

BATH AND NORTH EAST SOMERSET

MINUTES OF CHARITABLE TRUST BOARD MEETING

Wednesday, 28th October, 2020

Present: Councillors Paul Crossley, Rob Appleyard, Paul Myers and Joanna Wright and Graham Page (Independent Member)

1 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

2 APOLOGIES FOR ABSENCE AND SUBSTITUTION

There were no apologies for absence.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

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

Mr Derek Swift had submitted some questions to the Board. Responses had been prepared and were circulated to members. *(Copy attached as an appendix to the minutes).*

6 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 29 January 2020 were confirmed as a correct record.

7 ALICE PARK TRUST UPDATE

Cllr Rob Appleyard, Chair of the Alice Park Trust Sub-Committee, gave an update covering the following issues:

- Some activity has taken place regarding the proposal for a 10-year plan to increase the stability of income for the Trust. The long-term aim is to reduce the reliance on the Council and to become more financially independent.
- The renewal of the Alice Park Café lease is close to being finalised.
- Over the summer, discussions have taken place with commercial users of the park. They will be entering into localised agreements to make a small

contribution to the upkeep of the park, in line with the adopted charging policy agreed by the Alice Park Trust Sub-Committee.

- Due to the Covid-19 crisis work on the public engagement model for the Trust has not yet progressed.
- The skatepark has now been constructed and the Trust is awaiting sign-off from RoSPA to ensure that safety procedures for both the sandpit area and skatepark are robust.
- The Sub-Committee has agreed the necessary steps to progress with the new tennis court proposals. The park is part of a three-site project. The Council is managing the legal aspects of this project and the Trust is looking forward to the provision of improved tennis facilities.

Graham Page stated that he welcomed the proposals for the commercial users of the park and queried how this would be enforced. Cllr Appleyard stated that it was important to ensure that all commercial park users are identified and brought into the charging process. It was acknowledged that this may take some time, but progress is being made.

Cllr Appleyard confirmed that two suitable locations have been agreed for the new noticeboards in the park and that he will liaise with Graham Page regarding their installation. He thanked Graham for his work on the provision of the notice boards.

RESOLVED: To note the update report.

8 ALICE PARK - ADMINISTRATIVE ISSUES

The Board considered a paper prepared by Graham Page, Independent Member, regarding administrative issues relating to the Alice Park Trust.

Cllr Page highlighted a number of issues in the paper and the following matters were discussed:

(a) Identity

- It was important to remember that the park is managed by the Alice Park Trust and not B&NES Council. This issue was highlighted in a recent letter from the Charity Commission. Many of the notices in the park are in the name of the Council and not the Trust. It was acknowledged that this was largely due to legacy issues.
- Michael Hewitt, Legal Team Manager, confirmed that the Trust is a separate legal entity from the Council. Future notices could be put up in the name of the Trust to ensure that this is clear.
- Graham Page also pointed out that policies which affect the park should be first approved by the Trust Sub-Committee. For example, a notice has recently appeared regarding food and drink in the children's play area, which was not agreed in advance by the Trust.

- Cllr Crossley agreed to raise these issues in his next meeting with the Parks Team.
- Cllr Appleyard pointed out that the Trust has a Service Legal Agreement with the Council for some aspects of the management of the park.

(b) Governance

- Cllr Appleyard confirmed that Sub-Committee members are fully aware of their responsibility to act in the best interests of the Trust when discussing matters relating to the park.
- Graham Page expressed concern about the dual roles of councillors and trustees. The quorum for the Sub-Committee is three Council members and, if there was a conflict of interest, he queried how matters could progress.
- Michael Hewitt confirmed that the Council is the sole corporate trustee and that it manages this function through the Alice Park Trust Sub-Committee. Individual members of the Sub-Committee are not Trustees in their own right. Under S13 of the Local Government and Housing Act 1989, only elected members can vote on the Sub-Committee. If there was a conflict of interest which meant that matters were unable to progress, then the Monitoring Officer could grant a dispensation to enable councillors to vote on that particular issue.
- Cllr Appleyard confirmed that the views of non-voting independent members would always be taken into account before making any decision.

(c) Responsibility of Trustees

- Concerns had been raised regarding the amount of space allocated for the use of children under 14, which is a requirement in the Trust document.
- Cllr Appleyard confirmed that the amount of space available for children has not diminished. The skatepark area is for children and so this space has simply been re-purposed.
- Graham Page also raised issues relating to safeguarding and the need to ensure that adults do not enter children's play areas unless they are accompanying children.
- Michael Hewitt explained that the Council carries out the necessary checks on anyone coming into contact with children as part of a specific role. However, other than health and safety requirements, there is no legal requirement to carry out checks on people in the park or to police the park. If members of the public had any safeguarding concerns, then they should inform the police who would be able to take any necessary action.

(d) Health and Safety

- Graham Page suggested that the Trust should have policies relating to issues such as drones, go-karts, scooters and barbecues in the park.
- Cllr Crossley also referred to the recent decision by the Council to ban sky lanterns and queried whether this would also cover Alice Park. Michael Hewitt confirmed that this policy would only cover the corporately run

parks and that the Alice Park Trust Sub-Committee would have to consider this issue separately.

- Cllr Wright informed the Board that e-scooters are now permitted in the centre of Bath, but that geo-fencing would prevent their use in parks. She felt that any rules relating to scooters would require careful thought as mobility scooters are also often used in parks.
- It was agreed that these issues should be discussed at the Alice Park Trust Sub-Committee in more detail bearing in mind that the park is a recreational area which allows a range of activities.

RESOLVED:

- (1) To note the report.
- (2) To ask the Alice Park Trust Sub-Committee to consider whether it wishes to put in place policies on issues such as drones, scooters, barbeques and sky lanterns at its next meeting.

9 FUTURE MEETING DATES

It was agreed that the next meeting will take place on Wednesday 3 February 2021 at 2.30pm via Zoom.

The Board also agreed that they would visit Alice Park, either at the skatepark opening event or at a suitable date in the summer.

The meeting ended at 2.50 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services