

BATH & NORTH EAST SOMERSET COUNCIL

MEETING/ DECISION MAKER	Charitable Trust Board	
MEETING / DECISION DATE	4 October 2016	EXECUTIVE FORWARD PLAN REFERENCE
TITLE:	Free Fields (Rainbow Woods)	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Nil		

1. THE ISSUE

- 1.1. To note the legal position concerning Free Fields (Rainbow Woods)

2. RECOMMENDATION

The Board is asked to:

- 2.1. note the legal advice concerning the land;
- 2.2. recommend that the Council move the land into Schedule 1 of the Board's Terms of Reference so that its responsibilities as trustee are delegated to the Board.

3. RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1. None

4. STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1. In the light of the conclusion that this is indeed a charitable trust, and as the Council is sole trustee, appropriate arrangements for management are needed.

5. THE REPORT

5.1. The land was conveyed to a statutory predecessor of the Council on the 28th February 1924, “*for ever for the purpose of public walks and pleasure grounds.*” In 2005, Counsel’s Opinion was sought in relation to various issues. In his Opinion, Counsel noted that there was a covenant to observe nine numbered stipulations, the first of which was (in summary) “to keep the property as far as practicable in its natural state for the purpose of public walks and pleasure grounds and more especially as a place of resort and playground for children. This was intended to endorse the undoubtedly charitable nature of the trust created by the declaration for these public recreational uses.”

6. RATIONALE

6.1. The decision has already been taken that the Board will have power delegated to it in respect of charities listed in Schedule 1 to its Terms of Reference.

7. OTHER OPTIONS CONSIDERED

7.1. None

8. CONSULTATION

8.1. Team Leader Parks and Trees

9. RISK MANAGEMENT

9.1. A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council’s decision making risk management guidance.

Contact person	Andrew Reed, 01225 395261
Background papers	Nil