

ALICE PARK TRUST SUB-COMMITTEE

Minutes of the Meeting held

Wednesday, 4th September, 2019, 6.00 pm

Councillor Rob Appleyard	-	Bath and North East Somerset Council
Councillor Paul Myers	-	Bath and North East Somerset Council
Councillor Joanna Wright	-	Bath and North East Somerset Council
Paul Hooper	-	Independent Member
Graham Page	-	Independent Member

1 ELECTION OF CHAIR

RESOLVED: To elect Cllr Rob Appleyard as Chair of the Alice Park Trust Sub-Committee.

2 ELECTION OF VICE CHAIR

RESOLVED: To elect Cllr Paul Myers as Vice-Chair of the Alice Park Trust Sub-Committee.

3 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

4 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer explained the emergency evacuation procedure.

5 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

6 DECLARATIONS OF INTEREST

There were no declarations of interest.

7 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

It was noted that there was one urgent item relating to an event to be held on the park at the end of October. This would be discussed later in the meeting.

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

Mr Derek Swift had submitted a number of questions. Responses to some of these questions were circulated at the meeting. The remaining questions will be answered in writing in due course. *(A copy of the questions and answers is attached as an*

appendix to these minutes).

Mr Swift then asked a supplementary question relating to legal fees and whether a budget had been prepared for the current financial year. The Chair explained that a new Group Accountant had just been appointed to support the Trust and that members were not able to answer detailed financial questions at this time.

The Legal Services Manager explained that B&NES Council is the sole corporate trustee and therefore individual members of the sub-committee are not trustees.

Paul Hooper expressed concern about the lack of information about the financial position of the Trust. The Legal Services Manager explained that members can request financial reports as required and pointed out that all previous reports are available on the Council website. It was agreed that the current financial position will be considered at the next meeting.

Cllr Myers stated that all Sub-Committee members should take some ownership of Trust matters. Cllr Appleyard agreed with this approach noting that officers would be taking a “lighter touch” approach in future with the Sub-Committee becoming more self-sufficient.

9 MINUTES OF THE MEETING OF 25 FEBRUARY 2019

The minutes of the meeting held on 25 February 2019 were confirmed and signed as a correct record.

10 CHAIR'S UPDATE

The Chair gave the following updates:

- Notice Boards – Graham Page has been leading on this project. The work is ready to be carried out except for one grammatical error which needs to be rectified. The Sub-Committee confirmed that Graham Page can progress with the provision of the notice boards and the necessary correction provided there are no cost implications.
- Footpath Join-Up – The footpath has brought a huge benefit to park users and many positive comments have been received.
- General Maintenance – This matter will be discussed at the next meeting.

11 HEADS OF TERMS FOR SKATEPARK LEASE

The Sub-Committee considered a report by the Team Manager, Parks and Bereavement Services. It was noted that to commence the installation of the skatepark the Council must enter into a lease with the Alice Park Trust for the land required.

The following issues were discussed:

- The delivery of the skate park is the responsibility of the Council.

- Paul Hooper noted that one of the recommendations asked the Sub-Committee to allocate some funding towards legal costs. The Team Manager explained that this was now required because the original plan had been to install the skate park at the same time as the footpath works to save money. A fence is also now required to keep the skate park separate from the children's play area.
- Graham Page stated that if the Council has not made adequate provision in its budget for the skatepark then the Trust should not be expected to contribute towards its legal costs. He also asked that the area to be leased for the skate park be changed for health and safety and child protection reasons. The skate park should be clearly separated from the children's playground as there are foreseeable risks.
- Paul Hooper supported the provision of the skate park and its design but had concerns around the way the contract had been awarded and why Canvas had been selected.
- The Legal Services Manager explained that the Council would be required to remove and replace the skate park at the end of its life. The Council would also be responsible for all repairs and maintenance. He also confirmed that the Council had followed its contract standing orders when awarding the contract to Canvas.
- Cllr Myers queried the extent to which there was a conflict of interest if the Trust gave money to the Council.
- Cllr Appleyard explained that the Council had allocated money for a skate park. Private donations were also given to provide the facility. Following discussions the Sub-Committee had agreed to allocate £25k from the skate park monies towards other park improvements. Some of this funding had already been spent but what was being requested from the Trust was a return of some of the original skate park funds.
- The Legal Services Manager explained that the Council, as sole corporate trustee for the Alice Park Trust, was being advised by external solicitors. He confirmed that a copy of the lease, when finalised, would be brought back to the Sub-Committee.
- Graham Page raised the issue of a potential conflict of interest for Cllrs Appleyard and Wright as they had campaigned during the election for a skate park. The Legal Services Manager confirmed that Councillors can campaign on an issue and then make decisions relating to that issue provided they are not "predetermined".
- Cllr Myers stressed the importance of being clear about reinstatement. It was important to have the power to remove the skate park if it was no longer required. He was concerned about the lack of budget information and felt that the Sub-Committee needed to know the facts before agreeing to release any funding. He supported the recommendation provided:
 - There are clear plans in the Heads of Terms regarding reinstatement.
 - Full details of the Trust's budget are made available at the next meeting.

RESOLVED:

- (1) To approve the proposed Heads of Terms as set out in the report.

- (2) To work with assistance from the Council, to gain Charity Commission approval for the disposal of land via a lease, commensurate with its formal asset valuation by a qualified surveyor and through their agreement to advertise the disposal via public notice upon the site.
- (3) To ask the Team Manager, Parks and Bereavement Services to provide a specific quote for the disposal fees and other contingencies. To agree expenditure of up to £6k from the Alice Park Trust budget for these items to enable the project to move forward.
- (4) Once the lease is finalised the Trust Sub-Committee will formally approve the lease with the Council subject to Charity Commission approval.

12 **TENNIS COURTS LEASE**

The Sub-Committee considered a report by the Leisure Team Manager regarding a proposal for the refurbishment, operation and management of the tennis courts in Alice Park.

It was noted that the tennis pavilion would not be included in the proposed refurbishment at this stage because the necessary funds are not available.

Officers confirmed that the lease would come back to the Sub Committee for approval once finalised.

RESOLVED: To approve the grant of a 25 year lease of the 6 tennis courts to the Council to carry out a refurbishment project and take on the operation and all liabilities associated with the courts throughout the 25 year period.

13 **PETANQUE FACILITY**

Chris Garrett from the Bath Grand Cru Petanque Club addressed the Sub-Committee on the following matters:

- The old playing area in the park has been expanded to create a 13 x 14m terrain. The new area is now ready for use and appears to be a very high quality playing area, with a suitable top surface, and a solid and stable substrate underneath.
- No formal user agreement has been completed and when the project was underway it was inferred that the club would have some “ownership” of the amenity. This control would be accompanied by a degree of responsibility for regular use and maintenance. It seems that the park’s regular maintenance team would have neither the time nor the technical expertise to ensure this is carried out satisfactorily in the future.
- The Bath Grand Cru Petanque Club is now a well-established and successful club. The club would like to see the terrain and amenity completed by:
 - Installation of a semi-permanent surround area boundary e.g. old railway sleeper style.
 - Signage to indicate the terrain use.
 - Electricity connection to enable use of portable lighting to enable play

- to take place some evenings and during Winter months.
- Some means of securely storing playing equipment and sundry items.

Such works would enable the club to make regular use of the facility. The club could ensure that the facility is maintained in good order and well enough to allow competitive and casual use at all times.

Cllr Appleyard queried what the club could commit to in terms of usage and “in kind” contributions.

Paul Hooper noted that sports facilities generally charged users and suggested that people could book to hire per track.

The Legal Services Manager explained that charging for hire would lead to health and safety obligations. A lease for the area may be required.

Cllr Myers stated that a system should be put in place for the use and maintenance of this facility and that the Sub-Committee should be aware of activities that are taking place within the park. It was noted that this is not a Council facility and it will be important to ensure that any charging regime is as simple as possible.

RESOLVED: To agree that Cllr Rob Appleyard, Cllr Paul Myers and Chris Garrett meet to discuss and formulate proposals for the future use and management of the petanque facility and report back to the Sub-Committee.

(Note: At this point Cllr Myers left the meeting).

14 **WILDLIFE GARDEN**

Sam McGuire gave a brief update on the wildlife garden that has been created in the park. He showed a number of photographs of the garden area.

The Sub-Committee thanked Sam for his work to create the wildlife garden and stated that it was a beautiful area that was an asset to the park.

The annual cut and maintenance could be discussed as part of the Council’s service level agreement.

15 **PROCESS FOR MEMORIAL BENCHES ETC**

Requests have been received regarding the provision of a memorial park bench and a memorial tree in Alice Park. The Trust will need to agree a process for this type of request including future maintenance.

Cllr Wright stated that the Cabinet has discussed plans for future tree planting and there is likely to be a policy on this in due course.

RESOLVED: To discuss this matter at the next meeting.

16 **CAFE LEASE**

The Chair confirmed that the café lease would be discussed, in confidential session, at the next meeting when a comprehensive report has been prepared by officers.

17 **PARK IN THE DARK EVENT**

It was noted that a “park in the dark” event is planned for 26 October 2019. This will be the fourth such event and will take the same format as in previous years. An event management plan has been submitted to the Trust.

There was some discussion around health and safety matters and the merits of closing the park to enable set-up for the event.

RESOLVED: To take advice on this proposal and liaise with Tony Hickman the event organiser to finalise arrangements.

18 **DATE OF NEXT MEETING**

RESOLVED: That the next meeting be arranged once the skate park and tennis court leases and independent valuation report are available for formal approval.

The meeting ended at 8.00 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services