

# Charitable Trust Board

**Date: Thursday, 27th July, 2023**

**Time: 11.45 am**

**Venue: Brunswick Room, Guildhall**

**Councillors:** Councillor Tim Ball, Councillor Alex Beaumont, Councillor Deborah Collins,  
Councillor Oli Henman and Councillor Robin Moss

Independent Member: Graham Page

Chief Executive and other appropriate officers  
Press and Public



**Corrina Haskins**

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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](http://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 - Thursday, 27th July, 2023

at 11.45 am in the Brunswick Room, Guildhall

### A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair 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)

To confirm the minutes of the meeting held on 4 October 2022 as a correct record for signing by the Chair.

8. REPORT TO CONSTITUTE THE ALICE PARK TRUST SUB-COMMITTEE (Pages 9 - 14)

To re-constitute the Alice Park Trust Sub Committee, following the Local Government elections in May, and to agree its membership in accordance with the Terms of Reference.

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**BATH AND NORTH EAST SOMERSET**

**MINUTES OF CHARITABLE TRUST BOARD MEETING**

Tuesday, 4th October, 2022

Present:- **Councillors** David Wood, Rob Appleyard, Sally Davis and Mark Roper

Apologies for absence: Councillors: Joanna Wright

**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**

Apologies for absence were received from Cllr Joanna Wright.

**4 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was no urgent business.

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

There were no items from the public.

**7 MINUTES OF THE PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting of 29 June 2021 be confirmed as a correct record and signed by the Chair.

**8 ALICE PARK TRUST SUB-COMMITTEE ANNUAL REPORT 2020-21**

Cllr Rob Appleyard, Chair of Alice Park Trust Sub-Committee presented the report and gave an update as follows:

1. The Sub-Committee was working as a solid unit with all members having the same objective.
2. The annual accounts had been approved and the Trust was looking to the future in developing a 10-year programme with a view to becoming cost neutral including charging for commercial activities. The Trust had adopted

the B&NES rates for commercial use whilst applying discretion where appropriate to ensure inclusivity.

3. The Trust was currently running on a deficit, which was subsidised by the Council's Parks Department.
4. In terms of operation, the Trust tried to maintain the ethos of the park as a family destination.
5. Two pieces of work had come to fruition, the skate park which offered something for young people and the re-laying of the tennis courts to encourage greater use. This in turn added to the sustainability of the café. The café owner was active in promoting the park and worked well with the Trust.
6. The Trust had embarked on a project to refurbish the children's play area and bring it in line with Council run parks. A full consultation process had been undertaken, led by Cllr Joanna Wright and independent member, Holly Dabbs. The next stage was the procurement work being led by Cllrs Sally Davis and Joanna Wright. The final stage of the process would be raising the funds to complete the project. This was estimated at £150k including equipment and ground works. The plan was to complete the work in 2-3 tranches and secure a range of facilities to serve different age groups. The Sub-Committee may need to come back to the Charitable Trust Board with a view to securing resources, but there was likely to be opportunities from Bath Community Infrastructure Levy and private funding.
7. During the Covid pandemic, the value of the park was proven to be something the community valued.

Cllr Rob Appleyard concluded by thanking both elected members and independent members of the Sub-Committee as well as officers in Finance, Legal and Democratic Services and in particular, the Parks Team.

He responded to questions as follows:

1. In terms of grounds maintenance, the Trust had a service level agreement (SLA) with the Council's Parks Team. This was due to be revised to give clearer definition of the scope of the SLA but this process may end up increasing costs.
2. He asked the Legal Officer to investigate whether the Trust could apply for lottery funding as it was noted that the Sydney Gardens improvements had benefitted from lottery funding. It was also suggested that the Parks Team may be able to advise on available funding streams.

The Chair thanked the Trust for their work and noted that Alice Park was a popular community park which offered a range of facilities to suit different groups.

**RESOLVED – that the Annual Report of the Alice Park Trust Sub-Committee 2020-21 be noted.**

The meeting ended at 2.16 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Charitable Trust Board</b>
MEETING:	<b>27 July 2023</b>
TITLE:	Report to Constitute the Alice Park Trust Sub-Committee
WARD:	Lambridge
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
Proposed terms of reference for the Alice Park Sub-Committee	

## **1 THE ISSUE**

- 1.1 To agree to constitute the Alice Park Trust Sub-Committee following the Local Government elections in May 2023 and to agree its membership in accordance with the Terms of Reference.

## **2 RECOMMENDATION**

- 2.1 To appoint members to the Alice Park Trust Sub-Committee in accordance with political proportionality and the terms of reference.

## **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 Allowances will be managed within the existing budget for member allowances although the scheme does not currently allocate a special responsibility allowance to members of the Alice Park Trust Sub-Committee. The Alice Park Trust has its own budget which is administered by an accountant within the Council's Finance Team.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The Alice Park Trust Sub-Committee will need to form, decide its priorities, and prepare to comply with the obligations imposed upon it by its Terms of Reference. In particular ensuring that the Trust files annual returns with the Charities Commission and that it reports annually to the Charitable Trust Board.

4.2 In accordance with the requirement for political proportionality, under Section 15 of the Local Government and Housing Act 1989, the membership should comprise three Liberal Democrat members (excluding the Cabinet Member for Neighbourhood Services to avoid any conflict of interest) in addition to the two ward members representing Lambridge. The membership also includes two non-voting independent member. Mary LaTrobe Bateman has been appointed as an independent member for a three-year term of office (ending on 12 October 2025). There is currently a vacancy for the other independent member position.

## **5 THE REPORT**

5.1 The Council is sole trustee for a number of Trusts including the Alice Park Trust in Bath (Schedule 1 of the Charitable Trust Board Terms of Reference). The Board will ensure the clear separation of the Council's interest as sole trustee of these charities and the Council's interests as a Local Authority.

## **6 RATIONALE**

6.1 The Board is a committee of the Council and will need to create sub committees to manage each Trust for which the council is sole corporate trustee and thereby demonstrate the decisions taken on their behalf, as sole trustee, are being independently taken in accordance with each Trust's objects and the duties it owes pursuant to the Charities legislation.

6.2 The Board must ensure that each Trust complies with its objects and charities legislation. To do this it will receive an annual report from each sub-committee which it creates to manage a specific Trust. The Board will then report to full Council on an annual basis to provide reassurance that the Council as sole corporate trustee is complying with its obligations.

6.3 As sole trustee of the Alice Park Trust (schedule 1 of the Charitable Trust Board Terms of Reference) the Council will constitute the Alice Park Trust sub-committee to ensure the objectives detailed in 6.2 above are being met.

## **7 OTHER OPTIONS CONSIDERED**

7.1 None

## **8 CONSULTATION**

8.1 Those consulted in preparing this report include the Leader of the Council, the Cabinet Member for Neighbourhood Services, Section 151 Officer and Council Monitoring Officer.

## **9 RISK MANAGEMENT**

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

## **10 CLIMATE CHANGE**

10.1A 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.

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

**Schedule 1**  
**Charitable Trust for which the Council is sole trustee**

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The Alice Park

**Schedule 2**  
**Charitable Trust for which the Council is responsible**

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Weston Recreation Ground  
No.4, Circus  
Firs Field  
Free Fields (Rainbow Woods)  
Beechen Cliff  
Newbridge Meadows (Queen Elizabeth the Second Fields)  
Blackstones  
Innox Park  
Post Office Museum  
Former Radstock Infant School

**Proposed Alice Park Trust Sub Committee Terms of Reference**

The Sub-Committee shall discharge the Council's functions as sole corporate trustee in respect of the Alice Park Trust, the site and its resources in accordance with Trust's objects and the duties it owes pursuant to the Charities legislation.

To report to the Board on an annual basis in September of each year detailing the work undertaken by the Trust in the preceding year and confirming to the Board that the Trust has complied with the objects of the charity and the Charities Legislation.

Appointed by: The Charitable Trust Board

Membership:

- 3 Councillors from the membership of the Charitable Trust Board (excluding the Cabinet member for Community Services)
- Ward members(s) for Lambridge as co-opted non-voting members
- 2 non-voting independent members

Quorum: 3 voting members

The Sub-Committee may co-opt other non-voting members as appropriate.

Lead Officer            Group Manager – Neighbourhood and Environmental Services  
Deputy Officer        Team Manager – Parks and Bereavement Services

Decision Making Powers:

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.

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