

## Bath & North East Somerset Council

MEETING:	Bath Recreation Trust Board	
MEETING DATE:	13 <sup>th</sup> April 2011	AGENDA ITEM NUMBER
TITLE:	Launch of Consultation	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report</b>		
<b>1. Consultation Document</b>		

### 1 THE ISSUE

1.1 A High Court decision in 2002 confirmed that The Rec was a Charitable Trust. This created two problems:

- The Council run leisure centre does not comply with the Charity's purpose which is to maintain the land as an open space for sports, recreation, etc.
- The disposal of the Charity assets for the use of a commercial organisation (in this case a lease to Bath Rugby Club) is not permitted

Both of these arrangements were entered into in good faith by the old Bath City Council after being advised by legal Counsel that a charitable trust did not exist. Nevertheless, the court decision means the Charity has a responsibility to put right these two actions.

The Charity's proposals for solving these problems means a change of set up at The Rec. It aims to obtain additional land to make up for the land leased to the Rugby Club. This land can be used for activities that can not take place at The Rec because the Rugby Club is based there. The Trustees believe that the proposal provides benefits that outweigh the detriments caused by the presence of the Leisure Centre and the Rugby Club.

### 2 RECOMMENDATION

The Trust Board is asked to:

2.1 Note the contents of this report

2.2 Agree to launch an 8 week public consultation on the Trustees proposals to resolve the issues arising from the High Court Decision in 2002

### **3. FINANCIAL IMPLICATIONS**

3.1 The main financial implication arising from the decision to conduct a public consultation is the cost of the consultation exercise. It is anticipated that this will be recovered so there is no net cost

### **4. CORPORATE PRIORITIES**

4.1 The proposals in this report support the following corporate priorities:

- Improving transport and the public realm
- Building Communities where people feel safe and secure
- Promoting the independence of older people
- Improving the life chances of disadvantaged children and younger people

### **5. THE REPORT**

5.1 The Trustees have been in discussion with Bath Rugby and the Council and are anticipating reaching outline agreement on a proposal which:

- (a) Resolves both abuses of the Charity's land,
- (b) Positions the Charity as financially viable and with sufficient assets and income to pursue its charitable purpose,
- (c) Improves accessibility to the Charity's assets by providing an additional site,
- (d) Retains the Leisure Centre with no proposed changes for the foreseeable future
- (e) Accommodates Bath Rugby's aspiration to increase stadium capacity.

The east stand of the new stadium will remain removable so that The Rec can still be managed as an open space during the summer months.

This new arrangement could displace current and potential future activities. The Trustees aim to make available additional land that is sufficient size and utility to accommodate any potential displacement of activities

### **6. RISK MANAGEMENT**

6.1 The report author and Trust Board members have fully reviewed the risk assessment related to the issues in this report, in compliance with the Council's decision making management guidance

### **7. EQUALITIES**

7.1 The proposals in this report increase access to land available for the pursuit of the Trust's Charitable Objectives, which are open to all. Vulnerable groups are specifically catered for.

### **8. CONSULTATION**

8.1 The Trustees have consulted with Bath Rugby Club and the Council Corporate about these proposals before recommending full public consultation.

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

9.1 The Charity Commission require the Trust Board to consult on proposals.

## 10. ADVICE SOUGHT

10.1. Section 151 Officer, Monitoring Officer advice is being sought along with the Trust's independent adviser and Legal Counsel. This will be presented at the meeting.

<b>Contact person</b>	<i>Glen Chipp - Trust Board Adviser - 01225 394567</i>
<b>Background papers</b>	
<b>Please contact the report author if you need to access this report in an alternative format</b>	