

ALICE PARK TRUST SUB-COMMITTEE

Minutes of the Meeting held

Monday, 23rd December, 2019, 9.30 am

Cllr Rob Appleyard (Chair)	-	Bath and North East Somerset Council
Councillor Paul Myers	-	Bath and North East Somerset Council
Councillor Joanna Wright	-	Bath and North East Somerset Council
Graham Page	-	Independent Member

19 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

20 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

21 APOLOGIES FOR ABSENCE AND SUBSTITUTION

There were no apologies for absence.

22 DECLARATIONS OF INTEREST

There were no declarations of interest.

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

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

Mr Tony Hickman had submitted a number of questions. Responses to these questions were circulated at the meeting. *(A copy of the questions and answers is attached as an appendix to these minutes).*

Mr Hickman then asked several supplementary questions which officers responded to as follows:

- Officers do not yet know who the operator for the tennis courts will be. It is hoped that this will be finalised before the end of the financial year.
- Cllr Rob Appleyard did not believe that there is any link between the café lease and the work carried out by Tony Hickman on behalf of the Council in respect of the tennis courts.
- In future the operator will either have someone on site or provide a mobile number for people to use for any queries relating to the tennis courts.

- It is possible that the café operator and the new tennis court provider could come to a mutual arrangement about the day to day running of the tennis courts, but this could not be guaranteed.
- Although the suggestion of a MUGA is a good one, it is likely that the tennis court provider will require all six courts to be in use.

25 MINUTES OF THE MEETING OF 4 SEPTEMBER 2019

The minutes of the meeting held on 4 September 2019 were confirmed and signed as a correct record.

26 APPROVAL OF LEASE TERMS FOR THE TENNIS COURTS AND ANCILLARY LAND

It was noted that to commence the refurbishment of the tennis courts, the Trust must enter into a lease, with a nominee, appointed by the Council, who will then assign the lease to the Council. The Sub-Committee considered a report which outlined the process for the granting of the lease and the reasons why a nominee is required.

Graham Page raised a query regarding the long-term management of the tennis courts and the income generated to improve the tennis facilities at Alice Park. He was concerned that the Trust would not receive this income. He also had concerns about the liability of the Trust if the tennis courts did not make a profit or if terms of grant funding applications were breached.

The Director of Legal and Democratic Services explained that the Council is the sole Corporate Trustee. If the tennis court operator does not make a profit, provided the Sub-Committee has taken reasonable steps to deal with this issue, then members would not be liable for any losses incurred.

The Team Manager, Leisure and Business Development, explained that the application for grant funding is being made by the Council and not by the Alice Park Trust. If the funding has conditions attached to it then the Council would follow these and responsibility for any non-compliance would lie with the Council and not the Trust.

Cllr Myers queried whether the Council would indemnify the Trust if no profit was made as the Council would be managing the tennis court operation on behalf of the Trust.

Cllr Appleyard explained that the Trust would be leasing the space to the Council to provide a tennis facility. He was satisfied that this would not create a liability for the Trust and that this would be written into the lease agreement.

In light of the concerns expressed by some members the Director of Legal and Democratic Services suggested wording that could be included as part of the resolution to ensure that there would be no liability for the Trust if a loss was made on the tennis court operation, or in the case of any disagreement between the parties.

RESOLVED, subject to approval by the Charity Commission and subject to the Council securing grant funding from the Lawn Tennis Association and Sport

England, to:

- (1) Approve the terms of the draft lease on the basis that these are the best terms that can reasonably be obtained.
- (2) Approve the grant of the lease (set out in Appendix 3 of the report) to the nominee and consent to the simultaneous assignment of the lease to the Council in its corporate capacity.
- (3) Authorise the clerk to submit the application (set out in Appendix 5 of the report) for Charity Commission consent to the lease on behalf of the Trust subject to the inclusion of the following wording as an addendum:

“The basis for entering into the lease by the Alice Park Trust Sub-Committee is that there will be no liability between them, the lessee and any third-party operator in relation to any grant funding.”

27 APPROVAL OF LEASE TERMS FOR THE SKATE PARK LEASE

The Sub-Committee noted that to commence the installation of the skatepark the Trust must enter into a lease, with a nominee appointed by the Council, who will then assign the lease to the Council. Members considered a report which outlined the process for the granting of the lease and the reasons why a nominee is required.

Graham Page raised concerns about the safety of park users. He felt that there was a need to create a barrier between the children’s play area and the skatepark. He stated that was important for the Trust to have regard to Health and Safety law as interpreted by the courts.

The Director of Legal and Democratic Services agreed that it was important to ensure that members have considered any potential risk.

Cllr Appleyard stated that the Sub-Committee could agree to consider the health and safety aspects being reviewed at a future meeting. Cllr Myers agreed that as long as provision has been made to consider these matters, he felt that this was reasonable.

RESOLVED:

(a) subject to approval by the Charity Commission, to:

- (1) Approve the terms of the draft lease on the basis that these are the best terms that can reasonably be obtained.
- (2) Approve the grant of the lease (as set out in Appendix 3 of the report) to the nominee and consent to the simultaneous assignment of the lease to the Council in its corporate capacity.
- (3) Authorise the clerk to submit the application (as set out in Appendix 5 of the report) for Charity Commission consent to the lease on behalf of the Trust.

(b) To agree that the Sub-Committee, at a future meeting, review the health and

safety aspects of the skatepark to ensure that members are satisfied that any potential risks have been fully considered.

28 DATE OF NEXT MEETING

It was noted that the next meeting will take place on Wednesday 22 January 2020 at 4pm.

The meeting ended at 10.00 am

Chair

Date Confirmed and Signed

Prepared by Democratic Services