

Democratic Services

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Date: 5 April 2011

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To: All Members of the Board of Trustees of the Recreation Ground, Bath

Councillor Chris Watt
Councillor David Hawkins
Councillor Vic Pritchard

Chief Executive and other appropriate officers
Press and Public

Dear Trustee

Board of Trustees of the Recreation Ground, Bath: Wednesday, 13th April, 2011

You are invited to attend a meeting of the **Board of Trustees of the Recreation Ground, Bath**, to be held on **Wednesday, 13th April, 2011 at 5.00 pm** in the **Kingston Room - Pump Room, Bath**.

The agenda is set out overleaf.

Yours sincerely

Jo Morrison
for Trust Board

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Jo Morrison who is available by telephoning Bath 01225 394358 or by calling at the Riverside Offices Keynsham (during normal office hours).
2. **Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Jo Morrison as above.

3. **Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Jo Morrison as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

4. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
6. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Board of Trustees of the Recreation Ground, Bath - Wednesday, 13th April, 2011

at 5.00 pm in the Kingston Room - Pump Room, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

To receive any declarations from Members/Officers of personal or prejudicial interests in respect of matters for consideration at this meeting. Members who have an interest to declare are asked to:

- a) State the Item Number in which they have the interest;
- b) The nature of the interest;
- c) Whether the interest is personal, or personal and prejudicial.

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. QUESTIONS AND STATEMENTS

6. MINUTES - 10TH DECEMBER 2010 (Pages 5 - 10)

7. UPDATE ON GENERAL MANAGEMENT ISSUES (Pages 11 - 12)

This paper gives the Trustees an update on general management issues at the Recreation Ground.

8. LETTINGS UPDATE (Pages 13 - 18)

This paper gives the Trustees an update on the lettings made since October 2010.

9. COMMERCIAL NEGOTIATIONS WITH THIRD PARTIES

The Board is expected to move into exempt session for this discussion and will be invited to move the following recommendation;

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.

10. LAUNCH CONSULTATION ON FUTURE USES OF THE RECREATION GROUND (Pages 19 - 22)

The Board will be asked 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 Committee Administrator for this meeting is Jo Morrison who can be contacted on 01225 394358.

BATH AND NORTH EAST SOMERSET

BOARD OF TRUSTEES OF THE RECREATION GROUND, BATH

Thursday, 16th December, 2010

Present:

Councillors Chris Watt, David Hawkins and Vic Pritchard

51 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the Emergency Evacuation Procedure.

52 APOLOGIES FOR ABSENCE

There were no apologies for absence.

53 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

There were none.

54 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

55 QUESTIONS AND STATEMENTS

Statements had been submitted by the following members of the Friends of the Recreation Ground (copies of which are available on the Minute book);

- Worthy Gilson
- Keith McGarrigle
- Tony Hooper

Councillor Andy Furse regretted that there had been no papers available for the meeting; he wanted to know about the costs associated with the consultation and how the questions would be set. Without a report, he felt there was no transparency for the beneficiaries of the Trust.

56 MINUTES

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

RESOLVED that the Minutes of the previous meeting were confirmed as an accurate record and signed by the Chair.

57 LAUNCH CONSULTATION ON FUTURE LAND USES AT THE RECREATION GROUND

The Chair introduced this item by explaining that the Charity Commission have stated that they believe that the Trust is at a point where it is ready to apply for a new scheme which must be done by 31st March 2011. The Commission have also made clear that the Trust is required to consult with the beneficiaries on the main aspects of the plans.

The consultation exercise will have to involve a detailed description of any Trust land involved and, if there are detriments from land lost to the beneficiaries, it will need to be clear what land might be available to balance these detriments.

The consultation will last for 8 weeks and will involve a range of activities such as publication of paperwork, website entries, public meetings, surveys etc.

The Trust has a duty to resolve the abuses that exist and it is appropriate to use the Trust's resources to bring about this resolution. It is reasonable for the Trust to expect that any body that may benefit from a resolution of the current abuses to contribute to the cost of any consultation on the matter, which could include the Council and the Rugby club. The consultation document will be designed by the Trust to seek the views of beneficiaries on the Trusts proposals to resolve the existing abuses.

Councillor Watt explained that the new ownership of the Rugby club had brought clarity to the club's demands and the Trust now needed to review these to see if they could accommodate these within the framework set by the Strategic Review. The Board did not consider the 31st March deadline to be optional so would be starting the consultation exercise very soon.

The Chair apologised that, due to the number of parties involved and the situation changing up until the point of the meeting, it had not been possible to produce written proposals for the meeting. He then opened the meeting up for further questions – key points arising from these are set out below;

- Third parties will have no input in influencing the content of the consultation document and questions;
- Advice for drafting the consultation document would come from the Trust's independent Advisor, legal Counsel, the Strategic Director and officers with experience of running effective consultation exercises;
- The Trust will not run a separate consultation exercise regarding land at Firs Field as this is a matter for the Council not the Trust;
- In considering land values, the Trust would take into consideration the size, displaced activities, utility and commercial value and would be advised by independent valuers.

Due to the commercial sensitivity of the discussions that were needed (as set out in the Public Interest test document circulated to the meeting), the Chair explained that the meeting would now be moving into exempt session.

58 EXCLUSION OF THE PUBLIC

It was moved by Councillor Chris Watt, seconded by Councillor David Hawkins and

RESOLVED 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 meeting ended at 8.00 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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

Document is Restricted

Bath & North East Somerset Council			
MEETING:	The Board of Trustees of the Recreation Ground, Bath		
MEETING DATE:	13 th April 2011	AGENDA ITEM NUMBER	
TITLE:	The Recreation Ground, Bath - Update on General Management issues		
WARD:	All		
AN OPEN PUBLIC ITEM			
List of attachments to this report:			

1 THE ISSUE

1.1 This paper gives the Trustees an update on general management issues at the Recreation Ground.

2 RECOMMENDATIONS

The Trust Board is asked to:

2.1 Note the contents of this report.

3 FINANCIAL IMPLICATIONS

3.1 Any financial implications have been noted within the content of this report.

4 THE REPORT

4.1 Independent Review of Accounts

To comply with Charity Commission requirements the Trustees have agreed to appoint John Barker to carry out an independent review of the annual statement of accounts. A letter of engagement is being drafted..

4.2 Parking Enforcement

Parking enforcement has been implemented in accordance with the Traffic Regulation Order for The Rec. This has identified some unauthorised parking which has now been regularised

5 RISK MANAGEMENT

5.1 The report author and the Trust Board members have fully reviewed the risk assessment related to the issues in this report, in compliance with the Council's decision making management guidance.

5.2 The appointment of an independent reviewer is necessary to comply with Charity Commission requirements

6 RATIONALE

6.1 General Management fulfils the terms of the Trust

7 OTHER OPTIONS CONSIDERED

7.1 All information is contained within the report.

8 CONSULTATION

8.1 Open Spaces and Parking Services, Bath and North East Somerset Council.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

9.1 General Management fulfil the terms of the Trust.

10 ADVICE SOUGHT

10.1 Open Spaces and Finance Services, Bath and North East Somerset Council.

Contact person	<i>Glen Chipp - Trust Board Adviser - 01225 394567</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council		
MEETING:	The Recreation Ground Trust	
MEETING DATE:	13 th April 2011	AGENDA ITEM NUMBER
TITLE:	Lettings Report	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Schedule of lettings at April 2011		

1 THE ISSUE

1.1 This paper gives the Trustees an update on the lettings made since the last report to the Board at its October 2010 meeting.

2 RECOMMENDATION

The Bath Recreation Ground Trust agrees that:

2.1 The position with the lettings update is noted.

FINANCIAL IMPLICATIONS

2.2 Lettings provide a source of part of the income of the Trust

3 CORPORATE PRIORITIES

- Building communities where people feel safe and secure
- Improving life chances of disadvantaged teenagers and young people

4 THE REPORT

4.1 Attached as Appendix 1 is a summary of the lettings granted on the Recreation ground since October 2010 and known future lettings.

5 RISK MANAGEMENT

- 5.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

6 EQUALITIES

- 6.1 An equalities impact assessment is not required in this instance as the report is for information.

7 RATIONALE

- 7.1 Lettings fulfil the terms of the Trust and provide income to contribute towards its running costs.

8 OTHER OPTIONS CONSIDERED

- 8.1 "None", as the report is for information only.

9 CONSULTATION

- 9.1 Sport & Active Leisure and Environmental Services have been consulted.

10 ISSUES TO CONSIDER IN REACHING THE DECISION

- 10.1 Social Inclusion; Customer Focus; Sustainability; Human Resources; Property; Young People; Human Rights; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations

11 ADVICE SOUGHT

- 11.1 None sought on the basis that this report is for information only.

Contact person	Graham Evans – Parks & Estates Manager – 01225 396873
Sponsoring Cabinet Member	<i>Councillor Chris Watt</i>
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

BATH RECREATION GROUND

LETTINGS UPDATE AS AT APRIL 2011

October 2010

Bath Rugby Beer Marquee – 1, 10

Bath Rugby – 1, 10,

Bath Mini Rugby -3, 10, 24, 31

Bath Lacrosse – 9, 16, 30

Bath University Lacrosse – 13

Bath Ladies Lacrosse - 17

November 2010

Rotary Club annual fireworks display – 4

Bath Rugby – 5, 21

Bath Mini Rugby – 7, 14

Bath Lacrosse – 13, 20, 27

Bath Rugby Sponsors Marquee + Beer Marquee - 27

December 2010

Bath Rugby – 18, 26

Bath Mini Rugby – 12,19

LETTINGS FOR 2011

January

Bath Rugby Fanzone – 8

Bath Rugby Sponsors Marquee - 29

Bath Rugby – 8, 15, 29

Bath Lacrosse - 22

Bath Mini Rugby – 9, 23, 30

Bath Rugby coaching - 26

February

Bath Rugby Sponsors Marquee – 19

England U20's v Italy U20's - 11

Bath Rugby – 19

Bath Lacrosse – 5, 12

Bath Mini Rugby – 6, 13, 20, 27

March

Bath ½ Marathon - 6

Bath Rugby Sponsors & Beer Marquee - 26

Bath Rugby – 26

Bath Mini Rugby – 13, 20, 27

Bath Rugby Community Foundation coaching - 26

April

Bath Rugby Sponsors Marquee - 16

Bath Rugby – 9, 16

Bath Lacrosse - 2

Bath Mini Rugby – 3, 10, 17

Bath Rugby Community Foundation coaching – 15, 16, 18

May

Bath Rugby – 7

Bath Mini Rugby - 1

Bath Rugby Family Fun Day – 7

Bath Rugby Sponsors Marquee – 7

Coffee Festival – 21 & 22

Bath Fringe Spiegeltent – 27 May to 5 June

June

Bath ASU Sponsored Walk – Macmillan Cancer Support – 11 & 12

Kwik Cricket Competition for Girls – 21

Big Swim/Aquathon – 25 & 26

July

SCC - 4

Bath Rugby 7's Tournament - 15

Annual Whitefield Volleyball Tournament – 23 & 24

August

Bath Triathlon – 20 & 21

Bath Rugby Family Fun Day - 26

September

Annual Bath Lacrosse Tournament – 3 & 4

November

Bath Rotary Club Annual Fireworks Display – 4 or 5

Bath & North East Somerset Council		
MEETING:	Bath Recreation Trust Board	
MEETING DATE:	13 th April 2011	AGENDA ITEM NUMBER
TITLE:	Launch of Consultation	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report		
1. Consultation Document		

1 THE ISSUE

1.1 A High Court decision in 2002 confirmed that The Rec was a Charitable Trust. This created two problems:

- The Council run leisure centre does not comply with the Charity's purpose which is to maintain the land as an open space for sports, recreation, etc.
- The disposal of the Charity assets for the use of a commercial organisation (in this case a lease to Bath Rugby Club) is not permitted

Both of these arrangements were entered into in good faith by the old Bath City Council after being advised by legal Counsel that a charitable trust did not exist. Nevertheless, the court decision means the Charity has a responsibility to put right these two actions.

The Charity's proposals for solving these problems means a change of set up at The Rec. It aims to obtain additional land to make up for the land leased to the Rugby Club. This land can be used for activities that can not take place at The Rec because the Rugby Club is based there. The Trustees believe that the proposal provides benefits that outweigh the detriments caused by the presence of the Leisure Centre and the Rugby Club.

2 RECOMMENDATION

The Trust Board is asked to:

2.1 Note the contents of this report

2.2 Agree to launch an 8 week public consultation on the Trustees proposals to resolve the issues arising from the High Court Decision in 2002

3. FINANCIAL IMPLICATIONS

- 3.1 The main financial implication arising from the decision to conduct a public consultation is the cost of the consultation exercise. It is anticipated that this will be recovered so there is no net cost

4. CORPORATE PRIORITIES

- 4.1 The proposals in this report support the following corporate priorities:
- Improving transport and the public realm
 - Building Communities where people feel safe and secure
 - Promoting the independence of older people
 - Improving the life chances of disadvantaged children and younger people

5. THE REPORT

5.1 The Trustees have been in discussion with Bath Rugby and the Council and are anticipating reaching outline agreement on a proposal which:

- (a) Resolves both abuses of the Charity's land,
- (b) Positions the Charity as financially viable and with sufficient assets and income to pursue its charitable purpose,
- (c) Improves accessibility to the Charity's assets by providing an additional site,
- (d) Retains the Leisure Centre with no proposed changes for the foreseeable future
- (e) Accommodates Bath Rugby's aspiration to increase stadium capacity.

The east stand of the new stadium will remain removable so that The Rec can still be managed as an open space during the summer months.

This new arrangement could displace current and potential future activities. The Trustees aim to make available additional land that is sufficient size and utility to accommodate any potential displacement of activities

6. RISK MANAGEMENT

- 6.1 The report author and Trust Board members have fully reviewed the risk assessment related to the issues in this report, in compliance with the Council's decision making management guidance

7. EQUALITIES

- 7.1 The proposals in this report increase access to land available for the pursuit of the Trust's Charitable Objectives, which are open to all. Vulnerable groups are specifically catered for.

8. CONSULTATION

- 8.1 The Trustees have consulted with Bath Rugby Club and the Council Corporate about these proposals before recommending full public consultation.

9. ISSUES TO CONSIDER IN REACHING THE DECISION

- 9.1 The Charity Commission require the Trust Board to consult on proposals.

10. ADVICE SOUGHT

- 10.1. Section 151 Officer, Monitoring Officer advice is being sought along with the Trust's independent adviser and Legal Counsel. This will be presented at the meeting.

Contact person	<i>Glen Chipp - Trust Board Adviser - 01225 394567</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	

