

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Alice Park Trust Sub Committee	
MEETING/ DECISION DATE:	27 March 2017	EXECUTIVE FORWARD PLAN REFERENCE:
		N/A
TITLE:	Response of some Park Users in Alice Park to a survey that seeks to determine the views on potential capital investment in the park.	
WARD:	Lambridge	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 Feedback from Mr Tony Hickman (who undertook the survey) outlining his findings and conclusions</p>		

1 THE ISSUE

1.1 At the last meeting the Sub Committee **Resolved:** that the sub- committee determine that a skate park development is in line with the Trust's objectives and determine that in principle the skateboard park be progressed subject to:

- (1) Further information analysis and reassurance on viability.
- (2) Establishing whether the Council will permit alternative use of the allocated funds.
- (3) Requesting interested members of the Sub Committee to prepare a further consultation document, the form of which is to be approved at the next meeting of the Trust.

2 RECOMMENDATION

2.1 That this report be considered and if appropriate it is used to inform the consultation document to be approved at the next meeting.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 As this survey is merely to inform discussions there are no resource implications.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 The council is sole corporate trustee of the Alice Park Trust. The sub-committee's terms of reference are to undertake the operational management

functions in respect of the Alice Park site and its resources, in accordance with trust's objects and the duties it owes pursuant to the charities legislation.

4.2 Members in their capacity as trustee must administer the trust in good faith, abiding strictly to the objects of the trust and administering the trust for the benefit of the public which may at times conflict with the interests of the council.

4.3 One highly important consideration for the apt sub-committee to consider, when deciding upon the issue of expenditure generally but specifically in respect of the skateboard park is, that the income from the endowment and arising from the trust property is currently insufficient to maintain the park without a subsidy from B&NES's corporate funds, and therefore a very clear legal basis would be required in order to enable B&NES as trustee to permit any project to go ahead, if that would involve future expense. The trust must secure the funding for the works and future maintenance, insurance etc. before it commits to expenditure. There is also a potential conflict between B&NES's duty of prudence as trustee of the trust and its interest in improving recreational facilities for its inhabitants as local authority.

4.4 The objects of the trust require the land bequeathed to be used as a public park and children's recreation ground. The sub-committee must consider whether any proposed use falls within the trust's objectives, and if so whether to permit the use requested. If it permits the use then it must decide on what terms, in order to ensure effective use of the park whilst minimising any conflict between the different uses to which the park is subject to under the terms of the trust deed.

5 THE REPORT

5.1 The Chair of the Committee has been approached by the lessee of the Café/Tea Chalet to undertake a survey the results of which could inform any future debate on the investment of capital funds.

5.2 Mr Hickman (The Lessee) undertook this survey in the first part of 2017 and has written up his findings, conclusions and made suggestions of what would be popular within his group of respondents.

5.3 Mr Hickman outlines his methodology before proceeding to share the results and offering his conclusions.

5.4 The report is detailed in Appendix 1

6 RATIONALE

6.1 There is a clear need to resolve this issue so that the committee can concentrate on other aspects of Alice Park. This survey gives some insight into the opinions of some of the park users.

7 OTHER OPTIONS CONSIDERED

7.1 None although it should be noted that Cllr Rob Appleyard and CllrLin Patterson have also volunteered to undertake a survey into this subject.

8 CONSULTATION

8.1 N/A due to the subject of the report

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.

Contact person	<i>Michael Rowan Extension 6811</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	