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## BATH AND NORTH EAST SOMERSET

### BOARD OF TRUSTEES OF THE RECREATION GROUND, BATH

Wednesday, 13th April, 2011

Present:

Councillors Chris Watt, David Hawkins and Vic Pritchard

#### **59 EMERGENCY EVACUATION PROCEDURE**

The Chair drew attention to the Emergency Evacuation Procedure

#### **60 APOLOGIES FOR ABSENCE**

There were no apologies for absence

#### **61 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972**

There were none

#### **62 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none

#### **63 QUESTIONS AND STATEMENTS**

Statements were made by the following people (copies are available on the Minute book, if provided);

- Worthy Gilson
- Keith McGarrigle (read by Jill McGarrigle)
- Tony Hooper
- Peter Downey
- Danny Sacco

Questions had been submitted in advance of the meeting from;

- Ian Barclay
- Agnes Melling

Responses were printed in the Q&A document which was available at the meeting.

#### **64 MINUTES - 16TH DECEMBER 2010**

Councillor Pritchard asked for clarification regarding the Charity Commission's 31<sup>st</sup> March deadline (minute number 57, 5<sup>th</sup> paragraph) which had clearly now passed without any submission to the Charity Commission. Councillor Watt explained that the 31<sup>st</sup> March deadline, or any such date is agreed, was part of the order. The

Board had remained in contact with the Commission on progress and there had been nothing to indicate that they weren't content with the current proposals.

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

**RESOLVED** that the Minutes of the previous meeting of 16<sup>th</sup> December 2010, (including the exempt minutes) were confirmed as an accurate record and signed by the Chair.

## **65 UPDATE ON GENERAL MANAGEMENT ISSUES**

The Board considered a report giving them an update on general management issues at the Recreation Ground.

The Chair wished to pass the Board's congratulations to the Grounds maintenance team who had recently received an award from the Institute of Groundsmanship – Public Sector Sports Ground of the Year. This reflected their hard work in maintaining the grounds despite a wide range of demands being placed upon them, and spells of severe weather.

Councillor Watt also informed the meeting that the litter on the bank, which had been the subject of recent correspondence, had now been cleared.

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

**RESOLVED** to note the contents of the report.

## **66 LETTINGS UPDATE**

The Board considered the update on lettings made since the last report to the Board at its October 2010. Councillor Watt updated the meeting regarding the arrangements for the Somerset County Cricket Club and the associated cricket events taking place in July.

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

**RESOLVED** to note the position with the lettings update.

## **67 COMMERCIAL NEGOTIATIONS WITH THIRD PARTIES**

The Chair introduced this item and explained why the Board needed to move into exempt session for this item.

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

**RESOLVED**

1. to agree the Public Interest test document; and
2. that, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt

information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, as amended.

The public then left the room.

Following discussion, it was moved by Councillor Watt, seconded by Councillor Pritchard and

## **RESOLVED**

1. to note the contents of the report;
2. to agree to consult on proposals to regularise activities that take place on the Recreation Ground; and
3. to note and confirm the existing authorisation given to the Strategic Director for Service Delivery at the meeting on 16<sup>th</sup> December 2010 to negotiate with the Rugby Club and the Charity Commission.

## **68 RE-ADMITTANCE OF THE PUBLIC**

The public were re-admitted to the room, and copies of the Consultation document were distributed.

## **69 LAUNCH CONSULTATION ON FUTURE USES OF THE RECREATION GROUND**

The Chair introduced this item and referred to the consultation document that had been made available. He ran through the purpose of the consultation and the key points contained within the document. He acknowledged that some activities would be affected but explained that there would be sufficient space to accommodate these activities at the Lambridge site, and it could offer enhanced sporting opportunities due to the larger space available.

With regard to the abuse presented by the Leisure Centre, the Charity Commission have previously indicated that they agree that a cy-pres situation has occurred and this could be regularised by changing the objects to include indoor activities if submitted as part of the whole scheme. The Commission would need to agree that the total benefits offered were enough to outweigh the detriment created by the two abuses.

Councillor Watt ran through the events planned as part of the consultation, and explained that the consultation document would be available online, as well as at the Guildhall, the Rugby Club, the Leisure Centre and the Library. Copies were also being sent to all regular users of the Rec. After 2 weeks, the Board would review the responses received thus far, and produce an FAQ document which would be available online. Following the close of the consultation, the Board planned to hold a meeting in early July to consider the responses and confirm to the Charity Commission if they wanted to seek to change the charitable objects and regularise the position.

The Chair explained that he would be available following the close of the meeting for any questions, and permitted some questions at that point.

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

**RESOLVED**

1. to note the contents of the report; and
2. to agree to launch an 8 week public consultation on the Trustees proposals to resolve the issues arising from the High Court decision in 2002.

The consultation document is available at;

<http://www.recreationgroundtrust.org.uk/bathRecLandUseConsultation.htm>

The meeting ended at 6.25 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

**RECREATION GROUND TRUST BOARD MEETING**  
**13<sup>th</sup> APRIL 2011**

The following people have registered to make a statement at this meeting;

- Worthy Gilson
- Keith McGarrigle (read by Jill McGarrigle)
- Tony Hooper
- Peter Downey
- Danny Sacco

**QUESTIONS AND ANSWERS - PUBLIC**

**01**

<b>Question from:</b>	Ian Barclay
Please would the Trust Chairman provide an update on "Recreation Ground Land Swap Issues" addressing The Recreation Ground, Firs Field, The Lambridge Training Ground and any other sites being considered, so that the current position is well conveyed to the Trust beneficiaries. .	
<b>Answer from:</b>	Councillor Chris Watt
The purpose of the meeting is to launch a public consultation document which specifically addresses this question.	

**02**

<b>Question from:</b>	Agnes Melling
<p>i) What is the cost of the 8 week consultation?  ii) Who is paying for it?  iii) If BANES is paying for it, which budget is it coming from?  iv) Who has compiled the Questionnaire?</p> <p>"How many copies of the consultative document are to be printed and to whom are they going to be given?"</p> <p>Also on a different subject,</p> <p>1 .Have the Trustees consented to Bath Rugby seeking a declaration regarding</p>	

	<p>the 1922 Covenants?</p> <p>2. Have the Bath Trustees consented to Bath Rugby seeking discharge of one of the 1922 Covenants?</p>	
	<b>Answer from:</b>	Councillor Chris Watt
	<p>i) The cost is expected to be £10,000.</p> <p>ii) As instructed by the Charity Commission, the Trust has commissioned the work. However, the Trust will be seeking to recover costs from Bath Rugby Club.</p> <p>iii) No agreement has been reached with the Council to recover costs.</p> <p>iv) The document has been drafted by the Trust's advisers and approved by the Trustees</p> <p>1) &amp; 2) Bath Rugby Club does not require the Trust Board's approval to protect its leasehold interest</p>	

**Access to Information Arrangements****Exclusion of access by the public to Council meetings**

Information Compliance Ref: LGA-11-006
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Meeting: Bath Recreation Trust Board
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Date: 13 April 2011
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Author: Glen Chipp
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Report / Appendix Title/s: <b>Position in Respect of the Leisure Centre</b>
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*Indicate which of the following categories the report / appendix falls in to.*

1. The report / appendix constitute confidential information, and the meeting must therefore resolve to exclude the public.

Confidential information is defined as:

- I. Information furnished to the council by a Government department upon terms which forbid the disclosure of the information to the public;
- II. Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

2. The report / appendix constitutes exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:
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<input checked="" type="checkbox"/> 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
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The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the meeting resolve to exclude the public. The paragraphs below sets out the relevant public interest issues in this case.

Factors for withholding:

- Discussion of the issues referred to in the report will reveal commercially sensitive information about negotiations in relation to the activities carried out on the recreation ground. The Trust Board's ability to fully consider these issues prior to consultation with the public would be hindered by access to these deliberations at this stage.

Factors for disclosure:

- There is a high level of public interest in proposals for the Bath Recreation ground which is held in trust for the benefit of the people of Bath.

Reasons why the public interest favours disclosure:

- The public will be informed about any action the Board decides to take in relation to this report by way of a consultation exercise. Exposure to public scrutiny at this stage may hinder negotiations and limit the actions which the Board may be able to take to meet the objects of the charitable trust. Organisations should be allowed breathing space to negotiate and establish what options are available before opening their deliberations up to public scrutiny.





By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



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of the Local Government Act 1972.

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