

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Alice Park Trust Sub-Committee</b>
MEETING/ DECISION DATE:	<b>22 January 2020</b>
TITLE:	<b>Alice Park Café Lease</b>
WARD:	<b>Lambridge</b>
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b> Appendix 1 – Advisory Note to Alice Park Trust Sub-Committee (exempt pursuant to Paragraph 3 of Schedule 12A Local Government Act 1972 (as amended) - information relating to the financial or business affairs of any particular person).	

### 1 THE ISSUE

1.1 The purpose of this report is to advise the Sub-Committee about the following issues:

- Summary of existing terms of the café lease.
- Advice on actions which need to be taken with regard to the lease and options which need to be considered before the termination date of the lease.
- Considerations regarding the lease end and occupation going forward.

### 2 RECOMMENDATIONS

2.1 The Alice Park Trust Sub-Committee is recommended to consider how it wishes to proceed with the renewal of the café lease.

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

3.1 It is incumbent on the Trust to achieve the best terms that can be reasonably obtained.

3.2 The cost for Property Services to undertake the marketing on behalf of the Trust would be £1,500 (based on an hourly rate) and would need instructions from the Trust to determine the parameters surrounding the proposed letting.

## 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 the 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 objective, 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 while minimising any conflict between the different uses to which the park is subject to under the terms of the Trust Deed.
- 4.4 Detailed reference to the requirements of the Charities Act 2011 will be needed.

## 5 THE REPORT

- 5.1 The advisory note from the Property Services Team sets out the issues that the Sub-Committee must consider regarding the renewal of the Alice Park Café lease.

## 6 OTHER OPTIONS CONSIDERED

- 6.1 A number of options are set out in the advisory note prepared by the Property Services Team.

## 5 CONSULTATION

- 5.1 The Section 151 and Monitoring Officer have had opportunity to review and input into this report.

## 6 RISK MANAGEMENT

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

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<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	