

Charitable Trust Board

Date: Tuesday, 4th October, 2022

Time: 2.00 pm

Venue: Kaposvar Room - Guildhall, Bath

Councillors: Councillor David Wood, Councillor Rob Appleyard, Councillor Sally Davis,
Councillor Mark Roper and Councillor Joanna Wright

Independent Member: Graham Page

Chief Executive and other appropriate officers
Press and Public



Corrina Haskins

Democratic Services

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NOTES:

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

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

Paper copies are available for inspection at the Guildhall - Bath.

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 Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. 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 Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.

Further details of the scheme can be found at:

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

5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Charitable Trust Board - Tuesday, 4th October, 2022

at 2.00 pm in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS
2. EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer will draw attention to the emergency evacuation procedure as set out on the Agenda.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTION
4. 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 4.4 Appendix 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.

5. 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.
6. ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS
 7. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 8)
 8. ALICE PARK TRUST SUB-COMMITTEE ANNUAL REPORT 2020-21 (Pages 9 - 20)

The Democratic Services Officer for this meeting is Corrina Haskins who can be contacted on 01225 394357.

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BATH AND NORTH EAST SOMERSET

MINUTES OF CHARITABLE TRUST BOARD MEETING

Tuesday, 29th June, 2021

Present:- **Councillors** David Wood (Chair), Rob Appleyard, Sally Davis, Mark Roper and Joanna Wright

Independent Member: Graham Page

1 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

2 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTION

There were no apologies for absence.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

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

Graham Page, Independent Member on the Charitable Trust Board made a public statement. He expressed concern about the ability to discharge his role as an independent member. He had submitted a number of items to the Alice Park Trust Sub-Committee which had not been accepted by the Chair for inclusion on the agenda. He stated that the right to scrutinise decisions of the Sub-Committee by its parent body, the Charitable Trust Board, had been compromised and that independent scrutiny of decisions by both local authority and independent members was being denied.

He also stated that he had submitted a freedom of information request to the Council for information regarding the sale of Cottage No. 2, Alice Park. This information had subsequently been withheld as it was not deemed to be in the public interest.

Cllr Appleyard asked whether Graham Page was aware that when items are submitted for inclusion on an agenda consideration must be given to the length of the agenda. He explained that the items submitted had been deferred to a future meeting and that some of the items had been considered by the sub-committee at previous meetings.

Graham Page stated that he was not aware that the items had been deferred to a future meeting.

Cllr Appleyard asked whether Graham Page was aware that the sub-committee has reviewed the position regarding Cottage No. 2, Alice Park and that this matter has been resolved to the satisfaction of both the Trust and the Charity Commission. The minutes of the sub-committee meeting held on 7 December 2020 state:

“The Sub-Committee considered a report which provided an update on the sale of Cottage No. 2 at Alice Park. It was noted that the Sub-Committee had accepted this position in 2016 and that the Charity Commission has now closed its enquiry into this matter following receipt of the Council’s explanation.”

Graham Page stated that he was not aware of this.

Shaine Lewis, Legal Services Manager, explained that any concerns or allegations should be underpinned by evidence. The evidence should be submitted firstly to the Alice Park Trust Sub-Committee to give it an opportunity to comment. If the concerns are not satisfactorily addressed, then the Alice Park Trust Sub-Committee could then be asked to draft a report to the Charitable Trust Board for consideration. Alternatively, the matter could be reported to the Charity Commission or a complaint could be submitted under the Council’s Corporate Complaints system.

Ultimately, if the Charitable Trust Board is concerned about a Trust that it oversees then it could remove its delegated powers and take over the management of the Trust itself.

Cllr Appleyard invited Graham Page to write to him as Chair of the Sub-Committee so that the concerns raised could be addressed.

7 MINUTES OF THE MEETING OF 28 OCTOBER 2020

The minutes of the meeting held on 28 October 2020 were confirmed and signed as a correct record.

8 ANNUAL REPORT OF THE ALICE PARK TRUST SUB-COMMITTEE

The Board considered the Annual Report of the Alice Park Trust Sub-Committee.

Cllr Appleyard, Chair of the Sub-Committee highlighted the following points:

- This has been a difficult year for the park due to the Covid-19 pandemic. However, it has managed well during this time.
- A new lease has been agreed with the Alice Park Café and members recognise the value of the café within the park.
- There is now more control over commercial activities taking place within the park.
- As the Trust is still running with a deficit which requires a subsidy from the Council, a 10-year plan will be adopted with the aim of raising more funds towards the upkeep of the park and becoming more self-sufficient.

- Cllr Appleyard thanked the B&NES parks team for their support with the running and upkeep of the park. He also thanked Marie Todd, Democratic Services Officer, for her support.
- To provide more transparency around day to day finances, it would be helpful if there was greater separation between the Alice Park Trust accounts and the Council accounts.
- A new independent member has just been appointed to the Sub-Committee.

Cllr Appleyard then responded to questions as follows:

- The work to upgrade the tennis courts in the park is nearing completion and the skatepark is now open for use. The children's play area has not enjoyed the same support as other parks in the city. A survey has been undertaken regarding the play area and this will be submitted to a future meeting of the Sub-Committee for adoption. A masterplan for the play area will be drawn up along with proposals as to how the improvements can be funded. This project could cost in the region of £200k.
- The toilets in Alice Park are part of a general Council contract run by the company Healthmatic. The money raised by the use of these facilities is used to offset the running costs. The charge subsidises the public convenience service but does not generate a profit.
- It was noted that the annual report could do more to highlight the positive work being carried out in the park.

RESOLVED: To note the annual report of the Alice Park Trust Sub-Committee.

The meeting ended at 4.30 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council	
MEETING/ DECISION MAKER:	Charitable Trust Board
MEETING/ DECISION DATE:	4 October 2022
TITLE:	Alice Park Trust Sub-Committee – Annual Report
WARD:	Lambridge
AN OPEN PUBLIC ITEM	
List of attachments to this report: Alice Park Trust Accounts 2020/21 – Appendix 1 Trustee Annual Report 2020/21 – Appendix 2	

1 THE ISSUE

- 1.1 The purpose of this report is to update the Charitable Trust Board on the work of the Alice Park Trust Sub-Committee during 2020-2021.

2 RECOMMENDATIONS

- 2.1 The Charitable Trust Board is asked to note the report.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The Alice Park Trust accounts for 2020/21 were submitted to the Charity Commission by the required deadline of 31 March 2022 (Appendix 1).
- 3.2 Expenditure incurred for Alice Park Trust in 2020/21 was £41,309; this was offset by income of £19,907.
- 3.3 The deficit of £21,402 has been subsidised from the Bath & North East Somerset Council Parks revenue budget, to ensure the Trust operates on a going concern basis. This is the same process that has been undertaken in previous years.
- 3.4 Net Assets of the Trust are valued at a cost of £189,664. Net assets include investments held, land at Alice Park, car park, cottage number one, tea chalet and storage shed, public conveniences, tennis courts, garden shelter and play equipment.
- 3.5 The accounts for 2020/21 have been prepared by the Council's Finance team and have been independently examined by One West.

- 3.6 The accounts for the Trust are prepared on a cash basis, in line with reporting requirements and guidelines issued by the Charity Commission.
- 3.7 An annual report for the Trust has also been prepared for submission to the Charity Commission (Appendix 2)
- 3.8 Subject to Covid closures, the park was open for public access throughout the year, including use of the tennis courts and tea chalet, and has been suitably maintained. The cottage property was let and the income used in the upkeep of the park.
- 3.9 All members of the Alice Park Trust Sub-Committee during the period April 1st 2020 to 31st March 2021 are listed in the Annual Return.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The terms of reference of the Charitable Trust Board require it to receive an annual report from the Alice Park Trust Sub-Committee after submitting any annual report to the Charity Commissioners.
- 4.2 The trustees, in making decisions surrounding the objectives and activities of the charity, have regard to the Charities Commission public benefit guidance when exercising any powers or duties to which the guidance is relevant.

5 RATIONALE

- 5.1 The Charitable Trust Board is required to receive reports from the Trusts listed in Schedule 1 of its Terms of Reference (for which the Council is sole corporate trustee).

6 EQUALITIES

- 6.1 An Equalities Impact Assessment has not been carried out as this report is for information only.

7 CLIMATE CHANGE

- 7.1 A well-managed park provides a valuable habitat for all forms of wildlife. The plant life and trees found within urban parks and green space play an important role in improving the air quality in urban environments and reducing pollutants.

8 OTHER OPTIONS CONSIDERED

- 8.1 None.

9 CONSULTATION

- 9.1 The Section 151 Officer and Monitoring Officer have had opportunity to review and input into this report.

10 RISK MANAGEMENT

- 10.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

Contact person	Corrina Haskins, Democratic Services Officer – Corrina_Haskins@bathnes.gov.uk 01225 394357
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

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CHARITY COMMISSION
FOR ENGLAND AND WALES

Charity Name
Alice Park Trust

No (if any)
304650

Receipts and payments accounts

CC16a

For the period
from

Period start date
01/04/2020

To

Period end date
31/03/2021

Section A Receipts and payments

	Unrestricted funds	Restricted funds	Endowment funds	Total funds	Last year
	to the nearest £	to the nearest £	to the nearest £	to the nearest £	to the nearest £
A1 Receipts					
Rental Incomes	17,905	-	-	17,905	14,701
Tennis Court Income	46	-	-	46	373
Events Income	1,905	-	-	1,905	220
Investment Income	-	51	-	51	134
Income - deficit subsidised by B&NES	21,402	-	-	21,402	29,192
Community Infrastructure Levy	-	-	-	-	43,200
	-	-	-	-	-
	-	-	-	-	-
Sub total (Gross income for AR)	41,258	51	-	41,309	87,820
A2 Asset and investment sales, (see table).					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total receipts	41,258	51	-	41,309	87,820
A3 Payments					
Grounds Maintenance SLA	11,258	51	-	11,309	10,871
Play Equipment SLA	8,574	-	-	8,574	8,406
Tree Management SLA	2,390	-	-	2,390	2,343
Public Convenience Maintenance	16,002	-	-	16,002	15,655
Other Property/Parks Maintenance	2,284	-	-	2,284	2,791
Other - Audit Fees	750	-	-	750	250
Other - Legal Fees	-	-	-	-	704
Pathways Project (partly CIL funded)	-	-	-	-	46,800
	-	-	-	-	-
Sub total	41,258	51	-	41,309	87,820
A4 Asset and investment purchases, (see table)					
	-	-	-	-	-
	-	-	-	-	-
Sub total	-	-	-	-	-
Total payments	41,258	51	-	41,309	87,820
Net of receipts/(payments)	-	-	-	-	-
A5 Transfers between funds	-	-	-	-	-
A6 Cash funds last year end	-	-	-	-	-
Cash funds this year end	-	-	-	-	-

Section B Statement of assets and liabilities at the end of the period

Categories	Details	Unrestricted funds to nearest £	Restricted funds to nearest £	Endowment funds to nearest £
B1 Cash funds		-	-	-
		-	-	-
		-	-	-
	Total cash funds	-	-	-
	(agree balances with receipts and payments account(s))	OK	OK	OK

	Details	Unrestricted funds to nearest £	Restricted funds to nearest £	Endowment funds to nearest £
B2 Other monetary assets		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-
		-	-	-

	Details	Fund to which asset belongs	Cost (optional)	Current value (optional)
B3 Investment assets	Majedie Investments plc ordinary 10p shares	Restricted	-	651
	COIF charities deposit account 951170001C - 32911/05	Restricted	-	897
	COIF charities special range 965060001C - 32911/04	Restricted	-	4,880
	COIF charities special range 115410001C	Restricted	-	11,843
			-	-

	Details	Fund to which asset belongs	Cost (optional)	Current value (optional)
B4 Assets retained for the charity's own use	Land at Alice Park	Unrestricted	54,000	-
	Property - cottage one	Unrestricted	33,000	-
	Tea Chalet & Storage	Unrestricted	4,000	-
	Car Park	Unrestricted	2,500	-
	Toilets - Land & Buildings	Unrestricted	27,000	-
	Tennis Courts	Unrestricted	18,750	-
	Garden Shelter	Unrestricted	14,250	-
	Play Equipment	Unrestricted	17,893	-
			-	-

	Details	Fund to which liability relates	Amount due (optional)	When due (optional)
B5 Liabilities			-	
			-	
			-	
			-	
			-	

Signed by one or two trustees on behalf of all the trustees

Signature

Print Name

Date of approval



Trustees' Annual Report for the period

From	Period start date			To	Period end date		
	01	04	2020		31	03	2021

Section A Reference and administration details

Charity name Alice Park Trust

Other names charity is known by Alice Park

Registered charity number (if any) 304650

Charity's principal address Bath and North East Somerset Council

Guildhall

High Street

Bath

Postcode

BA1 5AW

Names of the charity trustees who manage the charity

Bath & North East Somerset Council is the sole corporate trustee. This is administered through the Alice Park Trust sub-committee.

	Alice Park Trust sub-committee members	Office (if any)	Dates acted if not for whole year	Name of person (or body) entitled to appoint trustee (if any)
1	Cllr Rob Appleyard	Chair		
2	Cllr Paul Myers	Vice Chair		
3	Cllr Joanna Wright			
4	Graham Page		From 01/04/2020 to 16/02/2021	
5	Bill Shaw		From 06/01/2021	
6				
7				
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11				
12				
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14				
15				
16				
17				
18				
19				
20				

Names of the trustees for the charity, if any, (for example, any custodian trustees)

Name	Dates acted if not for whole year

Names and addresses of advisers (Optional information)

Type of adviser	Name	Address

Name of chief executive or names of senior staff members (Optional information)

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Section B Structure, governance and management

Description of the charity's trusts

Type of governing document (eg. trust deed, constitution)	Trust Conveyance & Charity Commission Scheme dated 17 December 1973
How the charity is constituted (eg. trust, association, company)	Trust
Trustee selection methods (eg. appointed by, elected by)	The Council is the sole corporate Trustee. This is administered by the Alice Park Trust Sub-Committee. Members of the Sub-Committee are appointed by the Charitable Trust Board and Independent Members are appointed following an approved selection process consisting of a public advertisement and formal interview.

Additional governance issues (Optional information)

You **may choose** to include additional information, where relevant, about:

- policies and procedures adopted for the induction and training of trustees;
- the charity's organisational structure and any wider network with which the charity works;
- relationship with any related parties;
- trustees' consideration of major risks and the system and procedures to manage them.

Terms of Reference for the Sub-Committee is available on the Council's public website.

Summary of the objects of the charity set out in its governing document

The key object of the charity is that the Alice Park is to be used as a public park as a memorial to the wife of Herbert Montgomerie MacVicar of Batheaston.

Summary of the main activities undertaken for the public benefit in relation to these objects (include within this section the statutory declaration that trustees have had regard to the guidance issued by the Charity Commission on public benefit)

The trustees, in making decisions surrounding the objectives and activities of the charity, have regard to the Charities Commission public benefit guidance when exercising any powers or duties to which the guidance is relevant.

The park was open for public access throughout the year, including use of the tennis courts and tea chalet, and has been suitably maintained. The cottage property was let and the income used in the upkeep of the Park.

Additional details of objectives and activities (Optional information)

You **may choose** to include further statements, where relevant, about:

- policy on grantmaking;
- policy programme related investment;
- contribution made by volunteers.

**Summary of the main
achievements of the charity
during the year**

Section E

Financial review

Brief statement of the charity's policy on reserves

At present the charity does not operate at a surplus to allow itself to build up reserves. The contribution from Bath & North East Somerset Council meets the in-year operational deficit for the financial year.

Should the trust have reserves in future years then the use of reserves would be managed and approved by the Alice Park Trust Sub-Committee as per its Terms of Reference.

Reserves that are restricted would be held specifically for the required purpose and unrestricted reserves would be held for the general support of the Trust.

Details of any funds materially in deficit

N/A

Further financial review details (Optional information)

You **may choose** to include additional information, where relevant about:

- the charity's principal sources of funds (including any fundraising);
- how expenditure has supported the key objectives of the charity;
- investment policy and objectives including any ethical investment policy adopted.

The Alice Park was funded through incomes raised through the activities of the charity and from contribution made by Bath & North East Somerset council.

Section F

Other optional information

Section G

Declaration

The trustees declare that they have approved the trustees' report above.

Signed on behalf of the charity's trustees

Signature(s)	Rob Appleyard	
Full name(s)	Rob Appleyard	
Position (eg Secretary, Chair, etc)	Chair	
Date		

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