

**NOTICE OF QUESTIONS BY COUNCILLOR BRIAN WEBBER**  
**BATH RECREATION GROUND TRUST BOARD**  
**THURSDAY 29<sup>TH</sup> 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 24<sup>th</sup> October and the Board were able to give a considered response on 6<sup>th</sup> November. Why did the draft Scheme become public knowledge only on 21<sup>st</sup> 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 6<sup>th</sup> 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 17<sup>th</sup> 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.