

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BOARD OF TRUSTEES OF THE RECREATION GROUND, BATH

Thursday, 18th July, 2013

Present:

Councillors David Dixon and Tim Ball
David Durdan and Don Earley

1 ELECTION OF CHAIR

Councillor David Dixon was elected as Chair for 1 year

2 ELECTION OF VICE CHAIR

David Durdan was elected as Vice Chair for 1 year

3 EMERGENCY EVACUATION PROCEDURE

The Administrator drew attention to the emergency evacuation procedure

4 APOLOGIES FOR ABSENCE

There were no apologies for absence

5 DECLARATIONS OF INTEREST

David Durdan and Don Earley indicated that they had no interests to declare and would work solely in the interests of the Trust. Councillors Tim Ball and David Dixon stated that they had an interest in Report 11 Advisors and Support Services as Council Officers were still acting in that capacity to the Trust. On advice from Francesca Quint (Independent Legal Advisor to the Trust), they would not participate in the consideration and decision on this matter.

6 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair stated that there were no items of Urgent Business. However, he took the opportunity to inform members of the public that this meeting was no longer a meeting of the Council and that the format of the meeting would change in future. This might include the procedures for giving notice of Questions/Statements and timing public speakers; the venue, date and time of such meetings would also change. The draft Minutes would be published on the Recreation Ground website.

7 QUESTIONS AND STATEMENTS

The Chair announced that notice of statements had been received from members of the public together with Questions to which replies had been prepared. The list of people making Statements and the Questions and Answers were set out in the document circulated at the meeting and is attached as *Appendix 1* to these Minutes. (Note: Copies of Statements, where provided, are included in the Minute Book). At

the Chair's request, they proceeded to make their Statements. The Trustees and Officers commented on some of the Statements when they considered it appropriate.

8 DECLARATIONS AND APPOINTMENT OF NOMINATED TRUSTEE

The Trustees confirmed the appointment of Don Earley as the nominated Trustee for Fields in Trust and that all the declarations of the first Trustees had been signed

9 GOVERNING DOCUMENT

The Recreation Ground Trust Project Advisor submitted a report which presented a draft Governing Document for consideration and adoption. He briefly outlined the report.

The Trustees discussed the Document. The Chair read out the Recommendations set out in the report. It was agreed that Officers should also be able to make any editorial amendments or corrections.

RESOLVED

- (1) The Trustees adopted, pursuant to the power conferred upon them by Section 280 of the Charities Act 2011 as part of their powers and procedures as Charity Trustees, those provisions in the Document which is set out in Appendix 1 to the report dated 18th July 2013 entitled "Governing Document" which are not already comprised in the Conveyance dated 1st February 1956 or the Scheme made by the Charity Commission on 12th June 2013;
- (2) That the terms of this resolution and of the said document are sent to the Charity Commission with details of the date and place at which it was passed;
- (3) That the new Governing Document be posted on the Charity's website; and
- (4) That Officers be given delegated authority on behalf of the Trust to make any minor editorial amendments or corrections as appropriate

10 CONFLICTS OF INTEREST POLICY

The Trustees considered the report of the Recreation Ground Trust Project Advisor which presented a draft Conflicts of Interest Policy for consideration and adoption. He gave a brief synopsis of the report.

The Trustees discussed the report.

RESOLVED to adopt the Conflicts of Interest Policy as set out in Appendix 1 to the report

11 ADVISORS AND SUPPORT SERVICES

In view of the interest declared by Councillor David Dixon earlier in the meeting, he vacated the Chair and this item was accordingly chaired by the Vice Chair.

The Recreation Ground Trust Project Advisor submitted a report which reported on the current arrangements for advisors and support services to the Trust so that Trustees could consider future arrangements in the short and longer terms. He briefly outlined the report.

It was proposed that, in view of the specialist legal advice provided by Francesca Quint, she be included as part of the advisory services to the Trust.

The Vice Chair stated that best practice and value for money were required. The Advisor to the Trust informed the Trustees that legal and valuation advice would be separate from the Council while financial advice and administrative support would still be provided by Council Officers.

RESOLVED

- (1) That the existing arrangements for advisors and support services be confirmed and continued for an interim period;
- (2) That a review of the advisory and support services required by the Trust be undertaken and proposals prepared for the most cost effective way of securing those requirements; and
- (3) That Francesca Quint continues to act as the Trust's Independent Legal Advisor.

(Note: In view of their interests declared earlier in the meeting, Councillors Tim Ball and David Dixon took no part in the consideration of this item)

12 CO-OPTED TRUSTEES

The Trustees considered the report of the Recreation Ground Trust Project Advisor which set out the requirements for appointing Co-opted Trustees and outlined a process for their recruitment.

The Chair pointed out that they were not limited to a set number of Co-optees. The Vice Chair stated that applications would be invited and it was anticipated that the appointments would be formally adopted at the next meeting. The skills sought would be those needed to meet the aims of the Charity.

RESOLVED

To commence a recruitment process for Co-opted Trustees in accordance with Charity Commission guidance as outlined in the report.

13 LEASE FOR TEMPORARY EAST STAND

The Recreation Ground Trust Project Adviser submitted a report setting out the proposed Heads of Terms for the Lease for the temporary East Stand for the 2013/14 season for consideration and approval.

The Chair reported on the matter informing that the Trust did not have at least 5 Trustees appointed and therefore it was not able to exercise the power to grant a new lease within the timescale needed to erect the temporary Stand. It was therefore proposed to apply to the Charity Commission for an Order to allow a temporary lease for the 2013/14 season to be granted along the lines of previous years.

The Recreation Ground Trust Project Advisor informed the meeting that the Heads of Terms of the Lease were available having been negotiated by independent property advisors. The Chair emphasised the need to proceed as quickly as possible.

RESOLVED

- (1) That, in the light of the professional advice received, the proposed terms were the best reasonably obtainable for the Trust, and approved the terms;
- (2) That application be made to the Charity Commission for the relevant order to allow the Trust to grant a lease for a temporary East Stand for 2013/14; and
- (3) That the Lease be granted in time for the erection of the temporary Stand before the start of the 2013/14 season.

14 WORK PROGRAMME

The Adviser to the Recreation Ground Trust reported that the new Scheme was in place but working to different arrangements than previously with principally external advisors and its own accounts. Any legal challenge to the Scheme would obviously affect these arrangements. Regarding Bath Rugby, until their proposals had been considered, the Heads of Terms could not proceed. As to the Sports and Leisure Centre, negotiations with the Council had begun. He stated that there were wider issues for consideration but the use of the Recreation Ground would be safeguarded as a site for recreation for the future.

The Trust noted.

15 DATE OF NEXT MEETING

The Chair stated that the date, time and venue of the next meeting in October would be arranged shortly and details published on the Recreation Ground website (Note: The Trustees subsequently decided that the next meeting would be held on Wednesday 2nd October 2013 at 4pm in the Illustrious Suite, Bath Sports and Leisure Centre, North Parade Bridge Road, Bath)

The meeting ended at 7.35 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services