

**Democratic Services**

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Date: 6 March 2013

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

Councillor David Dixon

Councillor Simon Allen

Councillor Tim Ball

**Observer:** Councillor Brian Webber

Chief Executive and other appropriate officers

Press and Public

Dear Trustee

**Board of Trustees of the Recreation Ground, Bath: Thursday, 14th March, 2013**

You are invited to attend a meeting of the **Board of Trustees of the Recreation Ground, Bath**, to be held on **Thursday, 14th March, 2013** at **6.30pm** in the **Council Chamber - Guildhall**.

A Pre-Meeting for the Board will be held at 5.30pm in the Cabinet Room, 2<sup>nd</sup> Floor, Guildhall.

The agenda is set out overleaf.

Yours sincerely



David Taylor  
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 David Taylor who is available by telephoning Bath 01225 394414 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 David Taylor 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 David Taylor 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 - Thursday, 14th March, 2013**

**at 6.30pm in the Council Chamber - Guildhall**

**A G E N D A**

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. QUESTIONS AND STATEMENTS

6. MINUTES: 4TH OCTOBER AND 29TH NOVEMBER 2012 (Pages 7 - 14)

To approve as a correct record the Minutes of the meetings held on Thursday 4<sup>th</sup> October and Thursday 29<sup>th</sup> November 2012

7. UPDATE ON GENERAL MANAGEMENT ISSUES (Pages 15 - 22)

To note the report of the Adviser to the Bath Recreation Ground Trustees relating to general management issues at the Recreation Ground

8. EVENTS AND SPORTS LETTING UPDATE (Pages 23 - 30)

To note the report of the Parks and Estates Manager relating to lettings at the Recreation Ground

9. REPAIRS AND MAINTENANCE PROGRAMME (Pages 31 - 40)

To (1) approve the works and consequent expenditure for the Repairs and Maintenance Programme as outlined in the report; and (2) note the schedule of long term works proposed for the period 2013 to 2017 with a view to carrying them out as soon as finances permit

10. A MANAGEMENT PLAN FOR THE RECREATION GROUND (Pages 41 - 44)

To agree to the start of preparatory work for a Management Plan for the Trust's land

11. RECREATION GROUND TRUST WEBSITE (Pages 45 - 48)

To (1) approve the design and structure of the new website; (2) endorse the initial cost of the new website and approve the on-going hosting and domain name costs; (3) approve the proposed arrangements for managing the site; and (4) support the evolutionary development and improvement of the site

12. 2012/13 BUDGET MONITOR AND 2013/14 BUDGET (Pages 49 - 56)

To (1) note the expenditure in the 2012/13 Budget Monitor (Appendix 1); and (2) approve the 2013/14 Budget (Appendix 2)

13. DATE OF NEXT MEETING

To consider a date for the next meeting of the Board

The Administrator for this meeting is David Taylor who can be contacted on 01225 - 394414

**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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## **DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING**

### **BATH AND NORTH EAST SOMERSET**

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

Thursday, 4th October, 2012

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

Also attending: Councillors Manda Rigby and Brian Webber

#### **11 EMERGENCY EVACUATION PROCEDURE**

The Administrator drew attention to the emergency evacuation procedure

#### **12 APOLOGIES FOR ABSENCE**

There were no apologies for absence

#### **13 DECLARATIONS OF INTEREST**

There were none

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

There was none

#### **15 QUESTIONS AND STATEMENTS**

The Chair referred to Questions received from David Greenwood and his replies which had been circulated to Members and the public.

#### **16 MINUTES: THURSDAY 21ST JUNE 2012**

The Minutes of the previous meeting were confirmed as an accurate record and signed by the Chair

#### **17 UPDATE ON GENERAL MANAGEMENT ISSUES**

The Chair stated that Councillor Nathan Hartley had been replaced by Councillor Simon Allen as Trustee. He introduced new Officers attending the Board, namely, Andrew Pate (who had replaced Glen Chipp) as Adviser to the Board of Bath Recreation Ground Trustees and Tim Darsley as Recreation Ground Trust Project Adviser. He also introduced Tom Reed recently appointed as Development Officer for the Recreation Ground Trust who gave a brief account of his role.

The Board considered the report of the Adviser to the Bath Recreation Ground Trustees which provided an update on general management issues at the Recreation Ground. The Chair expanded on the issues raised and particularly drew attention to the significant progress made towards agreeing a scheme with the

Charity Commission based on proposals on which consultation had taken place last year. It was expected that the Commission would publish details later this year after which the Board would meet and there would be a further period of consultation on the scheme.

Members briefly discussed the repeat theft of the lead roofing to the turnstiles in William Street.

**RESOLVED** to note the report

## **18 EVENTS AND SPORTS LETTINGS UPDATE**

The Board considered a report by the Parks and Estates Manager which provided an update on lettings made at the Recreation Ground since the report to the last meeting of the Board.

The Chair briefly commented on the programme of events which promote the use of the Recreation Ground and provide a source of income for the Trust.

**RESOLVED** to note the report

## **19 2011/12 REVENUE ACCOUNT, BALANCE SHEET AND AUDITORS ACCOUNT AND 2012/13 BUDGET MONITOR**

The Board considered the report of the Assistant Management Accountant which gave details of the Recreation Ground 2011/12 financial outturn spend against budget, 2011/12 Balance Sheet, 2011/12 Auditors Report and the 2012/13 budget monitoring position.

The Chair drew attention to the funding of £30,000 required for the implementation phase of the strategic review.

Members approved the report and its recommendations and accordingly:

**RESOLVED** to:

- (1) Approve the Financial Accounts for 2011/12 as set out in Appendices 1 and 2 to the report;
- (2) Note the Auditors Report for 2011/12 as set out in Appendix 3 to the report;
- (3) Note the expenditure to 31<sup>st</sup> August 2012 on the 2012/13 budget as set out in Appendix 4 to the report; and
- (4) Approve the funding to finalise the strategic review implementation of £30,000 for 2012/13.

## **20 DATE OF NEXT MEETING**

The Chair stated that, once details of the proposals for the Recreation Ground had been received from the Charity Commission, a meeting of the Board would be arranged at short notice for discussion thereof.

The meeting ended at 6.39 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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| <b>Bath &amp; North East Somerset Council</b>                                 |   |  |
|---|---|--|
| <b>MEETING:</b>   | <b>Bath Recreation Ground Trust Board</b>                             |  |
| <b>MEETING DATE:</b>  | <b>14 March 2013</b>  | <b>EXECUTIVE FORWARD PLAN REFERENCE:</b> |
|   |   | <b>E 2531</b>                            |
| <b>TITLE:</b>   | <b>The Recreation Ground Bath Update on General Management Issues</b> |  |
| <b>WARD:</b>  | <b>Abbey</b>  |  |
| <b>AN OPEN PUBLIC ITEM</b>  |   |  |
| <b>List of attachments to this report:</b>                                    |   |  |
| <b>Appendix 1 – Trust’s Objection to Town &amp; Village Green Application</b> |   |  |

**1 THE ISSUE**

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

**2 RECOMMENDATION**

2.1 The Trust Board is asked to note the contents of this report.

**3 FINANCIAL IMPLICATIONS**

3.1 Any financial implications are contained within the content of the report.

**4 THE REPORT**

**4.1. Draft Scheme:**

The Charity Commission published a draft Scheme for the Recreation Ground on 30 November 2012. The Scheme would enable the Trust to proceed with its proposal for the future of the Rec. To accompany the draft Scheme, the Trust published an explanatory booklet which gave the background to the matter and set out the details of the Trust’s proposal.

The draft Scheme and the booklet were publicised in the press at the start of the publication period and at several times during the period.

The booklet was made available throughout Bath and North East Somerset, with copies prominently displayed at seven libraries, four leisure centres, two one-stop shops and the Guildhall. The booklet, together with questions and answers and other relevant information, was published on the Trusts's website during the publication period. The Chairman of the Trustees held an open house surgery in the Bath One Stop Shop on 19 December.

The publication period closed on 31 December. The Charity Commission received 1868 representations on the Scheme. Of these, 1624 (87%) were in support and 244 (13%) objected to it. This response was very similar to that of the 2011 consultation, and is regarded as confirming that earlier exercise.

Since there were a number of objections, the draft Scheme has been referred to the Commission's Decision Review procedure. It is understood that this will be completed during April 2013.

#### **4.2. Tree Works:**

Routine works to the trees alongside the river were carried out in the week commencing 14 January. Two replacement birch trees were planted. Further pruning works to the trees on the boundary with the Bowling Club are planned to take place before the commencement of the Croquet and Tennis seasons. Some unauthorised pruning to the conifers adjacent to the turnstiles has taken place, resulting in the need to plant some laurel bushes. The future tree inspection and maintenance programme is dealt with in the repairs and maintenance report elsewhere in this agenda.

#### **4.3. Town or Village Green Application:**

The Trust has lodged an objection to an application submitted to the Council as Registering Authority (appendix 1). It is the view of the trustees that town green status would severely limit the Trust's ability to manage its land in a way that fulfils its objectives.

#### **4.4. General Maintenance:**

Some minor works have recently been undertaken, such as the removal of old defunct sheds, the clearance of old furniture from the Cricket Pavilion and the repair of fencing panels. The repairs and maintenance report deals with recent surveys carried out and the programme of works needed to bring the Trust's assets into a good state of repair.

#### **4.5. Grounds Maintenance:**

Despite the exceptionally bad winter weather, the ground is holding up relatively well. There have been issues which have needed to be addressed, namely;

- damage to the corner of one of the lacrosse pitches,
- small areas of subsidence in car park area, and
- damage caused to the outfield last year. Repairs have commenced but won't be completed until after the Bath Half Marathon.

**5. RISK MANAGEMENT**

5.1 The report author and Trust Board Members 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. Actions taken on behalf of the Trust take regard to equalities issues and legislation.

**7. RATIONALE**

7.1. The report aims to update the Board on general management issues at the recreation Ground.

**8. OTHER OPTIONS CONSIDERED**

8.1. Not applicable.

**9. CONSULTATION**

9.1. Advice and input has been sought from the Officers supporting the Trust within the Open Spaces, Finance and Property Services Sections of Bath and North East Somerset Council.

**10. ISSUES TO CONSIDER IN REACHING THE DECISION**

10.1. They are contained within the report.

**11. ADVICE SOUGHT**

11.1. The Council's Monitoring Officer and Section 151 Officer have been notified of this report and have had the opportunity to input to it.

|  |  |
|--|--|
| <b>Contact person</b>  | Andrew Pate, Trust Board Advisor – 01225 477300 or Margaret Masling Administrator to the Trust– 01225 477005   |
| <b>Sponsoring Trustee</b>  | <i>Councillor David Dixon</i>  |
| <b>Background papers</b>   | <a href="#">26th November 2012 Report to Board of Trustees to the Recreation Ground &amp; Minute</a><br>Town & Village Green Application Notice and Plan |
| <b>Please contact the report author if you need to access this report in an alternative format</b> |  |

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In the Matter of

An Application to Register

The Recreation Ground, Bath,

As a New Town or Village Green

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OBJECTION STATEMENT

of BATH AND NORTH EAST SOMERSET COUNCIL

as SOLE TRUSTEE

of THE RECREATION GROUND, BATH TRUST

25th February 2013

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**Andrew B. Reed**

**Property Manager, Solicitor,**

**Bath and North East Somerset Council.**

**ref VRC/13/5/wp/S4/Recreation Ground Bath Objection Statement**

In the Matter of  
An Application to Register  
The Recreation Ground, Bath,  
As a New Town or Village Green

OBJECTION STATEMENT  
of BATH AND NORTH EAST SOMERSET COUNCIL  
as SOLE TRUSTEE  
of THE RECREATION GROUND, BATH TRUST

25<sup>th</sup> February 2013

**Introduction**

[1] This is the objection statement of Bath and North East Somerset Council (B&NES) to the application dated 11<sup>th</sup> November 2012 of Mr. J Sparrow to register the Recreation Ground, Bath as a new town or village green (TVG) pursuant to s. 15(2) of the Commons Act 2006 (CA 2006). In this matter the Council is acting in its role as Sole Trustee to the Recreation Ground, Bath Trust.

[2] This objection statement is a holding objection since this objector's enquiries into the relevant facts are still continuing. A supplemental objection statement will be served in due course unless the application is in the meantime rejected on paper consideration.

[3] The onus of proof lies on the applicant for registration of a new TVG, it is no trivial matter for a landowner to have land registered as a TVG, and all the elements required to establish a new TVG must be "properly and strictly proved"<sup>1</sup>.

[4] This objection statement will address the requirements for registration under CA 2006 s. 15(2) in the following order:

- The "locality/neighbourhood" requirement
- The "significant number" requirement
- The "lawful sports and pastimes (LSP)" requirement
- The "20 years" requirement, and
- The "as of right" requirement.

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<sup>1</sup> *R v Suffolk CC ex p Steed* (1996) 75 P&CR 102 at p 111 per Pill LJ approved by Lord Bingham in *R (Beresford) v Sunderland City Council* [2004] 1 AC 889 at para. 2

### **The “locality/neighbourhood” requirement**

[5] Although the answer to Q6 of the application form confuses the issue of who uses the application land with the issue of who is entitled to use the application land, it is thought that the applicant intends to rely on the City of Bath as the relevant locality or alternatively the relevant neighbourhood with the locality of B&NES. This objector does not dispute that the City of Bath is a neighbourhood within the locality of B&NES.

### **The “significant number” requirement**

[6] Persons who use the application land for LSP by virtue of leases or tenancy agreements granted to sports clubs etc. or by attending events organised or authorised by B&NES as Trustee are doing so by permission of B&NES as Trustee and are not qualifying users for TVG purposes. They must be discounted in applying the “significant number” test. The application must rely on unauthorised users of the Recreation Ground for informal recreation. Even if, which is denied, these residual users are qualifying users, this objector does not accept that they amount to a significant number of the inhabitants of the City of Bath. The evidence adduced by the applicant falls far short of proving this proposition. It consists of the statements of only seven witnesses, three of which are incomplete, and none of which satisfactorily addresses the volume of qualifying use. Further, no evidence is adduced of the population of the City of Bath from which it is possible to form a view as to whether the users constitute a significant number of the inhabitants of the City of Bath.

[7] Further, many substantial parts of the application land, such as the leisure centre, clubhouse, grandstands and rugby pitch are and have not been available for unauthorised informal recreation. They cannot have been subject to any qualifying use at all.

### **The “lawful sports and pastimes (LSP)” requirement**

[8] This objector accepts that informal recreation as well as formal sports and games amounts to LSP.

### **The “20 years” requirement**

[9] This objector does not accept and puts the applicant to proof that there has been qualifying use throughout the relevant 20 year period (1992-2012). The few statements adduced in support of the application are insufficient to prove such use. Indeed, the statements recognise that the claimed qualifying use has been interrupted: see para. 11 below.

### **The “as of right” requirement**

[10] Any unauthorised use of the closed parts of the application land, such as the buildings, must have been forcible and not as of right.

[11] Any use of the application land by virtue of the leases and tenancies to sports clubs or by authority of B&NES as Trustee has been permissive and not as of right. Further, the applicant's witnesses themselves confirm that they have been excluded from the application land on frequent occasions each year. See for example the answers to Qs 30-31a of the EQs of Mr. Greenwood and Mrs. Kilner, page 3 of the Addendum to the application signed by the applicant and dated 15<sup>th</sup> December 2012 and pages 3 and 4 of Appendix 8 to the application. Such an exclusion, whether relating to the whole or part of the application land, gives rise to an implied grant to the public of permission to use the land when not so excluded: *R (Mann) v Somerset County Council* [2012] EWHC B14 (Admin). Such impliedly permissive use is not "as of right".

[12] In the alternative, insofar as such use has not been permissive, it has been "by right" as opposed to "as of right". The application land is held by this objector on the trusts of the 1956 Conveyance forming Appendix 2 to the present application. These trusts were construed by the High Court in *B&NES v HM A-G* [2002] EWHC 1623 (Ch). The overriding nature of the trust is a charitable trust for public recreation. Insofar as the exercise of the trustee's powers and duties has resulted in the application land's being available for informal public recreation, the public have a right under the charitable trusts to use the land for such recreation. There is a close analogy with the public use for informal recreation of a recreation ground provided by a local authority under housing powers: *Barkas v North Yorkshire County Council* [2012] EWCA Civ 1373. No valid distinction can be made between legal rights conferred by statute and legal rights conferred by a charitable trust. In both cases, the landowner is given a power to make land available for public recreation. In both cases, prescription is inappropriate in view of the existence of a legal right (under statute or a trust) to carry out the relevant activity.

### Conclusion

[13] It is submitted that, for the reasons explained above, the application is bound to fail and should be rejected on paper consideration. If the CRA does not feel able to reject the application on paper consideration, there are issues of fact to be resolved which require consideration at a non-statutory public inquiry.

Signed for and on behalf of B&NES as Sole Trustee to the Recreation Ground, Bath Trust

Signature:



Name: Andrew Reed

Position: Property Law Manager, B&NES – Trust Adviser

| <b>Bath &amp; North East Somerset Council</b>                            |   |  |
|--|---|--|
| <b>MEETING:</b>  | <b>Bath Recreation Ground Trust Board</b> |  |
| <b>MEETING DATE:</b>   | <b>14 March 2013</b>                      | <b>EXECUTIVE FORWARD PLAN REFERENCE:</b> |
|  |   | <b>E 2533</b>                            |
| <b>TITLE:</b>  | <b>Events and Sports Lettings Update</b>  |  |
| <b>WARD:</b>   | <b>Abbey</b>                              |  |
| <b>AN OPEN PUBLIC ITEM</b>   |   |  |
| <b>List of attachments to this report:</b>                               |   |  |
| Appendix 1 – Schedule of events and sports lettings at January 2013      |   |  |
| Appendix 2 – Schedule of events and sports lettings up to September 2013 |   |  |

**1 THE ISSUE**

- 1.1 This report gives the Trustees an update on the lettings made and proposed since the last report to the Board at its October 2012 meeting.

**2 RECOMMENDATION**

- 2.1 It is recommended that the lettings update is noted.

**3 FINANCIAL IMPLICATIONS**

- 3.1 Lettings provide a source of the income of the Trust. Appendix 2 includes the income generated by each letting to date.

**4 THE REPORT**

- 4.1 Attached as Appendix 1 is a summary of the lettings programme for the Recreation Ground up to September 2013 which includes provisional bookings.
- 4.2 Appendix 2 provides a list of the events and sports bookings for the twelve month period up to January 2013. This includes a number of cancellations due to the adverse weather.

## **5 RISK MANAGEMENT**

- 5.1 The report author and Trust Board Members 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 has not been completed as the report is for information only.

## **7 RATIONALE**

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

## **8 OTHER OPTIONS CONSIDERED**

- 8.1 No other options have been considered as the report is for information only.

## **9 CONSULTATION**

- 9.1 The Sports and Active Lifestyles, Tourism Leisure and Culture and Environmental Sections of Bath and North East Somerset Council have been consulted.

## **10 ISSUES TO CONSIDER IN REACHING THE DECISION**

- 10.1 The effective use of the Recreation Ground in accordance with the charitable objectives; the costs and incomes relating to the lettings.

## **11 ADVICE SOUGHT**

- 11.1 None, as report is for information only.

|  |   |
|--|---|
| <b>Contact person</b>  | <i>Graham Evans, Parks &amp; Estate Manager tel. 396873</i> |
| <b>Sponsoring Cabinet Member</b>   | <i>Councillor David Dixon</i>                               |
| <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> |   |

BATH RECREATION GROUND 12 MONTH EVENT PROGRAMME

February 2013

Bath Rugby – 9,16

Bath Mini Rugby – 3 (Cancelled by rain), 17, 24

Bath Lacrosse – 2 (Cancelled by rain), 9, 23

Bath Rugby HITZ – 12,13,

Bath Rugby Community Team – 16

March 2013

Bath Rugby – 1, 30

Bath Mini Rugby – 10, 17

Bath Lacrosse – 16, 23

Bath Half Marathon – 3

White Wine Arts Trail - 31

April 2013

Bath Rugby – 6, 20

Bath Rugby United – 8, 16

Bath Mini Rugby – 14, 21, 28 (FESTIVAL)

May 2013

Club cricket – 4,8,16

Bath Fringe Spiegelentent – 21 to 31

June 2013

Bath Fringe Spiegelentent – 1 to 5

Cycling Event PROV – 21 to 23

Club cricket – 6,13,15,27,29

R.U.H Family Fun Day PROV - 8

July 2013

Whitefield Volleyball Tournament - 19 to 21

Club cricket – 11,13,25,28

August 2013

Club cricket – 1,7,10,11,22

Somerset CC match – 15

Bath Rugby 7's - 9

September 2013

Annual Bath Lacrosse Tournament – 7

Fight for sight charity walk PROV - 20



BATH RECREATION GROUND: Previous 12 month bookings and events programme

February 2012

Bath Rugby – 11 (£1410.00), 18 (£2,530.00)

Bath Mini Rugby – 19 (£210.00), 26 (£210.00)

Bath Lacrosse – 26 (2 matches) (£140.00)

March 2012

Bath Rugby – 3 (£1,410.00), 9 (£500.00), 31 (£2,390.00)

Bath Rugby Varsity match – 24

Bath Half Marathon – 11 (£4,600.00)

Bath Mini Rugby – 18 (£105.00)

Bath Lacrosse – 3 (£70.00), 17 (£70.00)

Bath Lacrosse Ladies – 4 (£70.00)

Widcombe Junior School Sport Relief Mile – 23 (No charge)

April 2012

Bath Rugby 21 (£3,270.00)

Bath Rugby v Royal Navy – 3

Bath Rugby Combination Plate & Cup -23

Bath Mini Rugby – 1 (£210.00), 15 (£210.00), 22 (£455.00), (29 *Cancelled due to wet weather*)

May 2012

Bath Rugby Community Team (coaching) -5 (£70.00)

Bath Fringe Spiegel tent – 26 to 31 (£1,680.00)

Cricket – 20 (£70.00) , 22 (£70.00)

## June 2012

Bath Fringe Spiegeltent - 1 -12 (£1,680.00)

Cricket – 20 (£70.00), 30 (£70.00)

Bike Bath – 22 to 24 (£840.00)

Bath Rugby Foundation coaching – 28 (£35.00)

## July 2012

Widcombe Junior School Reserve Sports Day -12 (£50.00)

Whitefield Volleyball Tournament 28, 29 (£3,150.00)

## August 2012

Bath Rugby 7's Tournament – 3 (£3,310.00)

Bath Rugby Friendlies – 11 (£1,630.00), 24 (£1,630.00)

Paralympics Festival – 25 (£1,400.00)

Cricket – 12 (£50.00)

Bath Mini Rugby – 23 (£35.00)

## September 2012

Bath Lacrosse Annual Tournament – 1 (£1,267.00)

Bath Rugby – 8 (£1,410.00), 14 (£1,130.00), 29 (£1,410.00).

Bath Mini Rugby – 2 (£175.00), 9 (£175.00), 16 (£175.00), 23 (£175.00), 30 (£175.00)

Security for Olympic/Paralympic Open Top Bus Tour – 12 (£70.00)

## October 2012

Bath Rugby – 27 (£1,410.00)

Bath Mini Rugby – 14 (£175.00), 28 (£175.00)

Bath Lacrosse PROV – 6 (£70.00), 13 (£140.00) 20 (£70.00)

## November 2012

Bath Rugby – 5 (£570.00), 10 (£1,410.00), 23 (£1,130.00)

Bath Mini Rugby – 4 (Cancelled by ice/snow), 18 (£175.00)

Bath Lacrosse – 10 (£70.00), 17 (£70.00)

Bath Rotary Fireworks – 3 (£700.00)

December 2012

Bath Rugby – 8 (£1,410.00), 22 (£570.00)

Bath Mini Rugby – 2 (£175.00), 9 (£175.00) 1

Bath Lacrosse - 1 (£140.00)

January 2013

Bath Rugby – 12 (£1,410.00), 19 (£1,410.00), 26 (£1,410.00)

Bath Mini Rugby – 6 (£175.00), 13 (£175.00), 20 (Cancelled by snow)

Bath Lacrosse – 19 (Cancelled by snow), 26 (Cancelled by rain)

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| <b>Bath &amp; North East Somerset Council</b>  |   |  |
|--|---|--|
| <b>MEETING:</b>  | <b>Bath Recreation Ground Trust Board</b> |  |
| <b>MEETING DATE:</b>   | <b>14 March 2013</b>                      | <small>EXECUTIVE FORWARD PLAN REFERENCE:</small> |
|  |   | <b>E 2532</b>                                    |
| <b>TITLE:</b>  | <b>Repairs and Maintenance Programme</b>  |  |
| <b>WARD:</b>   | <b>Abbey</b>                              |  |
| <b>AN OPEN PUBLIC ITEM</b>   |   |  |
| <p><b>List of attachments to this report:</b></p> <p>Appendix 1 – Recreation Ground Plan</p> <p>Appendix 2 – Schedule of reports undertaken at the Recreation Ground</p> <p>Appendix 3 – Required works 2013/14</p> <p>Appendix 4 – Methodology and criteria for determining tree inspection frequencies</p> <p>Appendix 5 – Long Term works 2013 - 17</p> |   |  |

**1 THE ISSUE**

1.1 This report deals with the proposed repairs and maintenance programme for the Recreation Ground and also includes the roles and responsibilities to cover Health and Safety requirements.

**2 RECOMMENDATION**

2.1 It is recommended that the Board approves the works and the consequent expenditure regarding; the repairs and maintenance work required in 2013/14, the annual health and safety and repairs and maintenance inspections, the annual tree inspections and the weekly health and safety and repairs and maintenance inspections.

2.2 It is recommended that the Board notes the schedule of long term works proposed for the period 2013 to 2017, with a view to carrying them out as soon as finances permit.

### **3 FINANCIAL IMPLICATIONS**

3.1 It is to be noted that the cost of the Repair and Maintenance works excludes fees. The costs given below are approximate figures and may be subject to formal tender.

3.2 The financial implications arising as a result of this report are:

- £14,650 - The cost of the required Repair and Maintenance works (2013/14), as set out in Appendix 3.
- £2,220 – The cost of the annual inspections for Health and Safety and Repairs and Maintenance, as set out in Appendix 2.
- £100 - The cost of the annual inspections of trees.
- £3,380 - The annual cost of weekly buildings inspections as detailed in paragraph 4.5 (b).
- £103,650 – The cost of 2013-17 long term works as detailed in Appendix 5.

### **4 THE REPORT**

4.1. The Trust is responsible for ensuring that the premises and grounds are fit for purpose and has an inspection and Repairs & Maintenance programme to support this. The areas shaded on the plan in Appendix 1 have been excluded for the purposes of this report as they are the responsibility of other parties (such as the Drama, Croquet and Rugby clubs) and not the Trust regarding Repairs and Maintenance and Health and Safety matters due to lease arrangements.

4.2 It should be noted that when the ground is booked the hirer takes on responsibility for the Health and Safety of those taking part and using the facilities that have been hired.

4.3 A summary of the Health & Safety and Repairs & Maintenance reports undertaken at the Recreation Ground are set out in Appendix 2. As a result of these reports some immediate works were needed and have been commissioned. Work that needs to be undertaken in financial year 2013/14 is detailed in Appendix 3. The works identified in Appendix 3 are planned works, reactive items are not detailed as these cannot be identified in advance and thus have not been included.

4.4 A further list of works required over the next 5 years is detailed in Appendix 5.

#### 4.5 Buildings:

- a) *Overview of current position:* The reports detailed in Appendix 2 have been undertaken at the Recreation Ground. The frequency of these reports is also detailed. Works required immediately have been commissioned and works which are required for 2013/14 are shown in Appendix 3. Works required over the next 5 years are detailed in Appendix 5.
- b) *Monitoring/inspection:* As a result of on-going Health and Safety and Repairs and Maintenance the following monitoring regimes have been put in place:
- Legionella testing – Prior to any letting of the Pavilion
  - Fire Risk Assessment – weekly
  - Alarm Testing – weekly
  - The keeping and managing of the records of all the testing undertaken at the site.

#### 4.6 Trees:

- a) *Overview of Current Position:* The trees on the Recreation Ground are currently inspected according to the Methodology and Criteria for Inspection Frequency as detailed in Appendix 4 taking into account the tree's age, condition and dimensions. The frequency of the inspections will vary dependent on the health and age of trees.
- b) *Monitoring/inspecting:* The current regime of regular inspections will be continued and any works identified required for public safety will be carried out. A 5 year programme of tree works will be produced taking into account the findings and recommendations of the management plan. Annual tree inspections will be undertaken.

### 5 RISK MANAGEMENT

- 5.1 The report author and Trust Board members 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 The management plan for the site will address the accessibility of the Trust's facilities to all users and will recommend any works needed to the site.

## **7 RATIONALE**

7.1 The Health and Safety and the Repairs and Maintenance works are required at the site in order to ensure the Recreation Ground is safe and fit for use.

## **8 OTHER OPTIONS CONSIDERED**

8.1 All information is contained within the report.

## **9 CONSULTATION**

9.1 Open Spaces, Finance and Property Services Sections of Bath & North East Somerset Council.

## **10 ISSUES TO CONSIDER IN REACHING THE DECISION**

10.1 The effective management of the Health and Safety and the Repairs and Maintenance works is in the best interests of the beneficiaries of the Trust.

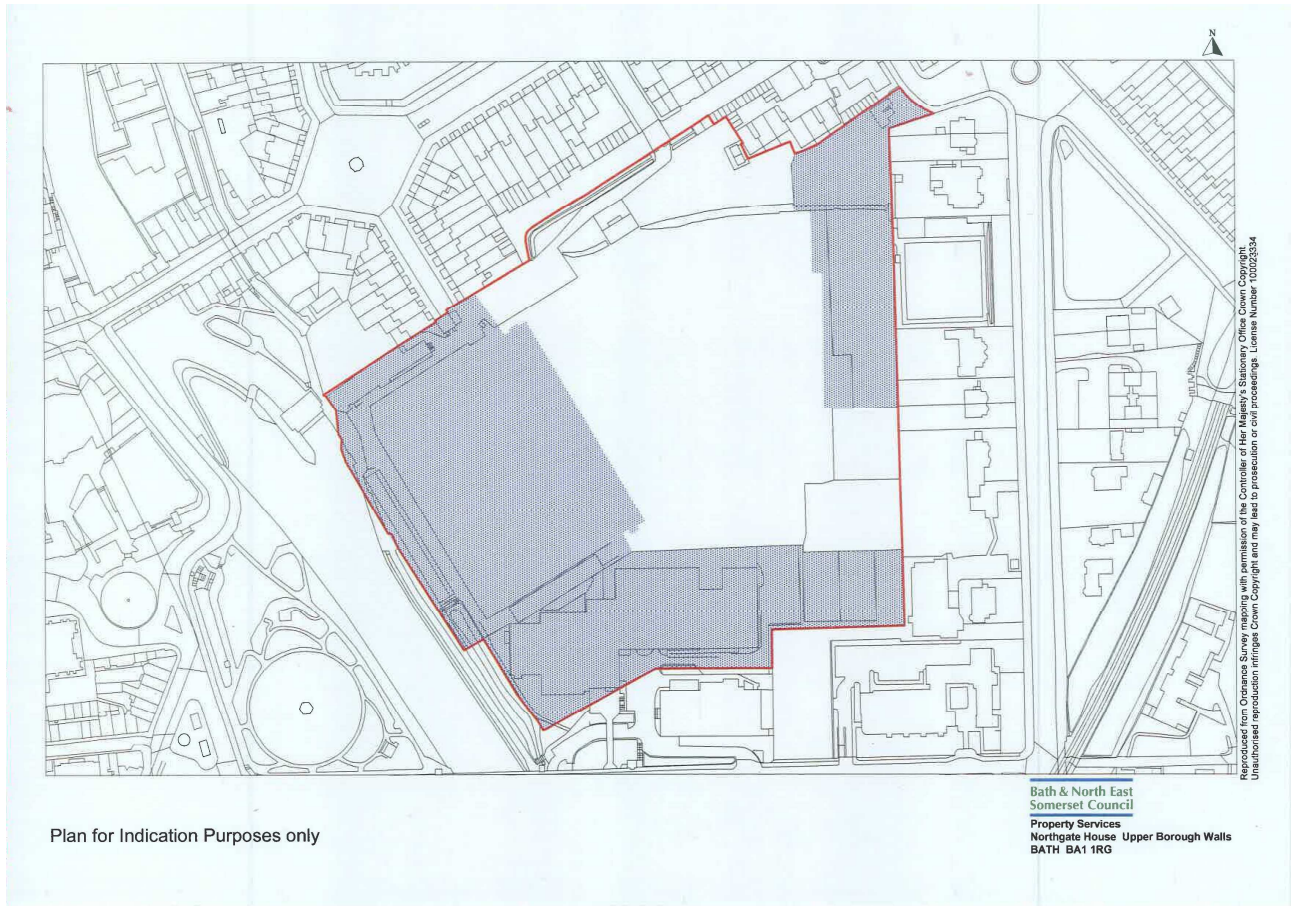
## **11 ADVICE SOUGHT**

11.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

|  |                                 |
|--|---------------------------------|
| <b>Contact person</b>  | <i>Joanne Long 01225 477661</i> |
| <b>Sponsoring Cabinet Member</b>   | <i>Councillor David Dixon</i>   |
| <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> |                                 |



## Appendix 1 – Recreation Ground Plan



## Appendix 2 - Schedule of reports undertaken at the Recreation Ground

---

|    |  |
|----|--|
| 1  | Full condition Survey<br>(5 yearly)  |
| 2  | Asbestos Survey not including any subsequent sampling if asbestos is found.<br>(1 off) |
| 3  | Management of Asbestos and update of register if Asbestos is found (Annually)          |
| 4  | Legionella risk assessment<br>(2 yearly)   |
| 5  | Asset check list visit to site<br>(Annually)   |
| 6  | Fire risk assessment initial cost<br>(1 off)   |
| 7  | Glazing Survey<br>(5 yearly)   |
| 8  | Electrical Installation condition report<br>(5 yearly)                                 |
| 9  | Gas safe safety<br>(Annually)  |
| 10 | Portable appliance testing<br>(Annually)   |
| 11 | Servicing Emergency lights and testing<br>(2 yearly)                                   |
| 12 | Estimated BC management and annual fire risk assessment<br>(Annually)                  |

### Appendix 3 – Required works 2013/14

---

| Location     | Work item  | Cost           |
|--------------|--|----------------|
| Pavilion     | Film required on glazing that does not comply  | £500           |
| Pavilion     | The existing door on the plant room is to be upgraded to a fire door   | £500           |
| Pavilion     | General refurbishment of door seals  | £1,000         |
| Pavilion     | Gas detection equipment  | £2,500         |
| Pavilion     | Miscellaneous electrical works   | £300           |
| Pavilion     | Clear downpipes, gullies and flat roofs. @ 3 times a year  | £1,600         |
| Toilet Block | It is recommended that the upgrading of the sanitary equipment and replacement of water heaters is undertaken. | £6,500         |
| Toilet Block | Glazing to the front has been vandalised and needs replacing with glass or wooden panel.                       | £1,750         |
|              | <b>Total</b>   | <b>£14,650</b> |

## **Appendix 4**

### **Methodology and criteria for determining tree inspection frequencies**

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#### Principles of best practice

Risk assessment is a legal requirement and in this situation:-

- RISK (or its potential) is based upon the use of the specific location surrounding the tree. This takes 2 forms – volume of use (how many people) and speed of use (ability of user to take evasive action) - i.e. the driver of a speeding train is less likely to avoid a fallen tree than a pedestrian.
- HAZARD (or its potential) is based upon the condition/characteristics of the individual tree.

A reasonable tree management system should be proactive, prioritised, actioned and recorded.

- A pro-active approach should have a planned and prioritised strategy for tree surveying and inspections – targeting the trees with the highest risk and hazard potential.
- Any identified work can then in turn be prioritised and undertaken to reduce the hazard and risk of incident to an acceptable level.
- There must be clear lines of communication between those managing tree surveys/inspection and those managing tree works so that the most essential works are targeted effectively.
- A defensible system must have a clear audit trail and the details of each step must be recorded. Proof of inspections and the resulting tree work actions should be retained to show completion.

In order to achieve this it is imperative that the tree stock has agreed and clearly understood responsibilities and arrangements for their care and maintenance.

#### Regularity of Inspections

Tree inspection and re- inspection schedules are based upon risk zone categories and the findings of individual tree hazard assessments.

A key requirement is for all accessible trees to be inspected on a regular basis. The Trunk Road Maintenance Manual (used by Highways Authorities) recommends a 5 year maximum period between inspections by a competent arboriculturalist as a guide.

Based on the risk zone criteria a colour-coded map of the Recreation Ground can be developed to show the designated area risk zone categories. An inspection schedule can be set up and in conjunction with the details of the particular tree inspections will determine the date for re-inspection (see table 1).

**Table 1**

| Risk Zone Categories | Risk Codes | Ezytreev Code   | Examples (but not the comprehensive list of sites)   |
|----------------------|------------|---|--|
| Very High Risk       | <b>A</b>   | RW<br>SCHHI<br>PAHI<br><br>RDA<br><br>PED                         | To be surveyed annually<br><br><ol style="list-style-type: none"> <li>1. Trees near railway lines</li> <li>2. Schools (high risk areas)</li> <li>3. RVP play area (highly used all yr round)</li> <li>4. Arterial road traffic routes (B&amp;NES maintained – A4, A36,A37)</li> <li>5. Pedestrianised shopping areas</li> <li>6. Top priority trees in lower risk areas (big/old)</li> </ol> |
| High Risk            | <b>B</b>   | RDB<br>PALO<br>SPE<br>PAR<br><br>CARHI<br>SCH<br>CARHI<br><br>CEM | To be surveyed every 2 years<br><br><ol style="list-style-type: none"> <li>1. A roads</li> <li>2. Play areas and play grounds</li> <li>3. Special event sites</li> <li>4. Urban green areas</li> <li>5. Other city and town main car parks</li> <li>6. Schools</li> <li>7. High use car parks (Town centres/Charlotte St/P&amp;R's – as SLA)</li> <li>8. Cemeteries</li> </ol>               |
| Moderate Risk        | <b>C</b>   | RDC<br>PARHI<br><br>IND   | To be surveyed every 3 years<br><br><ol style="list-style-type: none"> <li>1. B roads + urban highway trees</li> <li>2. Well used park areas</li> <li>3. Business units (Wansdyke/Linear Way)</li> </ol>   |
| Low Risk             | <b>D</b>   | RDC<br>SS<br>PARK<br><br>CARR<br>U<br>CARU<br>R<br>CBG            | To be surveyed every 4 years<br><br><ol style="list-style-type: none"> <li>1. C roads</li> <li>2. Residential OAP homes + SS sites</li> <li>3. Moderate use Park areas (Recreation fields/RVP areas/outskirt parks)</li> <li>4. Rural and residential car parks</li> <li>5. Lower use car park areas (as SLA)</li> <li>6. Closed Burial Grounds and Churchyards</li> </ol>                   |
| Very Low Risk        | <b>E</b>   | RDMIN<br>FPCYC<br><br>WD  | To be surveyed every 5 years<br><br><ol style="list-style-type: none"> <li>1. Low use roads</li> <li>2. Cycle paths (Bath-Bitton/MSN Greenway)</li> <li>3. Paths in Woodlands</li> </ol>   |

## Appendix 5 – Long Term works 2013 - 17

| Location      | Work item   | Cost            |
|---------------|---|-----------------|
| General Site  | Localised repairs to the Tarmacadam car park  | £2,000          |
| General Site  | Main yard area car park and drainage  | £8,000          |
| General Site  | Low level timber fencing –perimeter car park  | £1,200          |
| General Site  | Repairs to road and fencing to the rear of the pavilion   | £2,000          |
| General Site  | Repairs to various pathways and steps   | £3,200          |
| General Site  | Surface water drainage to lawncrete car park  | £4,500          |
| General Site  | High level chain link fencing   | £4,200          |
| Pavilion      | Internal Decorations  | £5,300          |
| Pavilion      | External Decorations  | £5,000          |
| Pavilion      | Replacement and mending of the flooring.  | £6,500          |
| Pavilion      | New central heating boiler  | £10,000         |
|               | Replacement and re-designing of the hot water distribution and storage system which runs the showers. New pipework, new shower heads, new mechanical ventilation, new hygienic water proof panels.<br>Note; There would be cost efficiencies if these two items were carried out together | £28,500         |
| Pavilion      | Repairs to tiles and roof coverings   | £2,200          |
| Pavilion      | Repairs to the external concrete plinth   | £1,200          |
| Pavilion      | Repair broken gullies and pipes   | £500            |
| Pavilion      | Clear downpipes, gullies and flat roofs. @ 3 times a year for 4 years   | £6,400          |
| Toilet Block  | External decorations  | £1,750          |
| Toilet Block  | Internal decorations  | £2,500          |
| Ticket Booths | Re-decorate/re-touch  | £1,200          |
| Workshop      | Rainwater goods, cracks in the stone work   | £2,500          |
| General site  | Tree works  | £5,000          |
|               | <b>Total</b>  | <b>£103,650</b> |

| <b>Bath &amp; North East Somerset Council</b>   |  |  |
|---|--|--|
| <b>MEETING:</b>                                 | <b>Bath Recreation Ground Trust Board</b>          |  |
| <b>MEETING DATE:</b>                            | <b>14 March 2013</b>                               | <b>EXECUTIVE FORWARD PLAN REFERENCE:</b> |
|   |  | <b>E 2534</b>                            |
| <b>TITLE:</b>                                   | <b>A Management Plan for the Recreation Ground</b> |  |
| <b>WARD:</b>                                    | <b>Abbey</b>                                       |  |
| <b>AN OPEN PUBLIC ITEM</b>                      |  |  |
| <b>List of attachments to this report: None</b> |  |  |

**1. THE ISSUE**

- 1.1. There is currently no management plan to guide the use and development of the Recreation Ground.

**2. RECOMMENDATION**

- 2.1. It is recommended that the Board agrees to the start of preparatory work for a management plan for the Trust's land.

**3. FINANCIAL IMPLICATIONS**

- 3.1. The preparatory work will be accommodated within the existing staff resources available to the Trust.

**4. THE REPORT**

- 4.1 At present, there is no management plan to guide the use and development of the Recreation Ground. If the draft Scheme for the Recreation Ground is authorised, it is anticipated that the new trustees would wish to review and plan for the future use of the Trust's land, including Lambridge. If the Scheme is delayed or rejected, a sound and up to date management plan for the Recreation Ground will still be needed.

- 4.2 The overall objectives for the Recreation Ground are given by the trusts of the charity. These are;
- to use the Recreation Ground for games and sports of all kinds, tournaments, fetes, shows, exhibitions, displays, amusements, entertainments and other similar activities,
  - to maintain and let the land as open space, and
  - to carry this out without preference to any particular sport or organisation.
- 4.3 However, the trusts give no indication of the range of sports to be accommodated and the balance between them. Although the land is to be managed principally for games and sports, the balance between these and the other activities listed is not specified.
- 4.4 This lack of direction can give rise to conflicts over the use of the Recreation Ground, such as:
- Between groups wanting to use the outfield at the same time. There are concerns that some sports are over-provided for.
  - Between existing and potential users. A number of popular sports are currently not catered for.
  - Between sporting activities and events. Events can take over the outfield for periods of time during which clubs wish to hire. Events sometimes cause damage to the ground.
  - Between authorised and unauthorised use.
- 4.5 A management plan will provide direction for the use and development of the Trust's land and, in turn, for the way it is managed. The land leased to the Rugby Club and the Leisure Centre would not be covered by a plan since the Trust does not manage these areas.
- 4.6 Specifically, a management plan would;
- provide a strategic view of the Trust's land in the context of the other recreational facilities of the area,
  - provide clarity on the aims of the Trust's assets and set policies and priorities for their use,
  - assess public expectations for the Recreation Ground and the demands for its use,
  - make the best use of Trust land by reviewing the layout of the space available and the potential for multiple use,
  - review the condition of facilities and set priorities for their improvement and development,
  - set grounds maintenance standards and policies,
  - set leasing and rental policies,
  - review booking policies and fees,
  - provide a basis for promoting the Trust's facilities and increasing their use, and
  - enable management arrangements and responsibilities to be defined.



- 4.7 Any plan should be produced in line with current best practice. Guidance is available from organisations such as CABI, Fields in Trust and GreenSpace.
- 4.8 The approach should be to involve the public (both users and non-users) and stakeholder organisations throughout the process. There would be a need for significant survey and consultation work.
- 4.9 The production of a management plan would be a major piece of work, taking perhaps nine to twelve months to complete.
- 4.10 With the future of the Recreation Ground not yet settled, it is suggested that only preparatory work should be undertaken at this stage. This would include;
- obtaining and researching relevant guidance and current best practice,
  - scoping the work involved and considering the options for delivering it,
  - assembling information on other recreational facilities in Bath and the surrounding areas,
  - compiling and updating information on the facilities of the Recreation Ground and their condition,
  - identifying the users, potential users and stakeholders of the Recreation Ground, and
  - compiling any existing information on demand for using the Recreation Ground, including from the Strategic Review and the 2011 consultation exercise.
- 4.11 When this basic information had been gathered and analysed, a further report would be brought back to the trustees with more detailed proposals and cost estimates for completing a management plan.

## **5. RISK MANAGEMENT**

- 5.1 By limiting action at this stage to preparatory work only, risk related to the uncertain future of the Recreation Ground is minimised.

## **6. EQUALITIES**

- 6.1 A management plan will address the accessibility of the Trust's facilities to all users.

## **7. RATIONALE**

- 7.1 A management plan will be needed whether or not the draft Scheme for the Recreation Ground is confirmed.

## **8 OTHER OPTIONS CONSIDERED**

- 8.1 The option of continuing to operate without a management plan is not considered to be in the interests of the Trust.

## 9. CONSULTATION

9.1 The Sports and Active Lifestyles, Tourism Leisure and Culture, Environmental, and Property Services sections of the Council have been consulted.

## 10. ISSUES TO CONSIDER IN REACHING THE DECISION

10.1 The effective use of the Recreation Ground in the best interests of the beneficiaries of the Trust.

## 11. ADVICE SOUGHT

11.1 Advice has been sought from the Trust's legal and financial advisors. Both have had the opportunity to input to this report and have cleared it for publication.

|  |   |
|--|---|
| <b>Contact person</b>  | <i>Graham Evans, Parks &amp; Estate Manager<br/>Tel. 396873</i> |
| <b>Sponsoring Trustee</b>  | <i>Councillor David Dixon</i>                                   |
| <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> |   |

| <b>Bath &amp; North East Somerset Council</b>  |   |  |
|--|---|--|
| <b>MEETING:</b>  | <b>Bath Recreation Ground Trust Board</b> |  |
| <b>MEETING DATE:</b>   | <b>Thursday 14 March 2013</b>             | <b>EXECUTIVE FORWARD PLAN REFERENCE:</b> |
|  |   | <b>E 2535</b>                            |
| <b>TITLE:</b>  | <b>Recreation Ground Trust website</b>    |  |
| <b>WARD:</b>   | <b>All</b>                                |  |
| <b>AN OPEN PUBLIC ITEM</b>   |   |  |
| <b>List of attachments to this report:</b>   |   |  |
| The draft website can be accessed at <a href="http://bathrec.loveyoursite.co.uk">http://bathrec.loveyoursite.co.uk</a> |   |  |

## **1 THE ISSUE**

- 1.1 The Trusts's existing website needs updating and transferring to a more modern software system. The opportunity has been taken to redesign and restructure the website.

## **2 RECOMMENDATION**

- 2.1 The Trust Board is asked to:

- (i) Approve the design and structure of the new website.
- (ii) Endorse the initial cost of the new website and approve the on-going hosting and domain name costs.
- (iii) Approve the proposed arrangements for managing the site.
- (iv) Support the evolutionary development and improvement of the site

### 3 FINANCIAL IMPLICATIONS

- 3.1 The development of the new website has cost approximately £500. The on-going cost of hosting and maintaining domain names will be £250 per year.

### 4 THE REPORT

- 4.1 The existing website for the Recreation Ground Trust was established some years ago. It was developed in software that is now out of date and the site is not easy to maintain. The website needs to be transferred to a more modern system.
- 4.2 The opportunity has been taken to update the design and structure of the website. The new website will presented at the Board meeting.
- 4.3 The updated structure is as follows:

| <b>Section</b>         | <b>Content</b>   |
|------------------------|--|
| Home                   | Welcome and introduction, what's on in coming weeks, latest news panel, Twitter feed and invitation to follow. |
| What's on              | Shows calendar of bookings and availabilities at the Recreation Ground.  |
| Book the Rec           | Gives booking form, enquiry form, charges, maps and frequently asked questions.                                |
| Latest news            | Press releases and announcements.  |
| The Future for the Rec | Information about progress of Charity Commission's Scheme and the Trust's proposal.                            |
| Contact us             | Trustees and general website address   |

- 4.4 There is also a range of supplementary information including; Trust Board meetings, the history of the Rec, the Strategic Review, the 2011 Consultation, useful links and clubs. Relevant information and links have been transferred from the old website.
- 4.5 The site is hosted by a large web services company. The site is secure, backed up and well supported.

- 4.6 The new site is supplied with a simple content management system which enables information to be updated and added to the site. It is proposed that arrangements for managing the site are as follows:

|                             |  |
|-----------------------------|--|
| Adding and amending content | A limited number of officers to be able to amend via the content management system.  |
| Approval of content         | Trustees for major new sections and potentially sensitive information.<br>Lead advisor (Andrew Pate) for significant new material.<br>Officers as above for routine updates and minor editing. |
| Maintenance of calendars    | Administration and Finance Officer, Tourism Leisure and Culture (manages bookings).  |

- 4.7 The new website will provide a valuable channel for publishing rapidly a wide range of information about the Rec. The old website was used throughout the Scheme publication period to provide details of the Trust's proposals, background reports and questions and answers. This information will be carried over to the new site and the intention will be to maintain information provision and transparency at a high level.
- 4.8 Subject to the comments of the trustees and final checking, the new website is ready to go live. This would be accompanied by the old site being taken down and the old website address being redirected to the new one.
- 4.9 Once in operation, the new website can be developed and improved over time.

## 5 RISK MANAGEMENT

- 5.1 The new content management system will assist in ensuring that the information presented on the website is accurate and up to date.

## 6. EQUALITIES

- 6.1 A useable and up to date website will contribute to the accessibility of the facilities of the Recreation Ground.

## 7 RATIONALE

- 7.1 The existing website needs to be transferred to more modern software.

## 8 OTHER OPTIONS CONSIDERED

- 8.1 Hosting and management by the Council has been considered. The recommended option has advantages of ease of maintenance and indicating the independence of the Trust.

## 9 CONSULTATION

- 9.1 The Chairman of the Trustees and relevant officers have been consulted on the proposal.

## 10 ISSUES TO CONSIDER IN REACHING THE DECISION

- 10.1 The design of the website and the information that it provides; cost and ease of management.

## 11 ADVICE SOUGHT

- 11.1 Advice has been sought from the Trust's legal and financial advisors. Both have had the opportunity to input to this report and have cleared it for publication.

|  |  |
|--|--|
| <b>Contact person</b>  | <i>Tim Darsley, Recreation Ground Trust Project Advisor.<br/>Tel: 477221</i> |
| <b>Sponsoring Trustee</b>  | <i>Councillor David Dixon, Chairman of Trustees.</i>                         |
| <b>Background papers</b>   |  |
| <b>Please contact the report author if you need to access this report in an alternative format</b> |  |

| <b>Bath &amp; North East Somerset Council</b>  |  |  |
|--|--|--|
| <b>MEETING:</b>  | <b>Bath Recreation Ground Trust</b>              |  |
| <b>MEETING DATE:</b>   | <b>14 March 2013</b>                             | <b>EXECUTIVE FORWARD PLAN REFERENCE:</b> |
|  |  | <b>E 2530</b>                            |
| <b>TITLE:</b>  | <b>2012/13 Budget Monitor<br/>2013/14 Budget</b> |  |
| <b>WARD:</b>   | <b>Abbey</b>                                     |  |
| <b>AN OPEN PUBLIC ITEM</b>   |  |  |
| <b>List of attachments to this report:</b><br>Appendix 1 – 2012/13 Budget Monitor<br>Appendix 2 – 2013/14 Draft Budget |  |  |

**1 THE ISSUE**

1.1 This report gives details of the Recreation Ground 2012/13 budget monitoring position and the proposed 2013/14 budget.

**2 RECOMMENDATION**

The Bath Recreation Ground Trust is asked to agree to:

2.1 Note the expenditure to 31 January 2013 on the 2012/13 budget monitor as shown in Appendix 1.

2.2 Note the comments in section 4 in relation to the 2013/14 budget and approve the detailed budget as shown on Appendix 2.

**3 FINANCIAL IMPLICATIONS**

3.1 Included in this report.

**4 THE REPORT**

4.1 The Trust has undertaken significant work during 2012/13 carrying forward the Strategic Review, incurring additional costs of approximately £53,000. This has had a significant impact on the anticipated surplus originally budgeted, reducing the estimated position to a little over breakeven. The costs have been partially offset through increased income from parking charges. A full outturn report will be presented to the next meeting.

- 4.2 The proposed budget for 2013/14 contains a provision of £26,400 to support the delivery of the Charity Commission's Scheme for the Recreation Ground. These costs are partially offset from savings in grounds maintenance costs following the renegotiation of arrangements with the Croquet club.
- 4.3 In the light of the repairs and maintenance report elsewhere on this agenda, the sum budgeted for repairs has been increased to provide for the works required in 2013/14. Essential Health and Safety inspections have also been provided for. Other longer term works will be addressed as finances permit.
- 4.4 The proposed budget shows a net surplus of some £13,000.
- 4.5 There remains some uncertainty over the timing of the completion of the Strategic Review and the formation of the new trustee body. The proposed budget will be carefully monitored throughout the year to ensure that any additional demands are managed within the resources of the Trust.

## **5 RISK MANAGEMENT**

- 5.1 The report author and Lead Board 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 RATIONALE**

- 6.1 The 2012/13 budget monitor is for information only. The 2013/14 budget is for approval.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None.

## **8 CONSULTATION**

- 8.1 Section 151 Finance Officer.
- 8.2 Consultation was directly made with the Section 151 Finance Officer.

## **9 ISSUES TO CONSIDER IN REACHING THE DECISION**

- 9.1 Other Legal Considerations.



## 10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

|  |                              |
|--|------------------------------|
| <b>Contact person</b>  | Stephen Brain (01225) 396377 |
| <b>Sponsoring Cabinet Member</b>   | Councillor David Dixon       |
| <b>Background papers</b>   |                              |
| <b>Please contact the report author if you need to access this report in an alternative format</b> |                              |

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## APPENDIX 1

### BATH RECREATION GROUND TRUST

#### INCOME AND EXPENDITURE ACCOUNT 2012/13

|  | <b>Budget<br/>2012/13<br/>£</b> | <b>Actual<br/>to 31st Jan<br/>£</b> | <b>Forecast<br/>2012/13</b> |
|--|---------------------------------|-------------------------------------|-----------------------------|
| <b>Income :</b>                        |                                 |                                     |                             |
| Bath Rugby Club                        | 142,002                         | 105,756                             | 150,679                     |
| Other leases                           | 6,500                           | 3,040                               | 6,500                       |
| Other Income                           | 25,000                          | 6,938                               | 13,218                      |
| Car Parking Income                     | 20,000                          | 42,801                              | 41,326                      |
| Recovery of Insurance Charges          | -                               | 2,344                               | 2,344                       |
| <b>Total Income</b>                    | <b>193,502</b>                  | <b>160,879</b>                      | <b>214,067</b>              |
| <b>Expenditure :</b>                   |                                 |                                     |                             |
| Grounds Maintenance                    | 53,076                          | 44,230                              | 53,076                      |
| Security of Premises                   | 1,150                           | 575                                 | 1,150                       |
| Administrator                          | 11,473                          | 8,002                               | 9,483                       |
| Management & Administration - Grounds  | 13,000                          | 7,625                               | 13,000                      |
| Management & Administration - Property | 5,500                           | 4,478                               | 5,500                       |
| Management & Administration - Legal    | 5,000                           | 5,906                               | 7,875                       |
| Management & Administration - Finance  | 2,500                           | 2,325                               | 3,000                       |
| Parking Permits                        | -                               | 6,267                               | 6,717                       |
| Printing/Design                        | -                               | 1,467                               | 1,467                       |
| Books and Publications                 | -                               | 4,000                               | 4,000                       |
| Audit Fees and Valuation Advice        | 950                             | 2,850                               | 7,850                       |
| Strategic Review                       | 31,485                          | 34,805                              | 46,657                      |
| Servicing Trust meetings               | 3,800                           | -                                   | 3,800                       |
| Web Hosting                            | 199                             | 599                                 | 599                         |
| Business Rates                         | 18,346                          | 18,087                              | 18,346                      |
| Repairs & Maintenance                  | 9,789                           | 11,947                              | 12,634                      |
| Site Improvements                      | 4,000                           | 4,387                               | 4,937                       |
| Electricity                            | 400                             | 353                                 | 400                         |
| Public Liability Insurance             | 9,102                           | -                                   | 9,102                       |
| Water/sewerage Charges                 | 1,964                           | 589                                 | 1,964                       |
| <b>Total Expenditure</b>               | <b>171,734</b>                  | <b>158,492</b>                      | <b>211,557</b>              |
| <b>Net Surplus/(deficit)</b>           | <b>21,768</b>                   | <b>2,387</b>                        | <b>2,510</b>                |

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## APPENDIX 2

### BATH RECREATION GROUND TRUST

#### BUDGET PROPOSAL 2013/14

|  | £<br>2012/13<br>Budget | £<br>2013/14<br>Budget |
|--|------------------------|------------------------|
| <b>Income :</b>                        |                        |                        |
| Bath Rugby Club                        | 142,002                | 150,000                |
| Other leases                           | 6,500                  | 6,500                  |
| Other Income                           | 25,000                 | 24,000                 |
| Car Parking Income                     | 20,000                 | 29,100                 |
| Recovery of Insurance Charges          | -                      | 2,344                  |
| <b>Total Income</b>                    | <b>193,502</b>         | <b>211,944</b>         |
| <br><b>Expenditure :</b>               |                        |                        |
| Grounds Maintenance                    | 53,076                 | 42,076                 |
| Security of Premises                   | 1,150                  | 1,150                  |
| Administrator                          | 11,473                 | 13,317                 |
| Management & Administration - Grounds  | 13,000                 | 13,000                 |
| Management & Administration - Property | 5,500                  | 5,500                  |
| Management & Administration - Legal    | 5,000                  | 5,000                  |
| Management & Administration - Finance  | 2,500                  | 2,500                  |
| Parking Permits                        | -                      | 1,800                  |
| Fees                                   | 950                    | 950                    |
| Strategic Review                       | 31,485                 | 26,400                 |
| Valuation Advice                       | -                      | 10,000                 |
| Management Plan                        | -                      | 7,500                  |
| Health and Safety Inspections          | -                      | 5,700                  |
| Servicing Trust meetings               | 3,800                  | 3,800                  |
| Web Hosting and Development            | 199                    | 1,000                  |
| Business Rates                         | 18,346                 | 18,713                 |
| Repairs & Maintenance                  | 9,789                  | 24,789                 |
| Site Improvements                      | 4,000                  | 4,000                  |
| Electricity                            | 400                    | 400                    |
| Property Insurance                     | 9,102                  | 9,102                  |
| Water/sewerage Charges                 | 1,964                  | 1,964                  |
| <b>Total Expenditure</b>               | <b>171,734</b>         | <b>198,661</b>         |
| <br><b>Net Surplus</b>                 | <br><b>21,768</b>      | <br><b>13,283</b>      |

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