

Alice Park Trust Sub-Committee

Date: Thursday, 27th July, 2023

Time: 12.00 pm

Venue: Brunswick Room - Guildhall, Bath

Councillor Alex Beaumont
Councillor Deborah Collins
Councillor Oli Henman
Councillor Saskia Heijltjes
Councillor Joanna Wright
Co-opted members non-voting: Mary LaTrobe-Bateman

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>

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 - Thursday, 27th July, 2023

at 12.00 pm in the Brunswick Room - Guildhall, Bath

A G E N D A

1. ELECTION OF CHAIR

To elect a Chair of Alice Park Trust Sub-Committee.

2. WELCOME AND INTRODUCTIONS

3. EMERGENCY EVACUATION PROCEDURE

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

4. APOLOGIES FOR ABSENCE AND SUBSTITUTION

5. 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.

6. 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.

7. ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS

8. MINUTES OF THE PREVIOUS MEETING (Pages 7 - 8)

To confirm the minutes of the meeting held on 4 April as a correct record for signing by the Chair.

9. GOVERNANCE OF ALICE PARK TRUST SUB-COMMITTEE (Pages 9 - 16)

Shaine Lewis (Legal Services Manager) and Paul Webb (Senior Finance Manager) to

give a presentation on the governance of the Alice Park Trust Sub-Committee.

10. REPORT ON OUTSTANDING ISSUES (Pages 17 - 20)

To consider a report on outstanding issues that need a decision of the Sub-Committee:

1. Charity Commission Signatories
2. Hiring of Petanque Facilities
3. Appointment of Independent Member

11. EVENTS (Pages 21 - 22)

To note complaints received in relation to a recent corporate event held at Alice Park and that a comprehensive report will be brought back to the next meeting of the Sub-Committee.

12. ALICE PARK PLAY AREA PROJECT

The Sub-Committee is asked to note the current position in relation to achieving the Alice Park Play Area Project:

Following a consultation process, previous members of the Alice Park Trust Sub-Committee agreed an outline scheme for a play area refurbishment matched to a budget.

In order for this to be progressed, the Sub-Committee will need to develop a plan to secure funding.

13. UPDATING OF INFORMATION BOARDS

14. DATES OF FUTURE MEETINGS

To agree dates for future meetings.

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

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ALICE PARK TRUST SUB-COMMITTEE**Minutes of the Meeting held**

Tuesday, 4th April, 2023, 2.30 pm

Councillor Rob Appleyard	- Bath and North East Somerset Council
Councillor Sally Davis	- Bath and North East Somerset Council
Councillor Joanna Wright	- Bath and North East Somerset Council
Mary LaTrobe Bateman	- Independent Member

56 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

57 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

58 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Cllr Mark Roper was absent.

59 DECLARATIONS OF INTEREST

There were no declarations of interest.

60 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

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

Chad Allen addressed the Sub-Committee on the issue of English Ivy as summarised below:

1. He was campaigning for the removal of English Ivy in the Bath area due to its negative impact on trees.
2. He would like to see additional tree planting and the removal of English Ivy in Alice Park.
3. This would benefit the area and support the Council's Clean Air Zone.

In response to a question from Mary LaTrobe Bateman he confirmed that it was best to remove the ivy 2m-4m from the trees and it was important to start at the top rather than at ground level to protect any nesting birds.

The Chair thanked Mr Allen for his statement and advised him that as the Trust had a contract with the Council's Parks Department to carry out works in Alice Park, the Sub-Committee was bound by that framework and was not able to give him authority

to carry out works to the trees. Cllr Joanna Wright suggested that it would be useful to meet with Mr Allen on site so that he could highlight the problems relating to English Ivy in Alice Park.

62 MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting held on 2 February 2023 be confirmed and signed as a correct record and signed by the Chair.

63 CHAIR'S UPDATE

1. Hire of Alice Park

The Chair confirmed that London and Country Mortgages Limited would be hiring the park for a day for a company event and this would not impact on public use.

2. Petanque Club

The Chair confirmed that there had been a formal agreement with Bath Grand Cru Petanque Club to use the Alice Park as its home base for the upcoming season along with the use the notice board to advertise matches.

3. Clock

In response to a question about how to ensure the clock on one of the buildings within the park was set to the right time, it was agreed that this would be discussed at the next meeting.

64 UPDATE FROM THE ALICE PARK PLAY AREA (APPA) PROJECT STRANDS

It was noted that there had been a meeting on 22 February where it was agreed that officers would produce a proposal based on the feedback from Members and this would be reported back to a future meeting.

In relation to finance, the Chair advised that Members now had an idea of how much money was required to pursue the project. He confirmed that he would be meeting a potential funder to discuss part funding the project and would report back after that meeting.

The Chair noted that it was the last meeting of the current administration and thanked Members for their support along with officers from Parks, Finance and Legal and Democratic Services.

The meeting ended at 2.50 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council

Improving People's Lives

The Alice Park Trust
(Governance)

INTRODUCTION

- Creation & Purpose
- Trustee
- Functions
- Sub-Committee Members & Meetings



Creation & Purpose

Creation

1. Conveyance (19.05.1937)
2. Charity Commission Order (17.12.1960) establishes the Charity known as The Alice Park Trust

NB – The Alice Park Trust has no constitution

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Purpose

- Keep the land open to the public free of charge
- Keep at least 4 acres for the use of children under 14 years



TRUSTEE

Bath & North East Somerset Council

- The sole corporate trustee for the Alice Park Trust
- Established a Charitable Trust Board (Part 2.5 BANES Constitution)
- Constitution [HERE](#)

Charitable Trust Board (Part 2.14)

- Manage in pursuit of charitable purposes,
- Manage finances and ensure solvency
- Ensure the charity acts within governing documents
- Ensure regulatory and public accountability obligations discharged
- Identify and manage conflicts of interest
- Power to create a sub-committee (Part 2.14.2)



FUNCTIONS

The Alice Park Trust sub-committee (Part 2.7)

- Discharge function of sole trustee in line with Charity Commission's Guidance
- Further charitable aims
 - Keep as free public park
 - Maintain a children's recreation ground (4 acres for those under age 14)
- Agree annual budget/accounts/business plan
- Approve use of reserves
- Receive and respond to audit findings on annual accounts.
- Receive reports on day-to-day management and financial performance
- Allow interested parties to give views on performance/direction of Trust
- Report annually to Charitable Trust Board



SUB-COMMITTEE MEMBERS & MEETINGS

Members

- Not themselves Alice Park Trust trustees
- Must act reasonably to ensure BANES act properly as sole charitable trustee
- Failure to act reasonably may leave BANES liable for losses
 - **NB** BANES indemnify Members and Officers against losses provided they have acted reasonably

Meetings

- Meetings are Local Authority meetings
- Meetings governed by Local Government Act 1972
- BANES' Code of Conduct for Councillors applies
- Decisions must be capable of being justified under Charity legislation.
 - Charity Commission Guidance [HERE](#)



Questions?



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Bath & North East Somerset Council	
MEETING:	Alice Park Trust Sub-Committee
MEETING DATE:	27 July 2023
TITLE:	Update Report; Charity Commission Signatories; Hire of Petanque Terrain and Appointment of Independent Member
WARD:	Lambridge
AN OPEN PUBLIC ITEM	
List of attachments to this report:	

1 THE ISSUE

- 1.1 To give an update on issues relating to Charity Commission Signatories; Hire of Petanque Terrain and Appointment of Independent Member for determination by Alice Park Trust Sub-Committee.

2 RECOMMENDATION

Alice Park Trust Sub-Committee is asked to;

- (1) Agree Michael Hewitt (Monitoring Officer) and Shaine Lewis (Deputy Monitoring Officer) as Charity Commission Signatories for the Alice Park Trust.
- (2) Agree that the Grand Petanque Club be invoiced £150 for hiring the Alice Park Petanque terrain between April-September 2023.
- (3) Agree to delegate the appointment of an Independent Member to the Chair of the Alice Park Trust Sub-Committee with the support of Council officers.

3 CHARITY COMMISSION SIGNATORIES

- 3.1 The Charity Commission requires that two contacts are provided for charities listed on their website and has requested that this information is provided in relation to the Alice Park Trust. The purpose of this is to enable the Charity Commission to have the necessary information in the event of needing to contact a charity.

- 3.2 As the Council is the sole trustee for Alice Park Trust, it is recommended that the following Council Officers are provided to the Charity Commission as contacts. The Monitoring Officer and Deputy Monitoring Officer. The current occupants of those positions are Michael Hewitt and Shaine Lewis respectively.

4 HIRING OF PETANQUE FACILITIES

- 4.1 The previous chair of the Trust was in negotiation with the Bath Grand Petanque Club about arrangements for hiring the petanque terrain during 2023. A fee of £300 was agreed but there has since been some confusion about whether this was agreed as a season fee (April-September) or an annual fee.
- 4.2 The Club was of the understanding that this was an annual fee and has requested that a six-month fee of £150 be agreed by the Trust to cover the period between April-September 2023.
- 4.3 In view of the initial confusion, it is recommended that a fee of £150 be agreed for the period April-September 2023 and officers be instructed to raise an invoice accordingly.

5 INDEPENDENT MEMBERS

- 5.1 The Council has received enquiries from members of the public wishing to be considered for the position of Independent Member of Alice Park Trust Sub-Committee.
- 5.2 The Sub-Committee already has 1 Independent Member, Mary LaTrobe Bateman. Terms of Reference allow for 2 Independent Members with flexibility for the Trust to appoint more if required.
- 5.3 The Sub-Committee is requested to delegate the arrangements for appointing an independent member to the Chair of Alice Park Trust Sub-Committee with the support of an appropriate officer.

6 STATUTORY CONSIDERATIONS

- 6.1 Members must operate within the parameters of the Terms of Reference and Charity legislation and Guidance as advised by the Legal Officer.

7 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 7.1 As set out above.

8 RISK MANAGEMENT

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

9 EQUALITIES

- 9.1 No specific considerations.

10 CLIMATE CHANGE

10.1 A well-run park supports local biodiversity and can help cities be more resilient to climate change by improving air quality and absorbing carbon from the atmosphere.

11 OTHER OPTIONS CONSIDERED

11.1 None.

12 CONSULTATION

12.1 In preparing the report consultation has taken place with the Section 151 Officer and Monitoring Officer.

Contact person	Chris Major, Director of Place Management
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:	Alice Park Trust Sub-Committee
MEETING DATE:	27 July 2023
TITLE:	Events at Alice Park
WARD:	Lambridge
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
None	

1 THE ISSUE

1.1 To update Alice Park Trust Sub-Committee in relation to events.

2 RECOMMENDATION

Alice Park Sub-Committee is asked to;

2.1 Note that a report on events will be prepared for the next meeting of Alice Park Trust Sub-Committee.

2.2 Note the complaints received by the Council in relation to a recent corporate event.

3 THE REPORT

3.1 The objective in holding events at Alice Park is to generate an income for the Trust to maintain and improve the park to ensure the Trust is working towards becoming financially self-sufficient in the future.

3.2 A recent corporate event held at the park, however, resulted in two complaints via the Council's website. These related to rubbish, parking, loud music, the impact on public users and possible safeguarding issues for children using the park at the same time as events.

3.3 It is recommended that arrangements for events are reviewed and a full report on events is brought to the next meeting of Alice Park Trust Sub-Committee for consideration.

4 STATUTORY CONSIDERATIONS

4.1 Members must operate within the parameters of the Terms of Reference, Charity legislation and Guidance as advised by the Legal Officer.

4.2 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5 As set out above.

5.1 RISK MANAGEMENT

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

6.1 EQUALITIES

7 No specific considerations.

7.1 CLIMATE CHANGE

8 A well-run park supports local biodiversity and can help cities be more resilient to climate change by improving air quality and absorbing carbon from the atmosphere.

8.1 OTHER OPTIONS CONSIDERED

9 None.

9.1 CONSULTATION

9.2 This report was drafted in consultation with the Section 151 Officer and Monitoring Officer.

Contact person	<i>Shaine Lewis – Legal Services Manager</i> Email: shaine_lewis@bathnes.gov.uk tel: 01225 395279
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	