

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

BOARD OF TRUSTEES OF THE RECREATION GROUND, BATH

Thursday, 29th November, 2012

Present: Councillor David Dixon in the Chair
Councillors Simon Allen and Tim Ball

Also attending: Councillors Manda Rigby and Brian Webber

21 EMERGENCY EVACUATION PROCEDURE

The Administrator drew attention to the emergency evacuation procedure

22 APOLOGIES FOR ABSENCE

There were no apologies for absence

23 DECLARATIONS OF INTEREST

There were none

24 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none

25 QUESTIONS AND STATEMENTS

The Chair referred to notice of Questions given by Councillor Brian Webber which, together with the answers, had been circulated at the meeting. (The document is attached as *Appendix 1* to these Minutes). A number of speakers had given notice to make statements and they proceeded to do so. (Copies of statements, where provided, are included on the Minute Book). He informed the meeting that notice of a Question had been given by Jon Harrop, Bath Lacrosse Club, and this and the reply had been included on the Questions and Statements document which had also been circulated. (The Question and Statement document is attached as *Appendix 2* to these Minutes).

26 DRAFT SCHEME FOR THE RECREATION GROUND

The Board considered the report of the Lead Advisor to the Recreation Ground Trust informing that the Charity Commission had issued a draft Scheme which would alter the trusts of the Recreation Ground charity and which, if confirmed, would enable the trustees to resolve the breaches of the existing trusts arising from the lease to Bath Rugby Club and the Leisure Centre being on Trust land.

The Lead Advisor to the Recreation Ground Trust introduced his report and stated that the draft Scheme by the Charity Commission was an “enabling” scheme and provided a framework for the Trust to go forward. It would resolve the current

problems with the objectives of the Trust and existing land uses. The timetable was determined by the Charity Commission and the Scheme would be published tomorrow and give one month in which representations can be made to the Charity Commission. He emphasised that this was not a new consultation and not a planning application or a property transaction but would deal with the uses of the land and constitution.

The Recreation Trust Project Adviser gave a power point presentation which covered the issues of the Objects of the Trust, Conflicts with the Objects, Strategic Review Options, Increases due to Lambridge and the Main Features of the Scheme. The draft Scheme had been slightly amended since the despatch of the Agenda papers and a revised version had been circulated. He stated that representations would need to be sent to the Charity Commission (details of how to do this were in the Report) but Officers and Members were available to assist with enquiries and explanations. Copies of the leaflet "The Future for the Rec", together with plans showing the existing land use of the Recreation Ground and an indicative reconfiguration of the Ground showing activities and opportunity for additional activities, were available for members of the public to take away; further copies could be made available on request.

The Chair stated that he was willing on this occasion to take questions from the floor. The members of the public asked their questions about the use of Lambridge Training Ground (land swap), the draft Scheme, the Leisure Centre and the Rugby Club to which Officers responded. Councillor Manda Rigby also asked various questions to which the Chair responded. Councillor Dave Laming requested that, as Ward Member for Lambridge, he be included in any matters involving the Training Ground.

The Chair reiterated some of the main points of the draft Scheme. Councillor Tim Ball stated that this was a draft Scheme by the Charity Commission which would give enabling powers to a reconstituted Trust. Therefore, if confirmed, this could be the last meeting of the Trust as currently set up. He supported the proposals of the Charity Commission and therefore moved approval of the Recommendations as set out in paragraph 2.1 (i) – (iv) of the report. The motion was seconded by Councillor Simon Allen and on being put to the vote was carried unanimously.

RESOLVED to

- (1) Note the provisions of the draft Scheme;
- (2) Note and endorse the response to the draft Scheme sent by the Chair of the Trustees;
- (3) Note and endorse the Communications Plan to support the publication of the Scheme; and
- (4) Note and endorse the text of the explanatory leaflet to be made available during the period of the publication of the Scheme.

27 DATE OF NEXT MEETING

The Chair stated that the date of the next meeting would not be decided at this time pending the decision of the Charity Commission on the proposed new arrangements for the Trust Board.

The meeting ended at 7.35 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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NOTICE OF QUESTIONS BY COUNCILLOR BRIAN WEBBER
BATH RECREATION GROUND TRUST BOARD
THURSDAY 29TH NOVEMBER 2012

Question 1

There have been hints over recent months that the possibility of extending the membership of the Board to include persons other than Councillors drawn from the Council's Cabinet was being looked into but the draft Scheme envisages a much more radical change with the Council's nominees reduced to a minority of 2 out of 7. In private discussions and correspondence which have taken place between the 3 Members of the Board and the Charity Commission, where did this radical idea originate – from the Charity Commission's side or from the Board's side?

Suggested Response

A widening of the representation on the trustee body has been an important element of the Charity Commission's requirements for a Scheme.

Question 2

From Councillor Dixon's published letter, it is evident that the draft Scheme has been in possession of the Board since 24th October and the Board were able to give a considered response on 6th November. Why did the draft Scheme become public knowledge only on 21st November?

Suggested Response

In line with their normal practice, the Charity Commission prepared a preliminary draft of a Scheme on which the trustees could comment. To publish the preliminary draft at that stage would have been premature.

Question 3

How should the term "user charity group" be interpreted? Will it include residents associations such as the Pulteney Estate Residents Association or the Federation of Bath Residents Association? Will the user groups participate in some form of election process among themselves or will their representative be chosen for them by, say, the Charity Commission or the Council?

Suggested Response

Our understanding is that "charity user groups" refers to those charitable organisations who lease or licence land at the Rec, together with those sports clubs and recreational organisations who regularly book the Rec during the playing season.

Question 4

Two trustees are to be nominated from among “local recreational bodies”. How is that term to be interpreted?

Suggested Response

Our understanding is that the term refers to independent bodies expert in the operation of recreation grounds. The nominating bodies for these two trustees are specifically defined in the current version of the draft Scheme.

Question 5

Has the Charity Commission replied to the question in Councillor Dixon’s letter of 6th November enquiring whether the co-option of 2 trustees is to be a mandatory or permissive power?

Suggested Response

Yes. The two co-opted trustees are mandatory.

Question 6

When the charity, under its revised purposes, takes possession of the Sports and Leisure Centre and the car park below it, does it expect (on the basis of the Council’s experience) to acquire a loss-making burden or a profit-making operation?

Suggested Response

The Leisure Centre, including the car park, below has tended to break even in recent years. That has been the average experience at outturn taking into account client and contractor costs in recent years, with variations of about £75k between years, up or down. The Leisure Centre would benefit from improvement and neither the Trust nor the Council has so far provided this.

The Scheme does not indicate how the running of the Leisure Centre will be regulated but instead permits the existing uses to continue. It is the interests of the Trust to agree a way forward that provides a sustainable arrangement so that the existing uses can continue and hopefully be improved. This matter is referred to in the Trust’s letter to the Charity Commission included within the Agenda. The Scheme permits the Trust to invest in the Leisure Centre.

Question 7

Will the current sole trustee, namely, the whole of Bath and North East Somerset Council, be given an opportunity to debate the proposed relegation of its role to that of mere custodian trustee? If so, will the consultation period be held open until after the next scheduled Council meeting on 17th January 2013?

Suggested Response

As the sole trustee currently, the Council (acting as it must through the Trust Board) has, as part of its proposed decision, accepted that the basis on which the land is held will change. Once that substantive decision is made, its consequential implementation will be a matter for the Divisional Director Property Services acting under delegated powers in accordance with normal practice.

Question 8

Is it reasonable to carry out a public consultation on the draft Scheme in the month of December when most people's attention will be on the Christmas festivities?

Suggested Response

The Charity Commission utilise a one month publication period for their draft Schemes.

Question 9

Is it the case that the leaflet, which the Board will be invited to endorse, is already being printed?

Suggested Response

The explanatory leaflet is being printed so that it can be available at the same time as the draft Scheme is published. The text of the leaflet was approved by the trustees before it was finalised for printing.

Question 10

Bearing in mind that Bath and North East Somerset Council is the sole trustee according to the Charity Commission's public register, which is the correct title for the present set-up: Board of Trustees of the Recreation Ground or Bath Recreation Ground Trust Board?

Suggested response

The correct title is: Board of Trustees of the Recreation Ground, Bath.

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**RECREATION GROUND TRUST BOARD MEETING
29th NOVEMBER 2012**

The following people have registered to make a Statement at this meeting concerning the use of the Recreation Ground and the report the subject of this meeting:

- Keith McGarrigle
- Jill McGarrigle
- Worthy Gilson (Friends of the Recreation Ground)
- Nigel Websper (Pulteney Estate Residents Association)
- Robert Wilkins
- David Dolman
- Henry Brown (Federation of Bath Residents Associations)

QUESTION AND ANSWER - PUBLIC

01	Question from:	Jon Harrop (Bath Lacrosse Club)
	The Bath Lacrosse Tournament (the biggest short-format event of its kind in Europe) takes place on the Recreation Ground on the first Saturday in September. For numerous reasons, it is not possible to run this event at Lambridge. What proposals does the Trust have to preserve the Lacrosse Tournament?	
	Answer from:	Chair of the Board
	The agreement with the rugby Club is that they always notify the RFU/Premiership that they require any "away" fixture for the first Saturday in September. This is to accommodate the traditional date for the Lacrosse Tournament. This is assumed to be the position for 2013. We would be happy to work with Bath Lacrosse to accommodate their requirements to remain on the Recreation Ground. In order to establish the new Constitution, the Trustees will need to work closely with all users to meet its charitable objective.	

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