

## Bath & North East Somerset Council

DECISION MAKER:	<b>Cllr Bob Goodman, Cabinet Member for Development</b> <b>Cllr Charles Gerrish, Cabinet Member for Finance &amp; Efficiency</b>	
DECISION DATE:	<b>On or after 16 September 2017</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2996
TITLE:	<b>Approval of capital expenditure to build a skatepark in the East of Bath</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
<b>None</b>		

### 1 THE ISSUE

- 1.1 To approve the 2017/18 provisional capital budget allocated to the provision of a skate park at Alice Park at the request of the Alice Park Trust Sub-Committee, and for any remaining funds to be spent on capital improvements at the park.

### 2 RECOMMENDATION

- 2.1 That the Cabinet Member for Development and Cabinet Member for Finance and Efficiency fully approve the capital budget totalling £97K for the development of a skate park at Alice Park, and for further capital improvements in the park's facilities if this can be accommodated within the allocated budget.

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

- 3.1 The capital expenditure detailed has been given provisional approval within the Council's 17/18 budget.
- 3.2 It is anticipated that the allocated budget will be sufficient to build the skate park to the design principles agreed by the Sub-Committee. Should there be a small surplus in final costs then the funding will be put to improving capital infrastructure such as paths, surfacing, benches and bins as determined by the Sub-Committee.
- 3.3 The Council's contribution to develop the skate park will be capped at £97K including all associated project and officer costs.

- 3.4 The Council has also had confirmation that £30K of private donations have also been committed to developing the skate park, subject to confirmation of the Council's £97K commitment; £20K from the Medlock Trust, and £10K as a private donation from a Larkhall resident.
- 3.5 The inspection and maintenance of the facility is intended to be carried out by B&NES within the subsidy that it gives to Alice Park. There will be additional revenue expenditure but under normal circumstances this is anticipated to be minimal, particularly if the inspections are carried out by the Council's play inspectors who already visit the park, and if the skating community and volunteers are tasked with helping keep the site clear of litter and in good order. Should the costs be more than reasonably budgeted for then the Council will need to consider its position.
- 3.6 Insurance – As the skateboard Park will be maintained and inspected by B&NES the insurance liability will be picked up under the Council's Insurance arrangements.

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

- 4.1 The Council is sole corporate trustee of the Alice Park Trust. The Alice Park Trust's 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 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.
- 4.4 One 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' and therefore a very clear legal basis is required in order to enable B&NES as trustee to permit any project to go ahead, if that would involve future expense.
- 4.5 The Trust would need to agree for the Council to lease the land for the use of a skate park. The Council would then construct the facility within the funding envelope available and provide maintenance as necessary.
- 4.6 The Sub-Committee have been informed that £30K of private sector funding will also be released to the Council once the skate park has been commissioned for spend at Alice Park.

#### **5. THE REPORT**

- 5.1 The Council provisionally allocated funds for the development of a skate park in the East of Bath within its 15/16 budget. After a detailed site selection process, the only viable location was determined to be Alice Park. A consultation on the provision of a skate park here was carried out in 16/17 and various views both for and against were expressed.
- 5.2 Alice Park is held in Trust by the Council. The Alice Park Trust Sub-Committee has been set up to manage all issues in relation to Alice Park. The Sub-committee have considered detailed reports on the development of the skate park and have considered evidence presented by members of the public both for and against the development.
- 5.3 Several different designs have been scoped and the Sub-Committee have considered these in determining that they would like to go ahead with the proposal. At its meeting on the 3<sup>rd</sup> July 2017 the Sub-Committee detailed the design specification which would be acceptable to them in developing the facility. An extract of the minutes is as follows:

“That a final design be proposed which shall comply with the eight points below and that a public consultation be held in order to take into consideration in full the views of park users and local residents. With consideration of the Conveyance between Herbert Montgomerie McVicar and the Trustees of Alice Park, the Trustees agree to construction of a skate park on the following basis:

- (a) It shall be of a size more proportionate (i.e. approximately 50% of the size of the original design) to the size of the park so that it shall in no way dominate the park or detract from the enjoyment of other park users and neighbouring residential occupiers.
- (b) It will be designed for starter skate boarders in mind.
- (c) It will be designed for maximum possible noise attenuation within the available budget.
- (d) No trees will be cut, trimmed or removed for its construction. The Boules area will not be removed or relocated.
- (e) A contribution of the allocated fund will be gifted to the Trustees of the park for improvements in playground equipment.
- (f) B&NES Council will oversee the construction and ensure that the Trustees’ requirements are met with their costs met by the funds allocated.
- (g) B&NES Council will be responsible for the regular safety inspection, maintenance and cleaning of the skate park through its whole life. Should it become dilapidated or neglected, the Council will be responsible for the cost of its removal and for the reinstatement of the ground.
- (h) There will be suitable and sufficient screening and planting incorporated into the design as necessary.

## **6 RATIONALE**

- 6.1 The funding has been provisionally allocated by the Council for the development of a skate park which is in keeping with the objects of the Trust.
- 6.2 The £97K capital sum has been confirmed as still being available for this purpose by the Cabinet member for Finance and Efficiency following a review of capital budgets in July.

6.3 The Alice Park Trust Sub-Committee have requested that if the skate park can be delivered for less than the funding allocated, then the remaining amount be allocated to wider improvements in the park.

## 7 OTHER OPTIONS CONSIDERED

7.1 Other alternative locations were assessed in the East of Bath, but none considered viable.

7.2 To not build the skate park at all, has been considered by the Alice Park Sub-Committee. Taking into account local views, and having viewed detailed designs the Sub-Committee request that the skate park be built as a valuable asset for the community.

## 8 CONSULTATION

8.1 The requirement for Capital funding has been approved by Divisional Directors Group and included in the Council's provisional capital programme, agreed by the Council in February 2017 and reviewed in July 2017.

8.2 The Council's Monitoring Officer, Section 151 Officer and Strategic Director for Place have had the opportunity to input to this report.

8.3 Public consultation has been carried out on the building of a skate park and the results are reported in the minutes of the Alice Park Trust Sub Committee meetings.

## 9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations for the specific elements of capital spend will be undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>Carol Maclellan, Group Manager, Neighbourhood Environmental Services; 01225 394204</i>
<b>Background papers</b>	<i>Alice Park Trust Sub Committee 3<sup>rd</sup> July 2017</i> <a href="https://democracy.bathnes.gov.uk/ieListDocuments.aspx?MIId=5011&amp;x=1">https://democracy.bathnes.gov.uk/ieListDocuments.aspx?MIId=5011&amp;x=1</a>
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