

Bath and North East Somerset Council – Alice Park Trust Sub-Committee

Leasing Arrangements between Bath and North East Somerset Council and Alice Park Trust

In 2019 the Alice Park Trust came to a twenty-five-year agreement with Bath and North East Somerset Council for the council to:

1. Lease the six tennis courts and refurbish them to modern-day standards,
2. Lease an area in the south-west corner to construct a skate park.

Both these proposals were submitted to the Charities Commission for approval which was given.

However, as the works progressed it has become clear that issues have arisen that are not referred to in the original lease agreement.

Tennis Courts:

The work on the tennis courts have included the provision of an electrical supply to power flood lights and the gate monitoring and payment system.

Some of this work has involved laying of electrical power cables outside the leased area and involves the tennis pavilion which was not part of the original agreement. Whilst this work is necessary it is important that a further agreement be entered into to ensure:

1. That formal permission is given (retrospectively) for that work to be undertaken,
2. The revised agreement assigns responsibilities between the Trust and the Council,
3. That the positioning of sub-soil works be properly surveyed and recorded for future reference,

All such work to be carried out the council's expense.

Comments from Officer

The works on the tennis courts have been completed.

The work on the tennis courts have included the provision of an electrical supply to power the gates system.

Some of this work has involved laying of electrical power cables outside the leased area and involved the tennis pavilion which was not part of the original agreement. Although I note that the tennis pavilion is included in the lease plan.

This work was necessary so will require a further agreement be entered into to ensure:

1. That formal permission is given (retrospectively) for that work to be undertaken.

2. The revised agreement assigns responsibilities between the Trust and the Council.

3. That the positioning of sub-soil works be properly surveyed and recorded for future reference.

Skate Park:

In 2019, when the lease was agreed, the positioning of the skate park and therefore the leased area was defined and agreed by both parties and the Charities Commission. When the skate park was constructed, it was in a position substantially different from that agreed. The revised positioning has never been formally agreed with the Trustees or the Charities Commission. The revised proposals are laid down in a map produced by Canvas in 2020 which has not to my knowledge ever been before the Charitable Trust Board or the Alice Park Trust Sub-Committee.

Comments from Officer

A copy of the most up to date lease is attached. This appears to show an updated location and plan for the skatepark.

Therefore, other liabilities that the Council have agreed to have not been fulfilled. These are referred to as a separate item.

General Access to Leased Facilities:

The Council provide a number of services to the benefit of the park i.e., horticultural and tree maintenance, litter collection, playground safety inspections. Clearly this involves Council Personnel and Vehicles entering the park on a routine basis. This access is part of a service level agreement. However, the legal position is that the park is Trust property.

The new leases therefore need to include provision to allow the Council and their agents access for maintenance purposes. It also requires the lease document to include safeguards for the Trust and to assign liabilities and responsibilities.

As a general point, council officers and staff should be made there is variation from existing agreements aware that Alice Park is not council property and when work is carried on by the council and their agents that in appropriate circumstances permission may be required if there is a variation from existing agreements.

Comments from Officer

This is best covered by updating the (out-of-date) service level agreement. That would capture significant changes: e.g., creating wildflower meadows or planting shrubs. Otherwise, Council Officers need some guidance as to the Trust's decision-making process relating to such management changes.

The Alice Park Trust Sub-Committee should look again at these agreements and carry out any necessary amendments to the existing leasing.

Graham Page

Independent Member of the Charitable Trust Board