

<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Charitable Trust Board</b>
MEETING:	<b>27 July 2023</b>
TITLE:	Report to Constitute the Alice Park Trust Sub-Committee
WARD:	Lambridge
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
Proposed terms of reference for the Alice Park Sub-Committee	

## **1 THE ISSUE**

- 1.1 To agree to constitute the Alice Park Trust Sub-Committee following the Local Government elections in May 2023 and to agree its membership in accordance with the Terms of Reference.

## **2 RECOMMENDATION**

- 2.1 To appoint members to the Alice Park Trust Sub-Committee in accordance with political proportionality and the terms of reference.

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

- 3.1 Allowances will be managed within the existing budget for member allowances although the scheme does not currently allocate a special responsibility allowance to members of the Alice Park Trust Sub-Committee. The Alice Park Trust has its own budget which is administered by an accountant within the Council's Finance Team.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The Alice Park Trust Sub-Committee will need to form, decide its priorities, and prepare to comply with the obligations imposed upon it by its Terms of Reference. In particular ensuring that the Trust files annual returns with the Charities Commission and that it reports annually to the Charitable Trust Board.

4.2 In accordance with the requirement for political proportionality, under Section 15 of the Local Government and Housing Act 1989, the membership should comprise three Liberal Democrat members (excluding the Cabinet Member for Neighbourhood Services to avoid any conflict of interest) in addition to the two ward members representing Lambridge. The membership also includes two non-voting independent member. Mary LaTrobe Bateman has been appointed as an independent member for a three-year term of office (ending on 12 October 2025). There is currently a vacancy for the other independent member position.

## **5 THE REPORT**

5.1 The Council is sole trustee for a number of Trusts including the Alice Park Trust in Bath (Schedule 1 of the Charitable Trust Board Terms of Reference). The Board will ensure the clear separation of the Council's interest as sole trustee of these charities and the Council's interests as a Local Authority.

## **6 RATIONALE**

6.1 The Board is a committee of the Council and will need to create sub committees to manage each Trust for which the council is sole corporate trustee and thereby demonstrate the decisions taken on their behalf, as sole trustee, are being independently taken in accordance with each Trust's objects and the duties it owes pursuant to the Charities legislation.

6.2 The Board must ensure that each Trust complies with its objects and charities legislation. To do this it will receive an annual report from each sub-committee which it creates to manage a specific Trust. The Board will then report to full Council on an annual basis to provide reassurance that the Council as sole corporate trustee is complying with its obligations.

6.3 As sole trustee of the Alice Park Trust (schedule 1 of the Charitable Trust Board Terms of Reference) the Council will constitute the Alice Park Trust sub-committee to ensure the objectives detailed in 6.2 above are being met.

## **7 OTHER OPTIONS CONSIDERED**

7.1 None

## **8 CONSULTATION**

8.1 Those consulted in preparing this report include the Leader of the Council, the Cabinet Member for Neighbourhood Services, Section 151 Officer and Council Monitoring Officer.

## **9 RISK MANAGEMENT**

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

## **10 CLIMATE CHANGE**

10.1A well-run park supports local biodiversity and can help cities be more resilient to climate change by improving air quality and absorbing carbon from the atmosphere.

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

**Schedule 1**  
**Charitable Trust for which the Council is sole trustee**

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The Alice Park

**Schedule 2**  
**Charitable Trust for which the Council is responsible**

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Weston Recreation Ground  
No.4, Circus  
Firs Field  
Free Fields (Rainbow Woods)  
Beechen Cliff  
Newbridge Meadows (Queen Elizabeth the Second Fields)  
Blackstones  
Innox Park  
Post Office Museum  
Former Radstock Infant School

**Proposed Alice Park Trust Sub Committee Terms of Reference**

The Sub-Committee shall discharge the Council's functions as sole corporate trustee in respect of the Alice Park Trust, the site and its resources in accordance with Trust's objects and the duties it owes pursuant to the Charities legislation.

To report to the Board on an annual basis in September of each year detailing the work undertaken by the Trust in the preceding year and confirming to the Board that the Trust has complied with the objects of the charity and the Charities Legislation.

Appointed by: The Charitable Trust Board

Membership:

- 3 Councillors from the membership of the Charitable Trust Board (excluding the Cabinet member for Community Services)
- Ward members(s) for Lambridge as co-opted non-voting members
- 2 non-voting independent members

Quorum: 3 voting members

The Sub-Committee may co-opt other non-voting members as appropriate.

Lead Officer            Group Manager – Neighbourhood and Environmental Services  
Deputy Officer        Team Manager – Parks and Bereavement Services

Decision Making Powers:

1. To discharge the Council's role as Corporate Trustee for the Alice Park Trust, in line with Charities Commission guidance. The objects of the Alice Park Trust are for use as a public park and children's recreation ground.
2. To agree the Trust's annual budget and business plan.
3. To approve the use of any reserves.
4. To agree the Trust's annual accounts.
5. To receive and respond to the audit findings relating to the annual accounts.
6. To receive reports on the effective day to day management and financial performance of the Trust.
7. To allow interested parties to give their view on the performance and direction of the Trust.