situation and is working to overcome the delays. It is hoped that the skate park will soon be open for use.

Cllr Wright has asked for a timeline for the work by the end of today and any further information will be circulated with the minutes.

(Note: The instruction has been placed with the contractors for the permanent fencing and the other minor works).

(3) Independent Member Vacancy

Following the resignation of Graham Page, the vacancy for an independent member of the Sub-Committee will be advertised shortly. There will also be opportunities for members of the local community to join the Sub-Committee as co-optees to work on specific projects. The key focus for this year will be the play area and the provision of an outdoor gym facility.

Bill Shaw suggested that the vacancy could be advertised on the Friends of Alice Park Facebook Group. The Sub-Committee agreed that this would be a good idea but stressed that the group should remain independent from the Sub-Committee itself.

(4) London Road Gate

Bill Shaw raised concerns regarding the gate leading from the park onto the London Road. This is heavy and difficult to open and should be on the maintenance list. Cllr Appleyard agreed to speak to the parks or property team regarding this matter.

(5) Fencing

The Chair informed the Sub-Committee that he has asked the Property Services Team to inspect the damaged fencing and to ensure that this is repaired as there are currently safety concerns.

42 **ALICE PARK TRUST SUB-COMMITTEE ANNUAL REPORT FOR THE YEAR ENDING 31 MARCH 2020**

The Sub-Committee considered a report which set out the Statement of Accounts and the Annual Report for the Alice Park Trust for the year ending 31 March 2020.

The Chair thanked the Finance Team for the work they had carried out to produce these documents.

It was RESOLVED unanimously:

- (1) To agree and sign the financial statements of the Alice Park Trust for the year ending 31 March 2020 and to submit these to the Charity Commission.
- (2) To agree and sign the annual report for the Alice Park Trust for the year ending 31 March 2020 to submit this to the Charity Commission.

The meeting ended at 2.30 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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QUESTIONS – JANET MARTON

Questions for Alice Park Trust Sub-Committee, Wednesday, Monday 29 March 2021

I submitted a series of questions to the sub-committee's last meeting on 3 February 2021. Some of the responses lacked detail and were incomplete.

Skate Park

1. 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

Follow up Question for 29 March

- If it is not practical to enforce under 14 use, what precise steps will you take to encourage inclusion and awareness and who will do this?
- How will this be monitored?

Response

The trust has no intention of restricting to any age the use of the new skatepark, although we recognise the facility is built with the younger user in mind we recognise that older users with lesser ability may feel comfortable using this facility as opposed to somewhere such as Royal Victoria Park. We will take up any opportunity to work with available user groups so as to ensure inclusion for all users.

2. Risk Assessment for skate park

Response

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

Follow up questions for 29 March

The Trustees have a duty to consider the risks **to the trust** from any projects it undertakes, whether carried out by the trust or third parties. These include inter alia financial risk to the trust, environmental risk, impact on the ability of the trust to carry out the objects of the charity, risks of third parties not having funds to pay for damage incurred during the projects etc.

- Did the trust carry out such an assessment for each of the projects currently underway ie the skatepark and the tennis courts?
- Were these risks minuted or documented formally?
- May we have a copy of this document, in accordance with your commitment to openness and transparency?

Response

The council covers the risk for the facility and any claim, for whatever reason, on the council will be covered by its processes and it does have liability insurance. We now feel are not able to provide additional comment on this matter.

ALICE PARK TRUST SUB-COMMITTEE – 29 MARCH 2021

PUBLIC QUESTIONS – GRAHAM PAGE

It has come to my attention that works to both the skate park and the tennis courts are outside the provisional areas agreed at previous sub-committee meetings, could the sub-committee look at these alterations and revise the agreements accordingly?

Also, there is lack of clarity over access arrangements for maintenance and provision of access to Trust land, could the sub-committee also review these?

Once these are undertaken would the sub-committee bring those revised arrangements to the next available meeting of the Charitable Trust Board for approval?

Response

The Trust will look at the questions asked but will not be preparing any report to the Charitable Trust Board for approval, this will be in line with the delegation of all management functions of the park to the Alice Park Trust Sub-Committee.

I am not aware the questioner has been asked by the Charitable Trust Board to make such a request and if it exists would expect that to come from the Chair and not from a non-voting member.

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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.

Response:

Background:

This is a £100k + public sector project. The majority of the funding comes from the tax payer. It is inconceivable that best practice would not be observed and a project plan produced as a control and tool to manage the project.

Question:

1. What date is the project plan showing?

Response

Completion is anticipated by the end of April.

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.

Response

Background:

See above.

Question:

1. What date is the project plan showing?

Response

This is anticipated by the end of April.

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.

Response

Background:

See above.

Question:

1. What date is the project plan showing?

Response

This is anticipated by the end of April.

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/sand-pit, 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.

Response

Question:

1. Has a formal Risk Assessment been conducted?

Response

Yes.

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.

Response

Background:

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".

The Alice Park Conveyance dated 19/5/37 stated: "2(c) At least 4 acres of the said hereditaments shall always be reserved exclusively so far as possible for the use of children of such age not exceeding fourteen years as the Trustees shall decide and the hours during which such park shall be open shall be determined by the Trustees.". This "**reserved exclusively**" area should be almost half of Alice Park. This is clearly not happening as the only dedicated space for under 14s is the children's fenced off play area (about one acre). By allowing over 14s to use the skatepark you are reducing the "**reserved exclusively**" area for under 14s even more. The skatepark facility occupies around 1/3 of the children's fenced off play area. Given that, this would now make the "**reserved exclusively**" area for under 14s around 2/3 of an acre I believe this puts you, as agents of the Trustees, in breach of the original conveyance.

Questions:

1. What controls are you going to put in place to ensure only under 14s use the skatepark?

Response

There will be no controls.

2. If you do not intend to restrict the upper age limit of users to under 14s, I presume you have contacted the Charities Commission to inform them that you are planning to reduce the "**reserved exclusively**" area for children under 14 years of age from the minimum 4 acres, as described in the conveyance, to about 2/3 of an acre?

3. What was their response?

Response

All areas will be open to all ages.

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.

Response:

Background:

Graffiti now appears to have arrived in Alice Park. Whilst this has not occurred before, I accept there may be no connection to the skatepark community.

Question:

1. What controls are you going to put in place to stop antisocial behaviour by skatepark users?

Response

We expect all users of the park to respect the facilities and the enjoyment of others.

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.

Response

Background:

This is an AP Subcommittee decision. It is not fair to charge for every sporting activity except for skateboarding.

Questions:

1. What is the Trust going to do?
2. Are you really going to charge for all sporting activities, with the exception of skatepark users, in Alice Park?

Response

The Trust works to the published B&nes Council rate card available on the B&nes Council website, an adoption recorded in minutes of the committee.

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.

SUPPLEMENTARY QUESTIONS

1. Some of the access area to the skatepark has been reseeded today (surprisingly, just before tomorrow’s meeting!). Why was this done by BANES, at taxpayers’ expense, and not CANVAS as this should have been included in their proposal?

RESPONSE

Can you provide evidence that this was done at taxpayers' expense and not from the project budget? The project is a BANES project and Canvas are the contractors.

Answer:

Apologies; having not been given visibility of any project documentation I was unaware that this risk had been transferred (bought out) to the Authority. Given there were three BANES employees conducting the work, I assumed they were funded by the tax payer. I did not realise that CANVAS/the project budget was paying for their services, materials, etc.

2. Why have the two most badly affected areas not been addressed

RESPONSE

The work is still to be completed. All the areas have been visited and remedial activity is underway and will be monitored.

3. Was a down selection competition run which selected CANVAS as the contractor to construct the Alice Park skatepark facility?

RESPONSE

Canvas were selected as part of the procurement of the Royal Victoria Park skatepark tender.

Response:

Question:

1. Was a contract placed with Canvas for a skatepark in Alice Park as part of the Royal Victoria Park skatepark tender?

Response

That detail is unknown to the Sub-Committee.

Finally:

Background:

It is hugely disappointing and upsetting that a number of the skateboarding community have continually broken COVID-19 restrictions, and therefore the law, throughout the current lockdown at the skatepark in Alice Park.

Fortunately, most of the general public and the 'sporting community' have obeyed the law in an effort to save lives, reduce pressure on the NHS and return us to a 'normal' way of life as soon as possible. It is sad that the same cannot be said for the Alice Park skateboarding community who appear to only care about their own needs.

In order to help to deter skateboarders from continually breaking the law, it would be helpful if repeat offenders and organisers could be identified and their details passed to the police for them to enforce Coronavirus Regulations.

Addressing this issue would help to protect the Alice Park user community, and the wider community in general, from catching Coronavirus.

Questions:

1. Given the Lambridge Ward Councillors close association with the skateboarding community would they, through the AP Subcommittee and with the help of Avon and Somerset Police, be able to identify repeat offenders and organisers of skateboarding at the Alice Park facility throughout the current lockdown?
2. Encourage the police to enforce Coronavirus Regulations in an attempt to dissuade skateboarders from using the skatepark during lockdown and until it is officially open?

Response

We would encourage all compliance to current Covid guidelines.