

BATH AND NORTH EAST SOMERSET

BOARD OF TRUSTEES OF THE RECREATION GROUND, BATH

Wednesday, 14th July, 2010

Present:

Councillors Chris Watt, David Hawkins and Vic Pritchard

28 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the emergency evacuation procedure as set out on the Agenda

29 APOLOGIES FOR ABSENCE

There were no apologies for absence

30 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

There were no declarations of interest made

31 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business

32 QUESTIONS AND STATEMENTS

Questions had been submitted by Steve Osgood and Ian Barclay, for reply at the meeting. The Chair referred to the purple Q&A sheet [*attached as Appendix 1 to the Minutes*] which had been placed in the public gallery before the meeting. The Chair at his prerogative agreed to accept supplementary questions and these, together with the answers provided, are included in the published Q&A sheet.

Statements were made by the following people and, where provided, are available on the Minute book:

- o Worthy Gilson [*a copy of the statement, including additional material not spoken at the meeting but submitted for consideration by the Trustees, is attached as Appendix 2 to the Minutes but not available on the web*]
- o Keith McGarrigle [*attached as Appendix 3 to the Minutes but not available on the web*]
- o Tony Hooper [*attached as Appendix 4 to the Minutes but not available on the web*]

Councillor Watt responded to Keith McGarrigle's point about the new cricket pitch by observing that the pitch had not been created for a single match, but after bedding in would be used next season for top class cricket. He was surprised to hear that the gates had occasionally remained unlocked and promised to pursue this. He pointed out that the parking issues were equally true of the croquet club as the rugby club and assured those present that it was the intention of the Trustees to ensure that parking would be properly enforced in future.

Councillor Watt, in response to Tony Hooper's statement, observed that the disposals referred to had taken place in 1995 – 15 years ago; were conducted by Bath City Council – a different authority from the one now being criticised; and that the current Trustees had held office only since 2007 so could not be held accountable for the actions of previous Trustees.

33 MINUTES - WEDNESDAY 14TH APRIL 2010

On a motion from Councillor Hawkins, seconded by Councillor Watt, it was

RESOLVED that the Minutes of the meeting of 14th April 2010 were confirmed as a correct record and signed by the Chair

34 UPDATE ON GENERAL MANAGEMENT ISSUES

The Chair asked the Strategic Director (Service Delivery), in his capacity as Trust Board Advisor, to introduce the item.

The Chair invited comments from the public.

Keith Davies said that he had an interest in ballooning and would like to know how many people would constitute a group large enough to be allowed to book the grounds for a flight.

Councillor Watt referred to paragraph 4.1 of the report, relating to balloon flights. He observed that ballooning was incompatible with certain other activities, particularly where the other activities were charitable and the ballooning was commercial in nature. It had been unacceptable that on one occasion a balloonist had interrupted a legitimate booking to use the grounds for take-off. However, balloonists could make a block booking, at the usual rate, so long as no charitable activity would be displaced.

Councillor Pritchard suggested that the Trustees could indicate their intention of continuing to allow ballooning, but at an increased fee of £50, not including any parking rights which would need to be negotiated separately.

Councillor Hawkins supported this.

Councillor Watt asked the Trust Board Advisor to explore ways of devising a package which would include ballooning rights and a specified number of inclusive parking places.

Councillor Watt then referred to paragraphs 4.2 of the report. He pointed out that the proposals already had planning approval in principle but now required the agreement of the Trustees. None of the proposals would require a disposal, so all could be decided at this meeting. He said that the Trustees would need to know whether the proposed scoreboard screen would swing round to enable it to be used for other events as well as cricket; and whether it would display advertising.

Councillor Pritchard said that any request to be allowed to display advertising must be subject to permission from the Trustees.

Councillor Watt asked the Trust Board Advisor to investigate existing controls over advertising on days other than match days.

Councillor Watt then referred to paragraphs 4.3 of the report, relating to grounds maintenance. He explained that there were two groundsmen, with different briefs, which led to confusion. There was an urgent need for a review of the use of resources with the aim of improving the service provided.

Councillors Hawkins and Pritchard agreed.

Councillor Watt referred to paragraph 4.4, relating to the letter from the Charity Commission. He asked the Legal Advisor to provide a context. The Legal Advisor explained that the Commission's two orders, described in the report, would remain in effect "until further review" and that the Trustees had an option to challenge this.

Keith Bray (Independent Advisor) observed that it would not be timely to challenge the orders while other negotiations were being pursued.

On a motion from Councillor Vic Pritchard, seconded by Councillor Chris Watt, it was

RESOLVED

(1) To note the report;

(2) To confirm their intention to continue to allow balloon flights to operate from the Recreation Ground and to ask the Strategic Director for Service Delivery to prepare proposals for an increased fee and stringent conditions to ensure that the Trust's charitable aims would not be compromised by any loss of public benefit;

(3) To approve the improvement works requested by the Rugby Club, subject to Charity Commission approval where required and subject to enquiries to be made by the Strategic Director for Service Delivery over the matter of any use of the new scoreboard for advertising purposes; and

(4) That the Trust would not at this point challenge the Charity Commission decision to leave in place orders dated 28th February 2007 and 31st March 2006; but to ask Keith Bray (Independent Advisor) to draft a reply pointing out the progress made by the Trustees in improving the management of the Trust; in obtaining appropriate advice; in enforcing the terms of the Trust Deed; and in complying with Charity Commission rulings; and that the Trustees anticipate that the Charity Commission will agree to withdraw the orders at some point in the future.

35 DAY TO DAY MANAGEMENT OF THE TRUST'S AFFAIRS

Councillor Watt introduced the item by observing that the existing management of the Recreation Ground was spread across the Council and that a focused and coordinated approach was now required.

On a motion from Councillor Hawkins, seconded by Councillor Pritchard, it was

RESOLVED

(1) To agree in principle the appointment of a dedicated Trust Administrator to deal with the booking of events, co-ordination of maintenance activity, invoicing of event fees/parking permits and general management of day to day activities for the Trust;

(2) To ask the Trust Advisor to produce a Business Case and to bring it to the next meeting of the Trustees.

36 OUTTURN REPORT FOR 2009/10 AND BUDGET PROPOSAL 2010/11

Councillor Watt pointed out that a replacement financial report had been provided which showed a slightly amended overdraft and an explanatory note. Copies of the replacement document had been provided in the public gallery.

Councillor Watt asked if there were any questions from the public.

Keith Davies asked how the £1500 for locking gates had been calculated, since on occasions the gates had been left unlocked all night.

Councillor Watt said that he would investigate the circumstances in which this had happened. He observed that £1500 worked out at about £1.50 per visit, which he felt was extremely good value.

On a motion from Councillor Watt, seconded by Councillor Hawkins, it was

RESOLVED

(1) To note the outturn for 2009/10; and

(2) To approve the budget for 2010/11.

37 LETTINGS UPDATE

Councillor Watt introduced the list of scheduled bookings published with the agenda and welcomed the fact that there was an increased use of the grounds for cricket amongst other things.

On a motion from Councillor Watt, seconded by Councillor Pritchard, it was

RESOLVED

(1) To note the position with the lettings update; and

(2) That the charging structure and process is reviewed by the Trust in October 2010 to evaluate the implications of these changes.

38 UPDATE ON PROGRESS WITH CHARITY COMMISSION

Councillor Watt gave a verbal update on negotiations with the Charity Commission and answered some questions. He confirmed that the public benefit would be uppermost in the minds of Trustees when making decisions about the future. He also gave an assurance that as soon as a negotiated long-term solution had been

agreed with the Charity Commission, the beneficiaries of the Trust would be fully informed of the details.

In reply to a question about the appointment of additional Trustees from members of the public, Councillor Watt observed that this was the responsibility of Council, not of the existing Trustees.

On a motion from Councillor Pritchard, seconded by Councillor Hawkins, it was

RESOLVED

(1) To note the verbal report from the Chair.

The meeting ended at 2.40 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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**RECREATION GROUND TRUST BOARD MEETING
14th JULY 2010**

The following Statements and Questions had been registered by the time of publication.

REGISTERED SPEAKERS

There were 3 notices of intention to make a statement at the meeting.

- Worthy Gilson
- Keith McGarrigle
- Tony Hooper

QUESTIONS AND ANSWERS - PUBLIC

01

Question from:	Steve Osgood
<i>In the event Bath Rugby seek to terminate their present lease in 2015, do Trustees have a financial strategy for maintaining the property and the objectives of the Charity?</i> Five years is not far ahead!	
Answer from:	Councillor Chris Watt
Bath Rugby Club have given no indication that they have any intention of unilaterally waiving their rights under the existing lease which has 60 years unexpired term remaining. Like most organisations the Trust has considered various contingency plans should circumstances change and the Trustees are satisfied that they will be able to continue fulfil the objectives of the Charity	
The Chair, at his prerogative, agreed to accept a supplementary question from Steve Osgood:	
Supplementary Question from:	Steve Osgood
The Trust's Independent Advisor has referred to the possibility that the trust might be removed from the Register of Charities. When will this be?	
Answer from:	Councillor Chris Watt
There is no such proposal. We are fully complying with all of the notifications of the Charity Commission and intent to continue in this way.	

02

Question from:	Ian Barclay
<p>In April 2009, the Council announced that in principle it had agreed to transfer Firs Field Combe Down to the Recreation Ground Trust.</p> <p>Has the Trust progressed this proposal, has the Trust discussed the proposal with the Charity Commission and if so what was the Commission's response, and what is the current position of the proposal given the reported uncertainty over the future of Bath Rugby at the Rec.?</p>	
Answer from:	Councillor Chris Watt
<p>The Trust is considering a number of options and is in discussion with the Charity Commission about how best to resolve the current abuse of Trust property caused by the presence of the Rugby Club on the Recreation Ground.</p> <p>The concept of a land exchange has been considered by the Trustees, discussed with the Charity Commission and is being considered by them. This may or may not involve Firs Field. If terms could be agreed that would be acceptable to the Trust, this will be a matter for the Council to resolve as they own the land.</p>	