

Public Questions for Council 20th January 2011

(NOTE: The following questions and answers will be published on the Council's website as soon as possible after the meeting and linked to the published draft minutes of this meeting.)

1. Question from Mrs J A Rendall

Is Firs Field, Combe Down, the only site being considered regarding the proposed land swap by the Council in connection with the Recreation Ground Trust?

Answer from Deputy Leader of the Council and Cabinet Member for Resources

The Council (in its corporate capacity) is not holding discussions with Bath Rugby and / or the Council (in its Recreation Ground Trustee capacity) on any land in its ownership other than Firs Field and land at or adjacent to the Recreation Ground.

2. Question from Mr Bob Wilkins

Bath Recreation Ground :-Firs Field Proposed Land Swap. Could the Council provide the following information: How many sites in and around Bath were considered for the land swap, where were they, and what were the criteria used to select the most appropriate site?

Answer from Deputy Leader of the Council and Cabinet Member for Resources

The Friends of Firs Field requested Village Green status for Firs Field in February 2009. The Council advised that the land did not qualify for Village Green status. The principles that supported this view / decision were agreed with the Friends of Firs Field.

However, the Council responded to the Friends of Firs Field's proposal for long term protection of the Open Space in a positive way by virtue of the 'land swap' proposal which would offer a similar level of safeguard alongside resolution of the Recreation Ground issues relating to the Leisure Centre and Bath Rugby. The proposal was the subject of consultation with local residents during 2009.

While consideration was given within the Council to other possible areas of land these were not progressed given the positive discussions held regarding Firs Field.

3. Question from Mr Ian Barclay

In the 15 April 2009 Council press release "Council moves to resolve Recreation Ground impasse" it was announced that, in principle, the Council had agreed to transfer Firs Field Combe Down to the Recreation Ground Trust.

In the Council's "Firs Field Proposal" note to Combe Down residents dated 24 July 2009 it is stated "Land Holding 1. The Blue Land is held corporately by the Council and Counsel's advice is that this land is not subject to any further ownership constraints."

In coming to this conclusion, please would you explain how this statement has taken into account the following:-

- The Land Register - Schedule of Personal Covenants states - "The Council hereby for themselves and their successors covenant with the grantor that the Council its successors or assigns will for ever hereafter support maintain and improve the said land hereby conveyed as and for the purpose of a Public Recreation Ground."

and

- In 1920, the Council acquired the land by way of gift. The Council's power to accept, hold and administer a gift of this nature is to be found in Section 139 of the Local Government Act 1972. The intention of the gift was that the land should be used as a Public Recreation Ground and it appears that Section 139(1)(b) is the relevant sub-section and that the intended beneficiaries are the inhabitants of Combe Down.

Will these two "constraints" be included in any possible formal proposal for a land swap?

Answer from Deputy Leader of the Council and Cabinet Member for Resources

The Council has taken Counsel's advice in relation to Firs Field land ownership (both 'blue' and 'pink' land) and has set out clearly for the community the legal position.