

Reference: BNES/Iss_2/Sub matter: Other Bath Matters/City Centre/6.3
Arena 1865 Limited

Bath and North East Somerset: Core Strategy Public Examination

Written Statement on behalf of Arena 1865 Limited

December 2011

**75th BARTON
WILLMORE**
planning · design · 1936 – 2011

Bath and North East Somerset Core Strategy Public Examination

Response to Questions made by the Inspector

Written Statement on behalf of Arena 1865 Limited

Reference: BANES/Iss_2/Sub matter: Other Bath Matters/City Centre/6.3

Beansheaf Farmhouse
Bourne Close
Calcot
Reading
Berkshire. RG31 7BW

Tel: 0118 943 0105
Fax: 0118 943 0001
Email: Tim.Burden@bartonwillmore.co.uk

Ref: 20140/P1b/A5/TB/dw

Date: 13th December 2011

COPYRIGHT

The contents of this document must not be copied or reproduced in whole or in part without the written consent of Barton Willmore LLP.

All Barton Willmore stationery is produced using recycled or FSC paper and vegetable oil based inks.

CONTENTS

Page No.

0.0	Bath and North East Somerset Core Strategy Examination	1
1.0	Purpose of Representations	3
2.0	Current Position	4
3.0	Current Proposals and Process	5
4.0	Suggested Amendment to Policy	9
5.0	Conclusions	11

APPENDICES

Appendix 1	-	Map of Recreation Ground
Appendix 2	-	Background History of the Recreation Ground
Appendix 3	-	Copy of Consultation Leaflet (<i>The Recreation Ground Bath: Have your say: Proposals for land use at the Rec</i>)
Appendix 4	-	Bath Recreation Ground: Report of Consultation July 2011
Appendix 5	-	Minutes of Meeting of the Trust from the 29 th September 2011

0.0 BATH AND NORTH EAST SOMERSET CORE STRATEGY EXAMINATION

Introduction

- 0.1 We are pleased to submit, on behalf of Arena 1865 Ltd, a response to Question 6.3 of the Inspector's Main Matters and Questions of the Bath and North East Somerset (BANES) – Core Strategy Examination.
- 0.2 The Inspector will be aware that Policy B1(8) of the Core Strategy, as drafted in its present form states:
- “b. Enable the development of a new sports stadium and associated uses within the Central Area”**
- 0.3 These representations respond to the Inspector's question in response to this component of the policy, and also proposed amendments to the wording of the policy to clarify its intentions in order to comply with PPS12 requirements of soundness, in terms of being justified, effective and consistent with national policy. In particular, we seek amendments to the policy to refer to an 'arena' rather than a stadium, and to clarify that its location within the Central Area is at the Recreation Ground. We should state here that our clients are supportive of the policy as drafted, but consider that the wording of it could be clarified.
- 0.4 At the heart of our client's proposals are an enhancement of the current Bath Rugby facilities at the site, as well as further ancillary and associated uses at the Recreation Ground (hereafter referred to as 'the Rec'). Arena 1865 Limited is the company that it is proposed will deliver the redevelopment of land at the Recreation Ground in the centre of Bath. As we explain in these representations, it comprises expert resources focussed on property management and redevelopment, and is proposed as the leaseholder in the draft Heads of Terms for the new Recreation Ground Lease, which is currently being progressed, and as the development company in the development agreement.
- 0.5 Accordingly, when the development is realised, Bath Rugby will become a tenant of Arena 1865 Limited. It is envisaged that other commercial tenants will be agreed to occupy some of the riverside areas, thereby securing year round beneficial use and activity on the water frontage, and sports and recreation uses will be facilitated with the Rec.

- 0.6 The day to day activities of Arena 1865 Limited are overseen by Simon Pugh-Jones, a chartered architect with a strong reputation for delivering regeneration projects on historically sensitive sites. Recent objectives have been to create a sound basis on which to start the development process. This has involved working closely with the Recreation Ground Trustees and the Charity Commission to agree terms that overcome historic land use concerns, and to secure a slightly larger footprint for spectator stands and facilities.
- 0.7 It is our considered view that there is a reasonable prospect of these new improved facilities being delivered within the Plan period.

1.0 PURPOSE OF REPRESENTATIONS

- 1.1 The purpose of submitting these representations to the Inspector is to respond to question 6.3 regarding other Bath matters within the defined City Centre. The question asked the following:

“Are there reasonable prospects for the delivery of a new sports stadium within the City Centre in the plan period?”

- 1.2 The Central Area of Bath is defined within the Bath and North East Somerset draft Core Strategy as the city centre, and neighbouring locations at South Quays and Western Riverside East. Bath Rugby Club’s home ground, the Recreation Ground (The ‘Rec’), is located wholly within the defined ‘Central Area’, immediately to the east of the River Avon.
- 1.3 Although the Inspector’s question identifies the ‘City Centre’ for locating a new sports facility and associated uses, we note that the policy refers to the ‘City Centre Area’ and that there are no other sites except for the Rec which are capable of delivering such a facility within this area – hence our request to clarify the policy to explicitly state this location. In response to the Inspector’s question, we will focus on the prospects of delivering a new sports arena at the Rec.
- 1.4 We will answer this question by briefly explaining the historical background of the Rec and our client’s aspirations for a multi purpose arena facility at the site. This will explain the role of BANES, the Charity Commission and the Recreation Ground Trust.
- 1.5 We will explain Bath Rugby Club’s home ground at the Rec, and the recent consultation on proposals to extend the current footprint of the Club’s facilities to enable an enlarged and enhanced arena at the site. It is these proposals which will deliver the stadium/arena referred to within the Submission Core Strategy. We hereafter refer to the ‘stadium’ as an ‘arena’, as we consider that this is more befitting a description of our client’s high quality proposals.

2.0 CURRENT POSITION

- 2.1 The Recreation Ground, in which Bath Rugby Club's match ground is currently located, and to which the policy relates, is owned in full by the Recreation Ground Trust which is a registered charity, the beneficiaries of which are the people of Bath and its environs. We have attached as **Appendix 1** a map of the Recreation Ground which highlights the extent of the land which the Charity owns.
- 2.2 Bath and North East Somerset Council is the Corporate Trustee responsible for managing the Charity. A Trust Board comprising of executive members of the Council manage the Charity's affairs in the interests of the beneficiaries. The Trust Board does not however act in the interests of the Council.
- 2.3 The purpose of the Trust is to meet the following objectives:
1. *To ensure the use of the Charity's land for the purpose of "games and sports of all kinds, tournaments, fetes, shows, exhibitions, displays, amusements, entertainments or other activities of a like character, and no other purpose".*
 2. *The maintenance, layout and letting of the Charity's land as an open space.*
 3. *The carrying on all of the purposes above without showing any undue preference to any particular game, sport, person, club, body or organisation.*
- 2.4 The Trust is overseen by the Charity Commission, which is an independent body with responsibility to ensure charity law is followed. The Commission can scrutinise any decision made by the Charity. If necessary it can intervene, should it consider that the Trust Board has made a decision that is not in the best interests of the Charity.
- 2.5 Therefore, the Charity Commission will need to formally approve any proposal which is agreed between the Board of Trustees and Arena 1865 Ltd. before the proposals can be taken forwards to the planning stage. This process is currently underway.
- 2.6 We have enclosed a fuller 'history' of the Rec within **Appendix 2** for the Inspector's information.

3.0 CURRENT PROPOSALS AND PROCESS

3.1 As we have detailed in **Appendix 2**, a previous proposal in 2008/9 to enlarge the footprint of the stadium / arena at the Rec which included a 'land swap' for land at Firs Field to the south east of Bath was unsuccessful as the Commission considered that the benefits secured by the Trust's proposal at that time was not greater than any detriments which arose from them. As a result of this process, lessons have been learned and the respondents are taking new proposals forwards involving land at Lambridge with the Trust and the Charity Commission, as we explain below.

Recent events and public consultation

3.2 In June 2010, the Trust notified the Charity Commission that the Club had a new owner, and its management team was being appointed. This resulted in further negotiations between the Trust and the Club in respect of possible contractual terms and the steps taken by BANES to ensure that the merits of any further proposal made to the Commission outweighed the detriments.

3.3 The Commission advised the Trust, in accordance with its policy in respect of a change of use or disposal of functional property, that the Trust should conduct a public consultation, in a form to be decided by the Trust, and let the Commission know the outcome. The Commission fully understands that the proposals currently being considered by the Trust are in a different form than those previously articulated to the Commission, and include a 'land-swap' involving significant land at the Club's former training ground at Lambridge, to the north east of the City Centre.

3.4 The public consultation requested by the Commission ran from 13 April 2011 to 10 June 2011. A copy of the consultation leaflet is found at **Appendix 3**. The consultation has been used to ascertain local resident's opinions on the future use of the Recreation Ground including the proposed land swap with Lambridge and subsequently inform the next steps in the process.

3.5 We have attached the full details of the public consultation within **Appendix 4** for the Inspector's information. In summary, from the 4,515 responses which the Trustees received, 3,876 respondents (86%) either agreed or strongly agreed that the benefits secured by the Trust's proposed land use are greater than any detriments which arise from them. We note that from the 3,876 respondents who agreed to the proposal, 3,495 strongly agreed, which equates to 77% of respondents.

3.6 Respondents were also asked what they considered to be the greatest benefit arising from the proposal. The top five answers were as follows:

1. *Benefits to Bath if Rugby is kept at the Rec*
2. *New stadium provides multiple uses*
3. *Tourism*
4. *Opportunity to re-develop Riverside*
5. *More aesthetically pleasing to replace old stands*

3.7 Lastly, respondents were asked what additional clubs or societies and/or activities which they would like to see at the Rec and Lambridge. The most common answers were as follows:

At the Rec:

- *Music*
- *Cricket*
- *All sports*
- *Youth Sport*
- *School Sport*

At Lambridge:

- *Canoeing*
- *All weather pitch*
- *Park and Ride*
- *Football*
- *Horse Shows*

3.8 The above highlights the wide range of facilities which can be provided at both sites, and our client's proposals, as set out within the Core Strategy policy, will facilitate them in addition to rugby use.

The proposals

3.9 For funding and organisational reasons, it appeared inefficient for Bath Rugby to be contemplating the construction of the proposed arena. Consequently, the development will be carried out and managed by Arena 1865 Ltd, a specially formed, staffed and funded company.

3.10 Arena 1865 Ltd currently proposes that the Board of Trustees of the Recreation Ground agree in principle to the following proposals:

- *The Trust will grant Arena 1865 Ltd, for on-lease to Bath Rugby a further 6,348 sq. metres on the Recreation Ground (taking the total area occupied by Bath Rugby from 16,107 sq. metres to 22,455 sq. metres giving them the potential to improve and enlarge their facilities);*
- *Arena 1865 Ltd will, in return, donate Lambridge playing fields to the Trust – an area of approximately 45,500 sq. metres;*
- *As Lambridge would then be owned by the Recreation Ground Trust, this land would be maintained for the people of Bath as an open space for recreational activity.*

3.11 Furthermore as part of the proposal, our clients will be party to a new 125 year lease with an enlarged curtilage at the Rec with new lease terms. We note that this point has been agreed in principle by the Chair of the Board of Trustees of the Recreation Ground Bath, as stated in the Minutes of a meeting of the Trust held on 29th September, 2011 (as approved at the subsequent meeting held on 1st December 2011 (**Appendix 5**)), but this legal matter still needs to go through due process and Charity Commission process.

3.12 It is proposed that with the extra 6,348 sq. metres of floorspace at the Rec, Arena 1865 Ltd will be able to develop a replacement arena with a final capacity envisaged to be around 18,000. This will be achieved by extending the South Stand further into the Rec, with the pitch moving slightly eastwards. This will allow a new North Stand to be developed which is currently used as the Club House. A new West Stand would be constructed with active frontage uses facing onto the river, and is intended to enhance this area and be befitting of its setting.

3.13 The East Stand of the new arena will remain removable (as it is currently) so that the Rec can still be managed as an open space during the summer months. However, the East Stand will become a modern, modular and possibly roofed seating area which will allow the flexibility needed so that it can be modified for cricket/music and other sporting uses. The playing surface in particular will remain under the control of the Rugby Club so that they can maintain the top class surface required for Premiership rugby and first class cricket.

3.14 The Rugby Club's former training facility at Lambridge is proposed to accommodate any potential displacement of activities which the proposed arena would create, as well as creating new opportunities for recreational, sporting and cultural events and uses.

3.15 At the time of writing, no formal application has been made to the Charity Commission to formalise the Trust's intentions, but this is forthcoming shortly once the terms of the lease

have been agreed. However, the Inspector can be assured that the necessary process is being undertaken and that there is a reasonable prospective that these steps will be concluded in early 2012, which will enable a planning application to subsequently be submitted following full community engagement.

4.0 SUGGESTED AMENDMENT TO POLICY

- 4.1 As the Inspector will note from the above text, the multi purpose arena will have numerous benefits to the people of Bath, in terms of providing enhanced sporting, cultural and leisure facility, as well as providing a facility befitting of Bath itself. The arena will also doubtless have a beneficial effect on tourism in Bath. It is notable that the existing built form at the Rec is not of the highest quality, and that there is an opportunity to significantly enhance the facility.
- 4.2 Therefore, we support the Council's amendment to Policy B1(8) (Proposed Change Ref PC19) which places the emphasis on providing improved 'Sport' facilities to the Bath Central Area and not just for 'Rugby'. We would like to highlight that although Bath Rugby Club will be the most 'high profile' user of an improved facility at the Rec, the site will continue to be used for a wide range of different uses and the scope of users will be enhanced.
- 4.3 However in light of the above, and to clarify the location, we would request that criterion (b) of Policy B1(8) is amended to the following:

b: Enable the development of a new sporting, cultural and leisure arena and associated uses located at the Recreation Ground, within the defined Central Area.

- 4.4 Although the Inspector may wish to alter the precise wording, there are three key points which we would like conveyed within the policy. Firstly, we consider that it is important to demonstrate that a new facility will not be used solely for sporting purposes. The proposals will include a temporary east stand which will allow, for example, live music events to be staged. Therefore changing the wording to 'sporting, cultural and leisure' highlights the different uses proposed at the Rec, and that the facility will be consistent with the charitable objectives of the Bath Recreation Ground Trust.
- 4.5 Secondly, we consider the term 'arena' would be more appropriate to describe the proposal rather than as a 'stadium'. A 'stadium' is commonly defined as a fixed structure with tiered seating predominately used for sporting events, whereas an 'arena' is defined as an enclosed area for the presentation of sports events and spectacles. The key difference is that the term 'stadium' does not imply flexibility which the new facility will retain.
- 4.6 The purpose of the east stand remaining removable is so that the Rec can still be managed as an open space. Therefore, we consider an 'arena' would be a more accurate description

which accords with the founding principles of the Recreation Ground Trust and our client's objectives.

- 4.7 Lastly, we support the Council's aim to have different strategic areas with varying objectives for each. Furthermore, we support the inclusion of the Recreation Ground within the defined 'Central Area', particularly as we consider that the opportunity to include active uses along the river would represent significant enhancements to the this area, which currently sees the blank face of the existing west stand abutting it.
- 4.8 However as mentioned above, due to Bath's designation as a World Heritage site, there are no other viable sites for development of this scale and for this time of facility within the Central Area other than the Rec. Therefore to provide more clarity, we would consider it appropriate to clearly define that the new facility will be located at the Rec. This will help avoid uncertainty for readers of the Core Strategy who may consider other sites within the city centre are being considered. However, we have left the term 'Central Area' within the policy to retain the Council's strategic focus for development.

5.0 CONCLUSIONS

- 5.1 Considerable work has already been undertaken to establish links with key stakeholders, including BANES, the Recreation Ground Trustees, Resident's Associations, local Amenity groups and societies, English Heritage, and the Environment Agency, as well as with individual residents in the immediate vicinity of the site.
- 5.2 Furthermore, it is currently anticipated that the Charity Commission will respond to the land use and lease proposals submitted by the Recreation Ground Trustees early in the New Year, in which case Arena 1865 Ltd will commence an extensive programme of community engagement in relation to the proposed development of the Recreation Ground. Once this reaches an agreeable conclusion, planning and listed building applications will then be prepared for submission potentially in the second half of 2012.
- 5.3 Detailed design and technical considerations will of course be needed on this sensitive site, but it is one which has a current sports stadium use, and the Council policy facilitates its aspirations to improve this area for the good of Bath and its residents, in accordance with the Trust's objectives and legal duties.
- 5.4 Therefore, on behalf of Arena 1865 Ltd, in response to the Inspector's explicit question, we can confirm there is a high prospect for the provision of a new sports arena within the Central Area of Bath within the plan period.

Appendix 1

Map of Recreation Ground

Appendix 2

Background History of the Recreation Ground

BACKGROUND HISTORY OF 'THE REC'

The Rec was acquired by the Mayor, Aldermen and Citizens of the City of Bath from the Bath and County Recreation Ground Company Limited by a conveyance dated 1 February 1956. Bath and North East Somerset Council (BANES) is the successor to the Mayor, Aldermen and Citizens of the City of Bath and more recently Bath City Council. At the time of the transfer the land was subject to a number of leases.

BANES did not consider that the Rec was held on charitable trusts, and it was therefore managed by BANES for many years as though it was part of BANES' corporate property. At BANES' request, the Commission gave its view in 1993 that the Rec was not held on charitable trusts.

On 23 May 1995 the Club had its lease renewed for a further term of 75 years for the use and occupation for its stadium of part of the Rec. The Club has, and currently, pays £6,500 rent under that lease.

In July 2002 the High Court (*Bath and North East Somerset Council v HM Attorney General* [2002] EWCA 1623 (Ch)) determined that the Rec was held on charitable trusts and BANES was charged with maintaining the Rec "as a recreational facility available for the benefit of the public at large."

As a result of the decision of the court, it is noted that the Club's occupation of the Rec is inconsistent with the trusts of the Charity.

Nevertheless, BANES' view is that the Club has a valid lease as a result of the operation of s37(4) of the Act and, therefore, cannot be required to vacate the part of the Rec which it occupies under that lease. This lease continues until 2070, and the Club can legitimately remain at the site until then.

Therefore, it is the duty of BANES to seek to resolve the irregularities in relation to the occupation of the Rec and discharge its duties and responsibilities as Trustee of the Charity.

In 2003 BANES proposed to the Commission that it should undertake a strategic review of the current and future uses of the Rec, to assess and resolve issues arising from the Rec's current occupants, and to ensure that the Rec is managed properly as the property of the Charity for the benefit of the public now and in the future.

BANES confirmed that this strategic review would include the occupation of the Rec by the Club and would address the issue of the future use of the Rec in accordance with the trusts of the Charity.

In 2003 the Club requested a short-term lease for an additional area of the Rec, as specified in the schedule to this Order, to enable it to erect a temporary seating stand without which the Club could not provide the facilities required by the Rugby Premiership. Having considered BANES' arguments and consulted with the Interim Managers appointed by the Commission, in particular regarding the Rec's financial position and pending the resolution of issues with the Rec in the long-term, the Commission agreed that it was in the interests of the Charity to grant the then proposed lease. Accordingly, the Commission authorised BANES, as being expedient in the interests of the Charity, to enter into a temporary one-year lease for full market rent to the Club for the additional area. The Order took effect on 22 August 2003.

Further authority was given by the Commission for BANES to grant additional short term leases over the additional area to the Club in 2004, 2006, 2007, 2008, 2009 and 2010 in order to permit BANES the time and finances to conduct and conclude its strategic review, to consider its possible outcomes and resolve issues arising from the current and future uses of the Rec.

BANES completed its strategic review by May 2007 and considered its findings. Having taken and considered appropriate professional advice and acknowledged the benefit to the Charity of the additional income generated by the leases with the Club, BANES identified the option in the strategic review to grant a lease of further additional land to the Club on terms to be determined ("the Potential Future Lease") as the proposed final solution to the Club's continuing occupation of the Rec. BANES formally approached the Commission for guidance as to whether the Commission was able legally to support this. In March 2008, the Commission confirmed that it was not yet satisfied that the Charity had put forward any specific proposal that passed the legal test which would enable the Commission to make a legal Scheme to allow the Potential Future Lease. The Charity needed to provide the Commission with a specific proposal that included a detailed list and analysis of both the benefits and detriments arising to the Rec from the Potential Future Lease and the basis upon which it believes that the former outweigh the latter. That proposal was received on 14 October 2008 but rejected by the Commission on 9 January 2009 on the basis that on balance the benefits did not outweigh the detriments.

In 2009 BANES subsequently developed a substantively revised proposal in relation to the Potential Future Lease which it considered would mitigate the detriments and enhance the benefits arising from the Club's continuing occupation of the Rec. This proposal included the provision of land to the Charity in addition to the Rec for use in furtherance of its charitable

purposes ("the Second Proposal"). Following the Second Proposal, the Commission gave BANES further advice and guidance and awaited BANES' formal application for a legal Scheme

Appendix 3

Copy of Consultation Leaflet

(The Recreation Ground Bath: Have your say: Proposals for land use at the Rec)

An aerial photograph of a residential area. A dark river flows through the center-left. To the right of the river, there are several large green rectangular areas, likely sports fields or parks. The surrounding area is filled with houses and streets. The text 'The Recreation Ground Bath' is overlaid in large white letters at the top.

The Recreation Ground Bath

Have Your Say

Proposals for land use at The Rec

Check for details of public meetings
and comment online at
www.recreationgroundtrust.org.uk

The Recreation Ground Trust

The Recreation Ground Trust is proposing changes to how The Rec is used. The aim is to allow the Trust, to meet its charitable purpose. The changes will also solve the problems caused by Bath Rugby Club and the Leisure Centre using the site.

We want to know what YOU think of these proposals.

This booklet gives you the background information you need to make comments on the proposals.

About the Trust

The Recreation Ground Trust is a Charity and the beneficiaries of the Charity are the people of Bath and its environs. The Council is the Corporate Trustee responsible for managing the Charity. A Trust Board comprising executive members of the Council manages the Charity's affairs in the interests of the beneficiaries. The Trust Board does not act in the interests of the Council.

The Charity owns the land know as The Rec in the centre of the City of Bath. There is a map in Appendix 5 at the back of this document which shows the land edged in blue.

You can read the full text of the Charity's objectives in Appendix 1 at the back of this document. The language is complex, because it is a legal document. However in simple terms the purpose of the Charity is:

- 1) The use of the Charity's land for the purpose of "games and sports of all kinds, tournaments, fetes, shows, exhibitions, displays, amusements, entertainments or other activities of a like character, and no other purpose".
- 2) The maintenance, layout and letting of the Charity's land as an open space.
- 3) The carrying on all of the purposes above without showing any undue preference to any particular game, sport, person, club, body or organisation.

The Charity Commission

The Charity Commission is an independent body with responsibility to ensure charity law is followed. The Commission can scrutinise any decision made by the Charity. If necessary it can intervene, should it consider that the Trust Board has made a decision that is not in the best interests of the Charity. It may also intervene if it thinks the Charity has acted outside its stated purpose.

The Charity Commission will have to formally approve the proposals made by the trustees as a result of this consultation exercise.

Any proposals that mean a significant change to the Charity's purpose will be assessed by the Charity Commission. The Commission will judge whether the benefits from the proposals outweigh the detriments.

The main statutes which govern the Charity's activity are the Charities Act 1993 and the Charities Act 2006. As trustee the Council has also to comply with the laws which apply to it as a local authority.

Why there needs to be a change

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.

Proposals

The Charity's proposals for solving these problems means changing the 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.

Full details of the proposal from the Trustees which you are asked to comment on are set out on pages 8-9.

Brief History of Events Leading to the Current Situation

Events prior to 1974 are included in Appendix 2.

1974

The Recreation Ground and the North Parade Land is transferred on local government reorganisation to Bath City Council.

1975

The Sports and Leisure Centre was erected by Bath City Council on the South side of the Recreation Ground, with an access over land at North Parade following legal counsel's advice that this was allowed.

1995

New 75 year lease is granted to Bath Rugby Club.

2002

Doubts over the legal effect of the 1956 Conveyance were resolved in 2002, when the High Court at the request of the Council, considered the matter. It declared the land to be, and always have been, a charitable trust (Registered Charity no. 1094519). The ruling confirmed the Council had to act as sole Trustee. The Council established a Trust Board to manage the Charity's affairs.

Since the ruling in 2002, the Charity Commission has been concerned that not all of the activities on The Rec comply with the purpose of the Trust and charity law. Two abuses of trust assets arise from the ruling:

- Firstly, the Council-run leisure centre does not comply with the Charity's purpose which is to maintain The Rec as an open space.
- Secondly, the disposal of part of The Rec to a commercial organisation, Bath Rugby Club for their beneficial use, is not a permitted use of the Charity's property.

If the Charitable Trust had established at this time it would probably not have allowed these arrangements. However, this was not the case and contracts entered into in good faith have resulted in the abuse of the Charity's assets.

2006

The Charity agreed to undertake a Strategic Review to determine the best way forward and to resolve the abuse and consider future uses of the Recreation Ground. A significant part of this process involved consultations with the beneficiaries.

2007

The Trust Board published the results of the Strategic Review which considered three options:

Option 1 - Minimal Impact Uses

- Leisure Centre is demolished and rebuilt on Council land at North Parade.
- Bath Club Rugby find alternative premises elsewhere.
- Remaining facilities are improved for wide range of qualifying activities.
- More opportunities are created for casual, informal access.

Option 2 - Variations to the Current Usage

- Land is leased/sold to the Council to operate a Leisure Centre.
- Bath Rugby Club stays on The Rec in a stadium that meets Premiership requirements.
- Bath Rugby Club's area (stands, pavilion, club house and parking) is used year round for a wider range of activities.
- The Charity agrees to lease additional land required by Bath Rugby Club that reflects the club's professional status and the new diversity of uses.
- Cricket is accommodated in a manner that makes the Somerset County Cricket Festival viable again.
- All other Rec land is used and managed for a wider range of activities.

Option 3 - Significant Change

- The Charity and the Council agree a solution including land at North Parade.
- The Leisure Centre and Bath Rugby Stadium are combined into a single complex, designed and managed to maximise sport and recreation uses throughout the year.
- Access for main events is solely from North Parade Road.
- New leases negotiated balancing public and private use.
- Cricket is accommodated in a manner that makes the Somerset County Cricket Festival viable again.
- All other Rec land is used and managed for a wider range of activities.

The results of the survey were;

Option 1	13%	93 respondents in favour
Option 2	56%	420 respondents in favour
Option 3	31%	233 respondents in favour

2008

The Trust submitted plans to the Charity Commission which involved the retention of both occupiers on The Rec (Bath Rugby Club and the leisure centre). Based on these plans the Charity Commission accepted that the leisure centre could remain. It also agreed that the objects of the Charity could change to allow indoor activities. Finally the Commission agreed there were circumstances in which Bath Rugby Club could remain on The Rec but that the benefits of the 2008 proposal did not outweigh the detriments.

BACKGROUND TO THE PROPOSAL

The Rugby Club Lease

In 1995 Bath Rugby Club secured a 75 year lease at The Rec. The club is also likely to have rights to renew or extend the lease under the Landlord and Tenant Act 1954. This creates a situation where the original purpose of the Charity can not be met.

Therefore a new scheme is required to recognise that it is not possible to use the area occupied by the Rugby Club for exclusively charitable purposes, whilst the lease is in force. For all practical purposes this area can now only be used as an income-producing investment for the Charity.

The Leisure Centre

The Leisure Centre was erected by Bath City Council in 1975. Whilst the activities taking place in the leisure centre fit well with the purpose of 'games and sports of all kinds', the fact that they take place within a building means that they do not comply with the requirement to maintain the land as an open space.

The Charity Commission has indicated that they are prepared to regularise the activities taking place in the Leisure Centre by approving a change to the objects of the Charity.

The final proposal must address both the abuse caused by the presence of the Leisure Centre and Bath Rugby Club.

Fundamental Challenge

The challenge facing the Charity arises from decisions made in good faith by the old Bath City Council. Those decisions now deny beneficiaries access to parts of The Rec (rugby stadium and leisure centre) that should be available to them for the intended purpose of organised sport and recreation in the outdoors. This is the principal detriment.

In addition to this Bath Rugby Club have indicated that to remain viable on The Rec they require more land to increase their stadium capacity. If this requirement is not met Premiership Rugby will leave The Rec and the Charity will lose over 75% of its annual income. This would mean the Charity would not have enough income to cover its costs. On top of this the club would still occupy the land in the existing lease at a nominal rent and with no improved access to the beneficiaries.

Whilst there are many ways to create benefits that might outweigh the above detriment, the most attractive is to restore access to land for the intended purpose of the Trust. This is not practical at The Rec so the Trustees aim to secure access to alternative land and other benefits to compensate for the land disposed of to the Rugby Club. They also seek to change the purpose of the Charity to legitimise activities taking place within the Leisure Centre.

The Proposal

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 in its current form and seeks to regularise activities within it, and
- (e) Accommodates Bath Rugby's aspiration to increase stadium capacity.

A detailed plan of the proposal is included on pages 10 & 11.

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. The playing surface will remain under the control of the Rugby Club so that they can maintain the top class surface required for Premiership rugby and first class cricket.

This new arrangement could displace current and potential future activities. The Trustees aim to make available additional land that is of sufficient size and utility to accommodate any potential displacement of activities. The area of land being considered is the Rugby Club's former training facility at Lambridge. You can see plan of Lambridge in Appendix 6 at the back of the document.

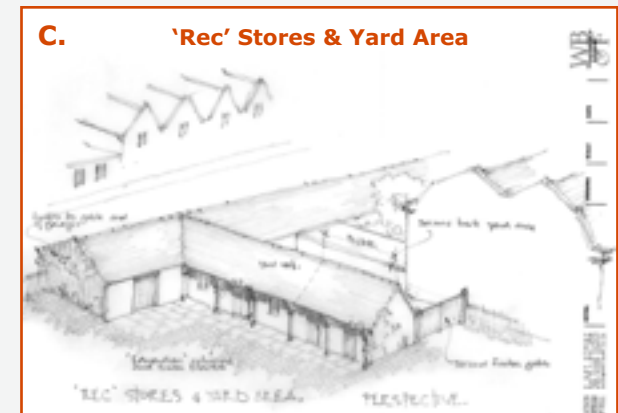
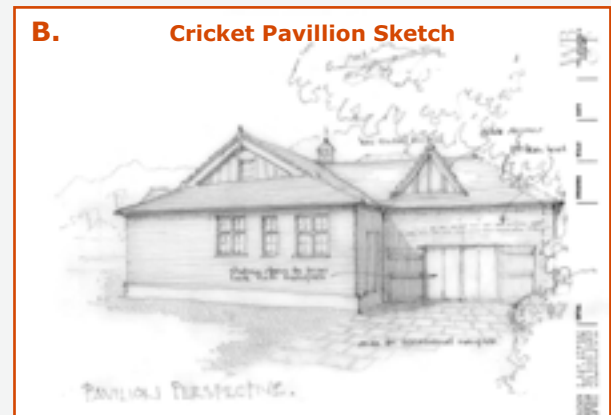
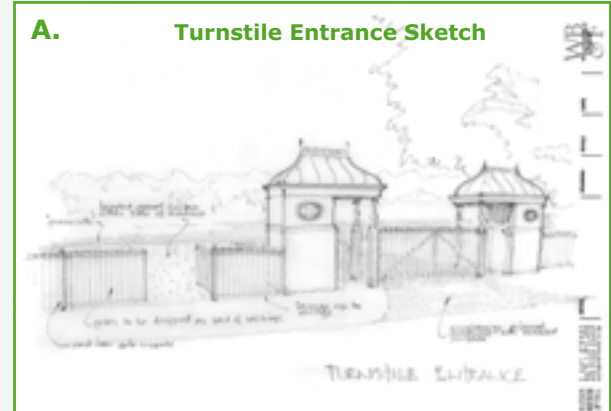
In addition you can compare the current use of land at The Rec with the new proposal using the plans on pages 8-9 and pages 14-15. Both plans give an indication of the pitches for some of the activities that beneficiaries participate in.

The table below sets out land use in metres squared under the existing land use and the proposed land use.

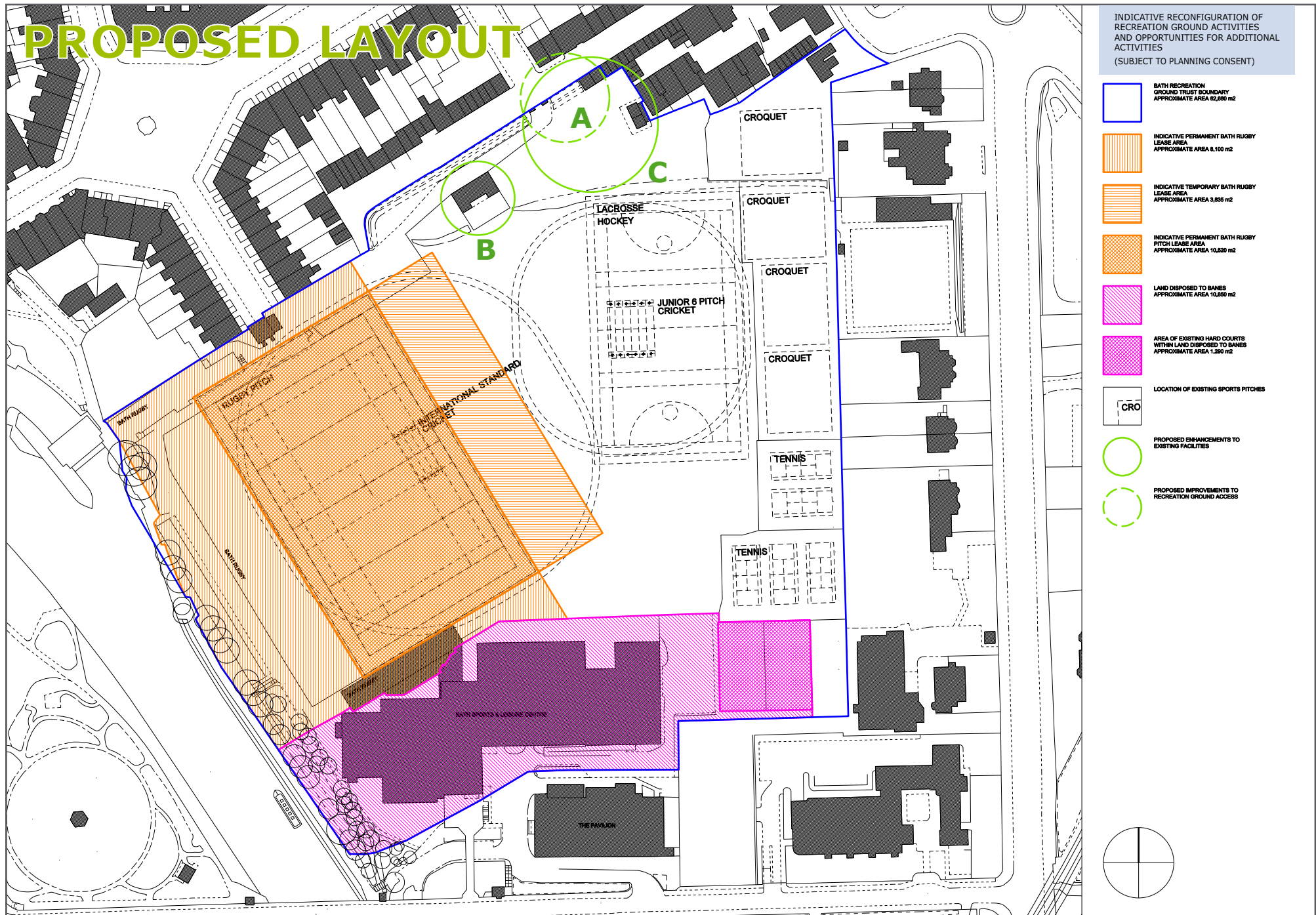
	Trust Today	Proposal	
	Recreation Ground	Recreation Ground	Lambridge
Total Area	62,660	62,660	45,500
Land for qualifying activities (Year round)	35,600	42,205	45,500
Available open space (Summer)	47,292	45,000	45,500
Available open space (Winter)	36,982	30,645	45,500

Other benefits envisaged by the Trustees include improving access arrangements to The Rec and refurbishing/ extending the Cricket Pavilion so that more clubs can benefit from the improved facilities. Preliminary drawings are included to give an impression of the proposals.

The Trustees are strongly of the opinion that their proposals provide a package of benefits that outweighs the detriments caused by the development of the new Rugby Stadium.

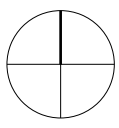


PROPOSED LAYOUT



INDICATIVE RECONFIGURATION OF RECREATION GROUND ACTIVITIES AND OPPORTUNITIES FOR ADDITIONAL ACTIVITIES
(SUBJECT TO PLANNING CONSENT)

- BATH RECREATION GROUND TRUST BOUNDARY
APPROXIMATE AREA 62,800 m²
- INDICATIVE PERMANENT BATH RUGBY LEASE AREA
APPROXIMATE AREA 8,100 m²
- INDICATIVE TEMPORARY BATH RUGBY LEASE AREA
APPROXIMATE AREA 3,836 m²
- INDICATIVE PERMANENT BATH RUGBY PITCH LEASE AREA
APPROXIMATE AREA 10,220 m²
- LAND DISPOSED TO BANES
APPROXIMATE AREA 10,200 m²
- AREA OF EXISTING HARD COURTS WITHIN LAND DISPOSED TO BANES
APPROXIMATE AREA 1,200 m²
- LOCATION OF EXISTING SPORTS PITCHES
- PROPOSED ENHANCEMENTS TO EXISTING FACILITIES
- PROPOSED IMPROVEMENTS TO RECREATION GROUND ACCESS



Appendix 1

Charitable Objects of the Bath Recreation Ground Trust

"THE USE WITH OR WITHOUT CHARGE OF THE WHOLE OR ANY PART OR PARTS OF THE PROPERTY HEREBY CONVEYED FOR THE PURPOSE OF OR IN CONNECTION WITH GAMES AND SPORTS OF ALL KINDS TOURNAMENTS FETES SHOWS EXHIBITIONS DISPLAYS AMUSEMENTS ENTERTAINMENTS OR OTHER ACTIVITIES OF A LIKE CHARACTER AND FOR NO OTHER PURPOSE AND SHALL MAINTAIN EQUIP OR LAY OUT THE SAME FOR OR IN CONNECTION WITH THE PURPOSES AFORESAID AS THEY SHALL THINK FIT BUT SO NEVERTHELESS THAT THE CORPORATION SHALL NOT USE THE PROPERTY HEREBY CONVEYED OTHERWISE THAN AS AN OPEN SPACE AND SHALL SO MANAGE LET OR ALLOW THE USE OF THE SAME FOR THE PURPOSES AFORESAID AS SHALL SECURE ITS USE PRINCIPALLY FOR OR IN CONNECTION WITH THE CARRYING ON OF GAMES AND SPORTS OF ALL KINDS AND SHALL NOT SHOW ANY UNDUE PREFERENCE TO OR IN FAVOUR OF ANY PARTICULAR GAME OR SPORT OR ANY PARTICULAR PERSON CLUB BODY OR ORGANISATION."

Further details about the Charity can be obtained by visiting the Charity Commission website www.charity-commission.gov.uk and searching for Charity 1094519 Bath Recreation Ground Trust.

Appendix 2

Further Key Dates

Pre 1894

The Rec and the North Parade Land were part of the Bathwick Estate, held by the Forester family.

1894

Lease granted from Captain GW Forester to the Directors of The Bath and County Recreation Ground Company Limited. This allowed the company to execute such works to make the ground suitable for cricket matches, lawn tennis, archery tournaments, football matches and other outdoor sports, including the first Bath rugby matches on The Rec. The works included building a Pavilion (the county cricket Pavilion) on the North side of the Recreation Ground.

1922

Conveyance of the The Rec and the North Parade Land by Francis William Forester, Brinsley John Hamilton Fitzgerald and Arthur Henry Brinsley Fitzgerald (Trustees of the Settlement) to the The Bath and County Recreation Ground Company Limited. The North Parade Land then included a building which became known as "the Pavilion". The company then conveyed the North Parade Land to Bath Artcraft Limited.

1927

New lease granted to Bath Rugby Club for land on the West of the Recreation Ground, together with a Grand Stand, a New (North) Stand and a Pavilion, for a term of 25 years.

1930

North Parade Land was conveyed to the Mayor Aldermen and the citizens of the City of Bath.

1933

New West Stand erected (in place of the Grand Stand) on the land used by Bath Rugby Club. Furthermore, the 1927 lease was surrendered and new lease granted for a further 50 years.

1954

An agreement to erect a building called "the Club Room" to the West of the North Stand on the land used by Bath Rugby Club. A lease was also granted to James Colmer Limited for land in the North East corner of the Recreation Ground together with a Pavilion to be used for the purposes of a tennis club.

1956

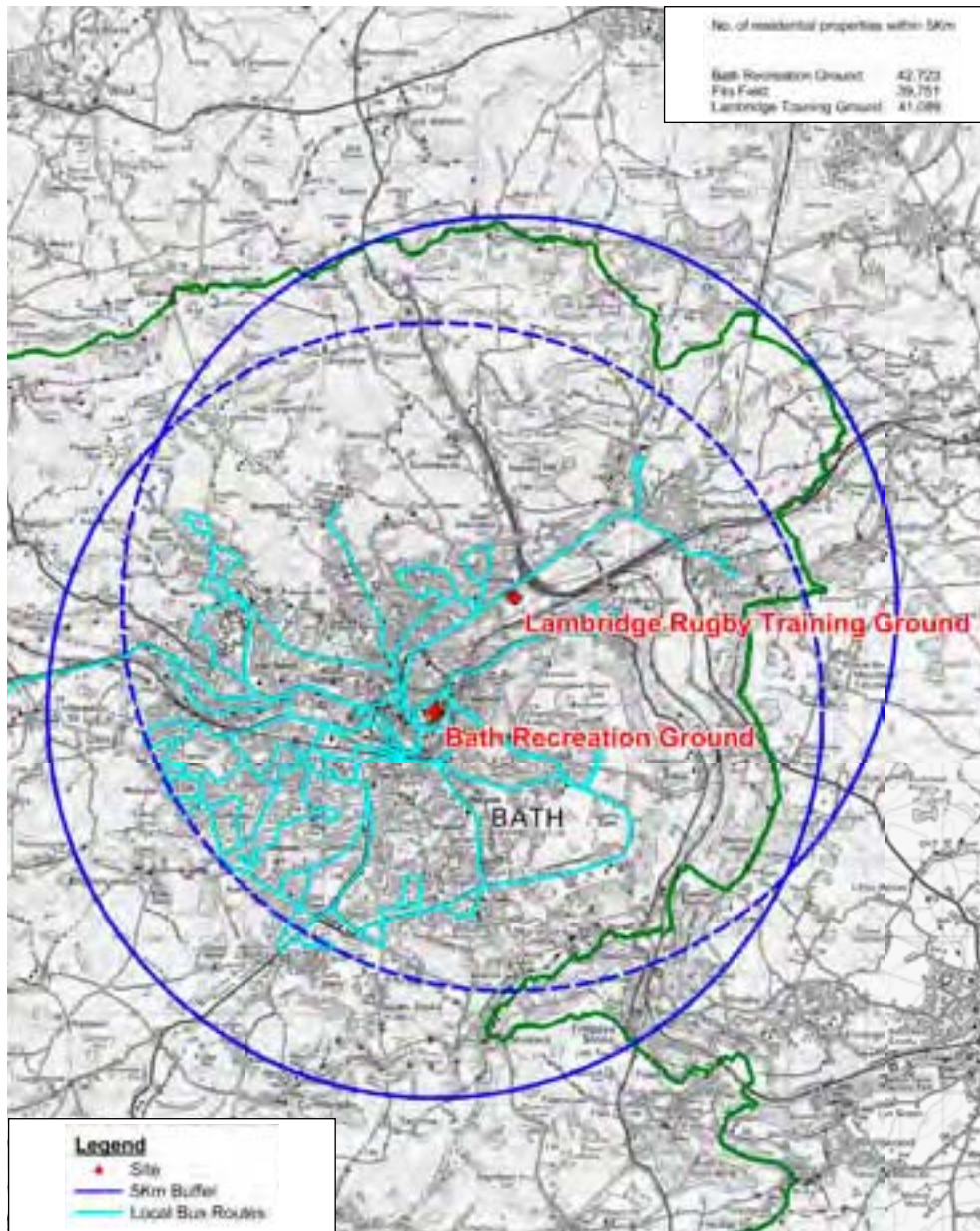
The Recreation Ground was conveyed to the Mayor Aldermen and the Citizens of the City of Bath.

1973

The 1933 lease was surrendered and a new 75 year lease granted to Bath FC.

Appendix 3

GIS Map Lambridge and The Rec

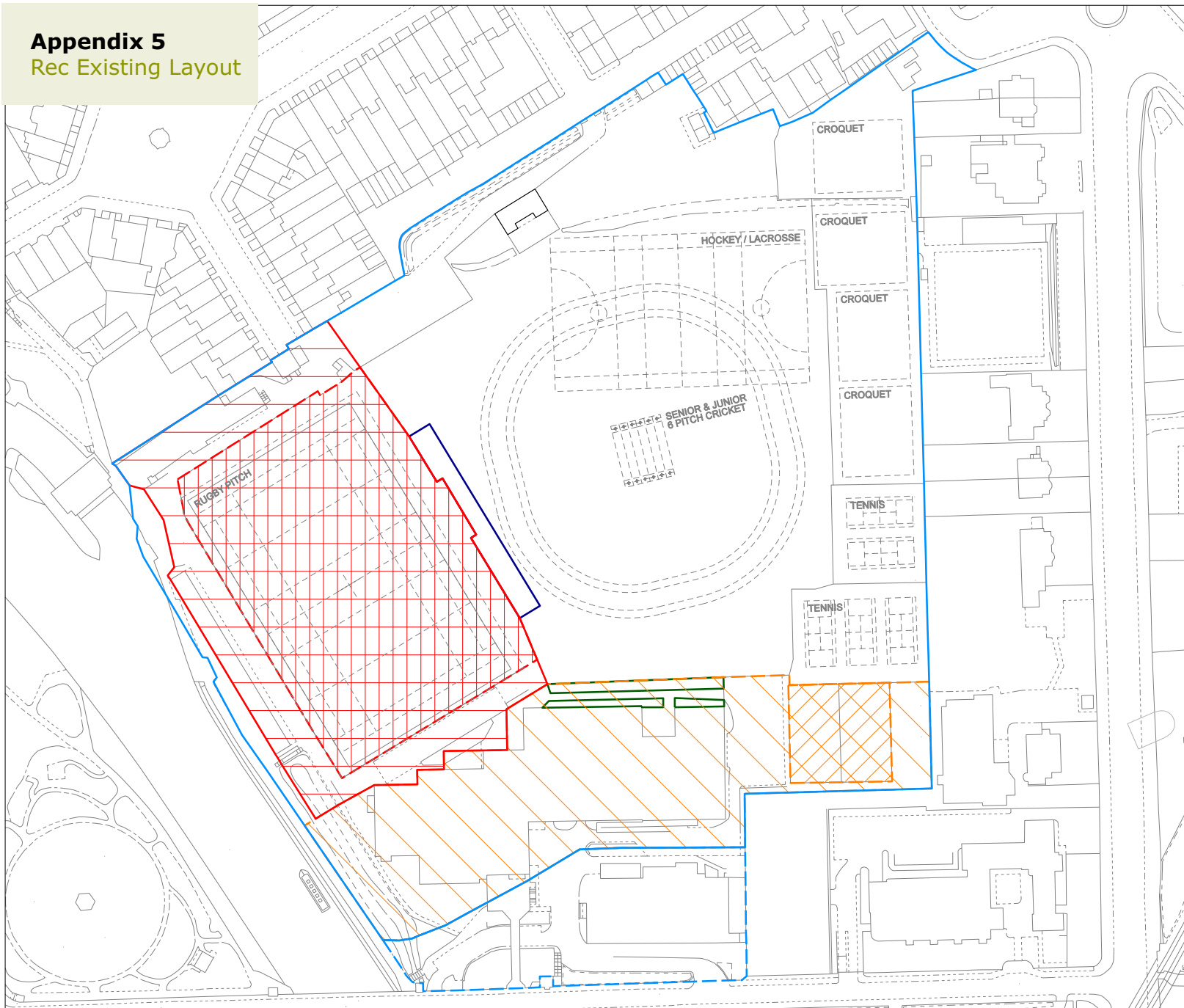


Appendix 4










Comparison of Utility

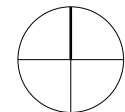
	The Rec	Lambridge
Accessibility	1. Located in the City Centre	1. Located to the East of the City
	2. Number of households within 5km:- 42, 723	2. Number of households within 5km:- 41, 089
	3. Excellent public transport links	3. Good public transport links
	4. Road congestion during morning & evening peaks	4. Road congestion during morning & evening peaks
Usability	Flat open space, given to grass and well suited to Charity's Objectives	Flat open space, given to grass and well suited to Charity's Objectives
Durability	1. Ground on alluvial flood plain, prone to becoming water logged	1. Ground on alluvial flood plain, prone to becoming water logged
	2. Long recovery period after prolonged usage	2. Short recovery period after prolonged usage
	3. Frequency of events must be managed to maintain suitable surface	3. Frequency of events must be managed to maintain suitable surface

Appendix 5 Rec Existing Layout



Existing Land Use of Bath Recreation Ground

-  BATH RECREATION GROUND TRUST BOUNDARY
62,800 m²
-  ADDITIONAL LAND
4,851 m²
-  LAND DISPOSED TO BANES
APPROXIMATELY 11,250 m²
-  AREA OF EXISTING HARD COURTS
WITHIN LAND DISPOSED TO BANES
APPROXIMATELY 1200 m²
-  EXISTING 14,907 m² BATH RUGBY
75 YEAR LEASE AREA
-  EXISTING BATH RUGBY 75 YEAR LEASE AREA
(RESTRICTED TO 6 MONTHS PER ANNUM)
APPROXIMATELY 10,510 m²
-  EXISTING 600 m² BATH RUGBY
TEMPORARY STAND
ANNUAL TENANCY AT WILL
-  EXISTING 600 m² BATH RUGBY
20 YEAR LEASE
-  LOCATION OF EXISTING SPORTS PITCHES



Your Opinion

You can respond either by filling in the form and sending to the freepost address or complete online using the link below.

1. The Trustees believe that the benefits secured by the Trust's proposed land use are greater than any additional detriments (negative elements) arising from them. Do you:

Strongly disagree	Disagree	Neither agree or disagree	Agree	Strongly agree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Please tick one box which represents your opinion

2. If you disagree, could you explain why you believe there are more detriments (negative elements).

3. Are there any benefits to the proposals that you believe we have overlooked?

4. What additional clubs, societies and/or activities, would you like to see available at The Rec, Leisure Centre or Lambridge?

The deadline for responses is Friday 10th June 2011.

Once completed please tear off this section and send to:
Admin, Freepost PYMS BA748, Bath, BA1 5TZ

Alternatively complete the questionnaire online at:
www.consult.recreationgroundtrust.org.uk

Appendix 6 Lambridge Plan



The area highlighted in green could be made available for the use of the beneficiaries along side the existing users of the facilities.

Admin
FREEPOST
PYMS BA748
Bath
BA1 5TZ

The Recreation Ground Trust

Check for details of public meetings and comment online at
www.recreationgroundtrust.org.uk

Appendix 4

Bath Recreation Ground: Report of Consultation July 2011

BATH RECREATION GROUND

REPORT OF CONSULTATION July 2011

**Author:
Glen Chipp
Advisor to Bath Recreation Ground Trustees**

Contents

1. Introduction

2. Context

3. Process

4. Results

5. Next Steps

Appendix I	Consultation Document
Appendix II	Analysis of Total Responses
Appendix III	Analysis of On-line Responses
Appendix IV	Analysis of Paper Based Responses
Appendix V	Schedule of Meetings held

1. Introduction

- 1.1 This report focuses solely on the process put in place to consult on the future of the Recreation Ground (The Rec), in Bath, and the results of that process.
- 1.2 The report includes detailed analyses of the responses to the consultation exercise to enable the reader to complete their own analysis. See Appendices II – IV
- 1.3 Section 4 of the report summaries the results and the conclusions drawn by the Trustees.
- 1.4 Section 5 summaries next steps.

2. Context

- 2.1 The Trustees are seeking to resolve abuses of the Charity's assets that became apparent after a High Court decision in 2002 confirmed that the Rec was held on a Charitable Trust.
- 2.2 The decision brought to light two problems:
 - The Council-run leisure centre does not comply with the Charity's purpose which is to maintain the land as open space for outdoor games and sports for all
 - As the disposal of some of the Charity's land for the use of a commercial organisation is not permitted, the lease to Bath Rugby Club should not have been granted.
- 2.3 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 that the Charity has a responsibility to put right these two abuses.
- 2.4 In June 2010 the Trustees wrote to the Charity Commission with an outline proposal that they believed provided a potential solution to the problems.
- 2.5 The proposals to resolve the abuses are as follows:

(i) The Leisure Centre

Whilst the activities taking place in the Leisure Centre fit well with the purpose of providing facilities for 'games and sports for all', the fact that they take place within a building means that they do not comply with the requirement to maintain the land as an open space.

The Trustees propose to regularise the continued provision of the Leisure Centre by asking the Charity Commission to change the objects of the Charity to allow indoor activities.

The Trustees believe it is appropriate to recognise that in a modern context games and sports for often take place within buildings such as the Leisure Centre.

(ii) The Lease to Bath Rugby

The Lease to Bath Rugby Club has an unexpired term of 60 years. Whilst this lease is in force, the area of land that is the subject of the lease is unavailable for use by the public, who are the beneficiaries of the Charity. Bath Rugby has indicated that they intend to exercise their right to occupy the land under the terms of the lease until it expires, and they are legally entitled to do so.

The only practical way to provide land for the beneficiaries to pursue charitable objectives in the near future is to secure access to suitable alternative land.

Bath Rugby Club has offered land at Lambridge to compensate for the land lost to the beneficiaries in return for a modest increase in their footprint on The Rec and other changes to the lease. This would also enable the Trustees to negotiate more favourable lease terms.

The Trustees believe the merits arising from this proposal outweigh the detriment caused by a slightly increased footprint as well as compensating for the detriment caused by the existing lease.

- 2.6** In August 2010 the Charity Commission directed the Trustees to undertake a consultation exercise to assess the views of beneficiaries in respect of the proposals, prior to submitting a final proposal for consideration by the Commission.

3. Consultation Process

- 3.1** On 13th April 2011, the Trustees commenced a formal written consultation exercise requesting the views of beneficiaries on their proposals. The consultation was open for 8 weeks, the deadline for responses being 10th June 2011.

- 3.2** The consultation was officially launched at the Trust Board Meeting on 13th April when copies of the consultation document (see Appendix I) were distributed to all attendees. The meeting was open to the general public and well attended.

- 3.3** TV crews covered the launch which made the evening regional news bulletins. In addition, the Bath Chronicle carried a two page feature on the launch.

- 3.4** Some 3300 booklets and an additional 600 questionnaire response cards were distributed locally from 4 sites adjacent to The Rec, namely the Library, Guildhall, Leisure Centre & The Recreation Ground

- 3.5** Clubs, Societies and Organisations that had used The Rec were invited to meet with the Trustees to discuss the proposals. A Schedule of Meetings held is included in Appendix V.

- 3.6** Two Open Days were also held with stands exhibiting details of the Trustees proposals. The stands were manned by the Trustees and Advisors supported by administrative staff. Many users of the facilities of The Rec gave their views and picked up copies of the consultation document.

7th May – The Recreation Ground
21st May – Bath Leisure Centre

- 3.7** Copies of the formal consultation booklet were made available on-line and a web-

based version of the questionnaire was available on the Trust's website :
www.consult.recreationgroundtrust.org.uk

3.8 The responses to the questionnaire have been collated and the results are analysed in detail in section 4 of this report.

4. Results of the Consultation

4.1 Detailed analyses of the separate postal and on-line responses can be found in Appendixes III and IV. The total responses have also been consolidated into one report which can be found in Appendix II.

4.2 The response to the consultation was very encouraging with some 4515 valid returns received.

4.3 The beneficiaries answers to the questionnaire are tabulated below:

Q.1 The Trustees believe that the benefits secured by the Trust's proposed land use are greater than any additional detriments (negative elements) arising. Do you

	Postal	On-line	Totals
Strongly Agree	252	3243	3495
Agree	23	358	381
Neither Disagree or Agree	4	44	48
Disagree	10	41	51
Strongly Disagree	138	402	540
	427	402	4515

For Questions 2 – 4 the top 5 tabulated answers are here – full analysis available in Appendixes II - IV

Q.2 If you disagree, could you explain why you believe there are more detriments (negative elements).

Perceived Detriment	Responses
The Rec is for all, not just rugby and not commercial gain	142
Lambridge is not a fair exchange	56
Lambridge is too far away from the city centre	40
Traffic congestion will be increased	24
New Stadium will be too big and out of character	16

Q. 3 Are there any benefits to the proposals that you believe we have overlooked?

Benefit to Bath Rugby if rugby is kept	313
New Stadium will have multiple uses	80
Tourism benefits	64
Opportunity to develop riverside	54
More aesthetically pleasing Rec	53

Q.4 What additional clubs, societies and/ or activities would you like to see available at The Rec, Leisure Centre or Lambridge?

The Rec	
Music	288
Cricket	278
All sports/ clubs	89
Youth sport	76
School sports	53
Lambridge	
Canoeing	6
All-weather pitch	3
Park & Ride	3
Association Football	2
Children's Play Area	2
Leisure Centre	
Warm water pool	61
Improved pool	14
Improved Sports Centre	2
Male/ Female Saunas	1
Wave machine/ fun pool	1

4.4 The results of Question 1 show that 86% of the beneficiaries are strongly in favour of the Trustees' proposals.

This percentage drops to 65% amongst the postal voters but still represents two thirds of those polled.

The Trustees conclude that the over whelming majority of beneficiaries support the proposals

4.5 Analysis of the reasons why the 14% of respondents who did not agree with the Trustees' proposals falls largely around two main concerns:

- (i) The Rec is for all and not commercial gain
- (ii) Lambridge is not suitable or too far from the City Centre

4.6 The Trustees recognise and sympathise with the argument in (i) above, by 142 respondents. However, the fact remains that the lease with Bath Rugby Club prevents an early resolution to this issue. The Trustees believe that it is better to provide suitable alternative land for beneficiaries to use now. The overwhelming majority of beneficiaries agree.

4.7 The issue of Lambridge and its value/ amenity is not lost on the Trustees. However, their view remains that an objective assessment of utility is possible, and independent valuations will be undertaken to address the value issue.

5. Next Steps

5.1 The Trustees plan to publish the results of the consultation exercise to inform beneficiaries of the results

- 5.2** Given the overwhelming support for their proposals, the Trustees plan to draft a submission document to present to the Charity Commission for their consideration.
- 5.3** The submission will seek to:
- (i) Regularise the Leisure Centre by amending the Charity's objects to include indoor activities
 - (ii) Permit the grant of a new lease to Bath Rugby
 - (i) Compensate for the lease by enabling the Charity to acquire Lambridge for the use of beneficiaries
- 5.4** The Trustees will take the necessary advice from its legal and property advisors to review the agreements necessary to complete the scheme.



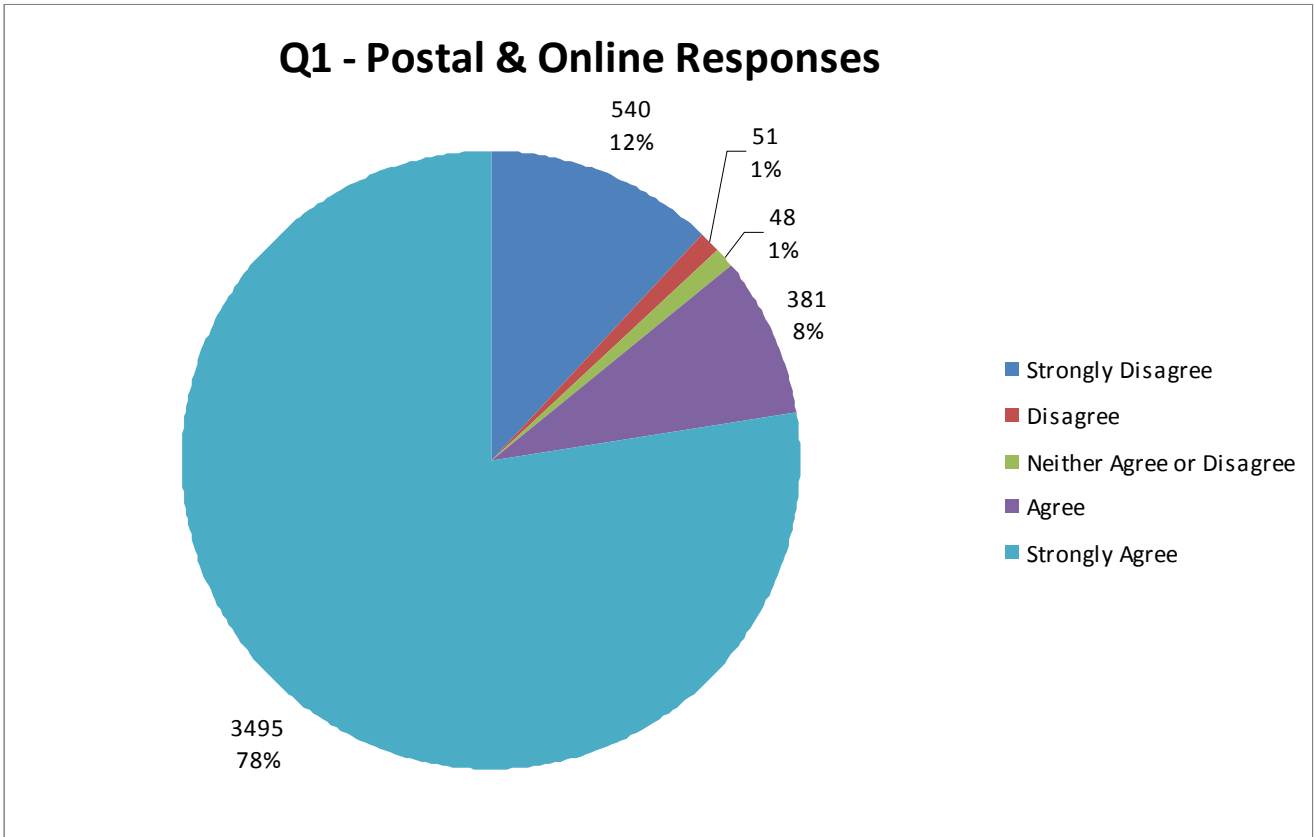
The Recreation Ground Bath

Have Your Say

Proposals for land use at The Rec

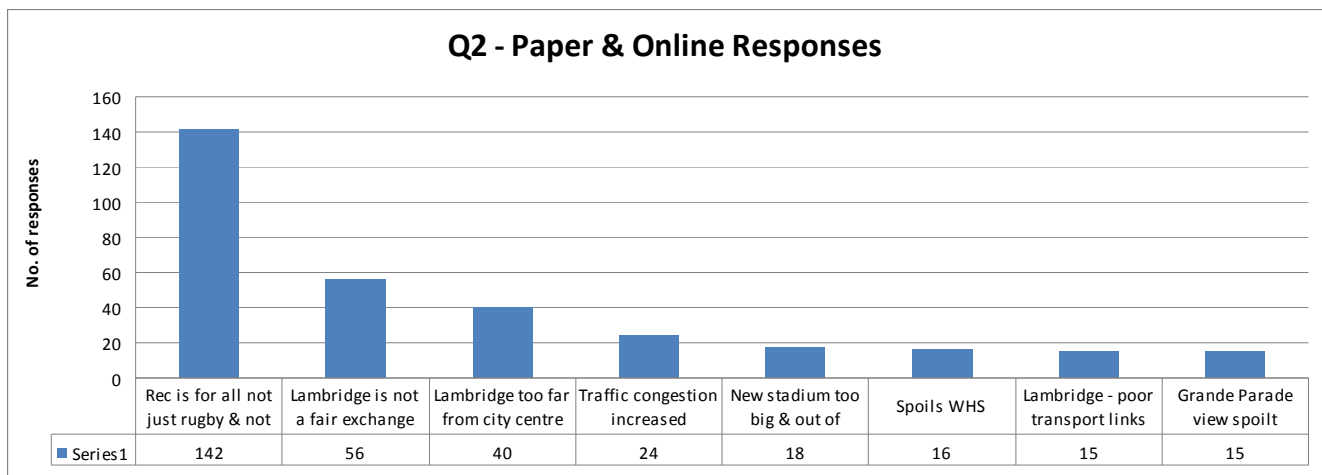
Check for details of public meetings
and comment online at
www.recreationgroundtrust.org.uk

The Recreation Ground Trust



Question 1:

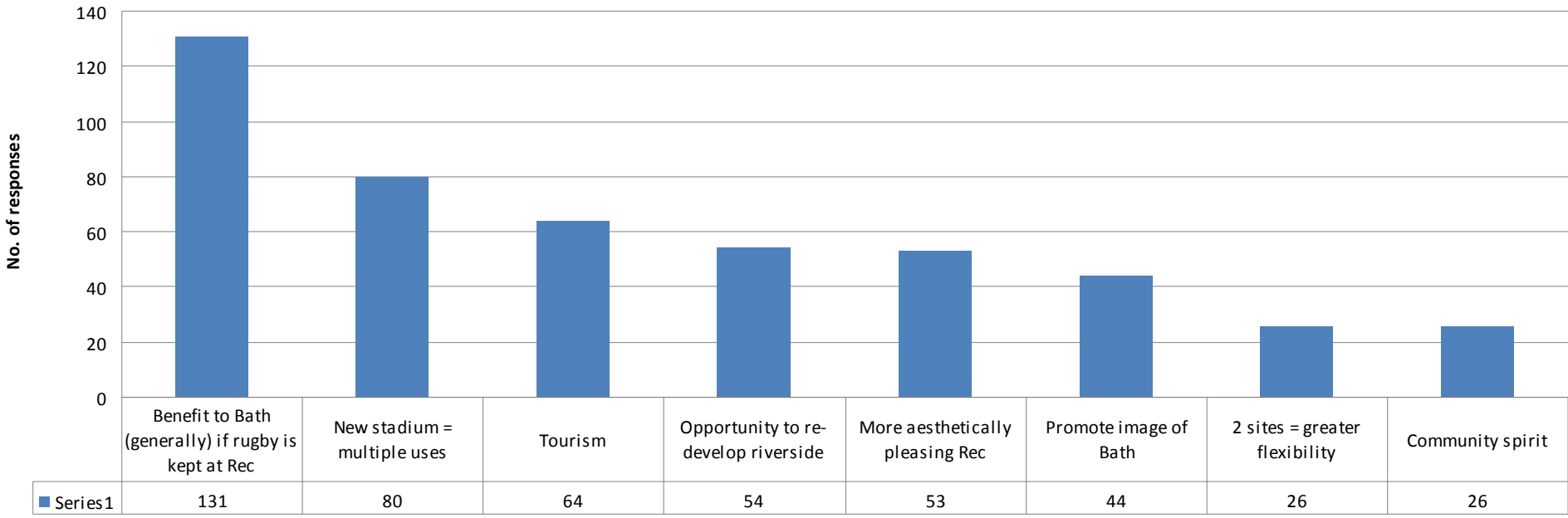
The Trustees believe that the benefits secured by the Trust's proposed land use are greater than any additional detriments (negative elements) arising from them.



Question 2:

If you disagree, could you explain why you believe there are more detriments?

Q3 - Paper & Online Responses



Question 3:

Are there any benefits to the proposals that you believe we have overlooked?

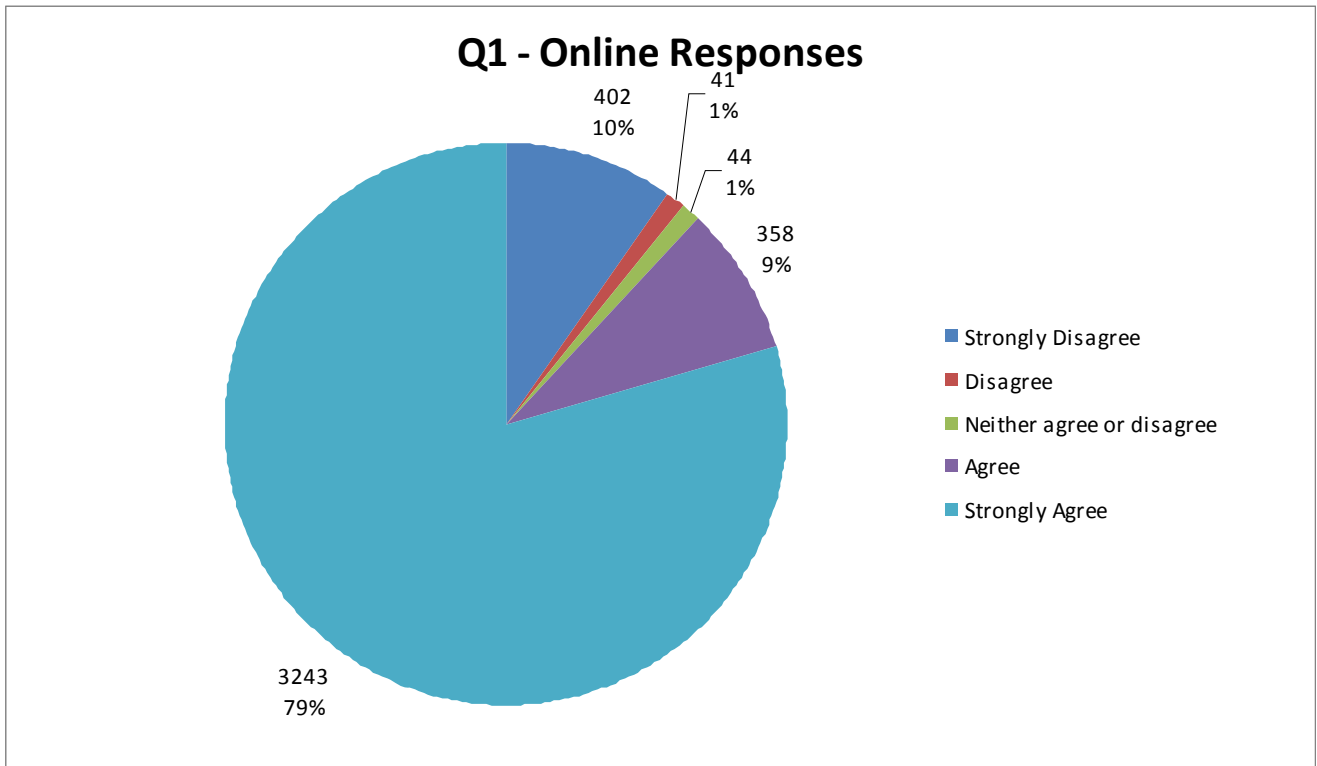
Question 4

What additional clubs, societies and/ or activities, would you like to see available at The Rec or Lambridge?

REC		LAMBRIDGE		LEISURE CENTRE	
Music	288	Canoeing at Lambridge	6	Warm water pool	61
Cricket	278	All weather pitch-Lambridge	3	Swimming pool-improved	14
All Sports / clubs	89	Lambridge P&R	3	Better sports centre	2
Youth Sport	76	Association Football at Lambridge	2	Leisure Centre-Separate male/female saunas & bigger/better changing rooms for sauna and gym	1
School Sports	53	Children's play area-Lambridge	2	Pool with wave machine, fun pool	1
Youth/junior/mini rugby	42	Horse shows at Lambridge	2	Water aerobics	1
Athletics	32	Pontoon at Lambridge	2		
Hockey	32	School sports at Lambridge	2		
Outdoor theatre	32	Athletics at Lambridge	1		
Tennis	29	Clay pigeon shoots-Lambridge	1		
Archery	27	Club house at Lambridge for use by all sports	1		
Bath City FC	25	Larkhall FC and all its teams to use part of Lambridge	1		
Boules	25	Football at Lambridge	1		
Football	25	Flood lighting at Lambridge	1		
Café/bars/restaurants	24	Golf at Lambridge	1		
Lacrosse	17	Activities requiring transport of personal sporting equipment will be best served at Lambridge.	1		
Armature sports & clubs	15	Outdoor cycle track-Lambridge	1		
Fairs/Fetes	13	Sports at Lambridge	1		
Women's Rugby	13				
Volleyball	12				
Charity Events	11				
Family events	11				
Ice Rink	11				
Children's play area	9				
University Sport	9				
5 a side	8				

Facility hire	8
Climbing wall	7
Open space with seating for community	6
Touch Rugby	6
Bowling	5
Disabled Sport	5
Hut for cubs/scouts etc.	5
Squash	5
American Football	4
Baseball	4
Community events	4
Rugby - Big Screen	4
Running track	4
Cycle tracks	3
Dance groups	3
Food/drink festival	3
more day time fitness classes	3
Rowing club	3
Rugby Museum	3
Adult outdoor fitness equipment	2
BMX track	2
Boxing	2
Dog Show	2
OAP keep fit	2
Gymnastics	2
Hot air ballooning	2
International Sport	2
Markets	2
Outdoor cinema	2
Small scale Bath & West	2
Weekend activities/sports for toddlers (age 2-4)	2
All-weather pitch	1
Arts & culture events	1
Bandstand	1
Basketball	1
Bath Flower Show	1
Big picnic days	1

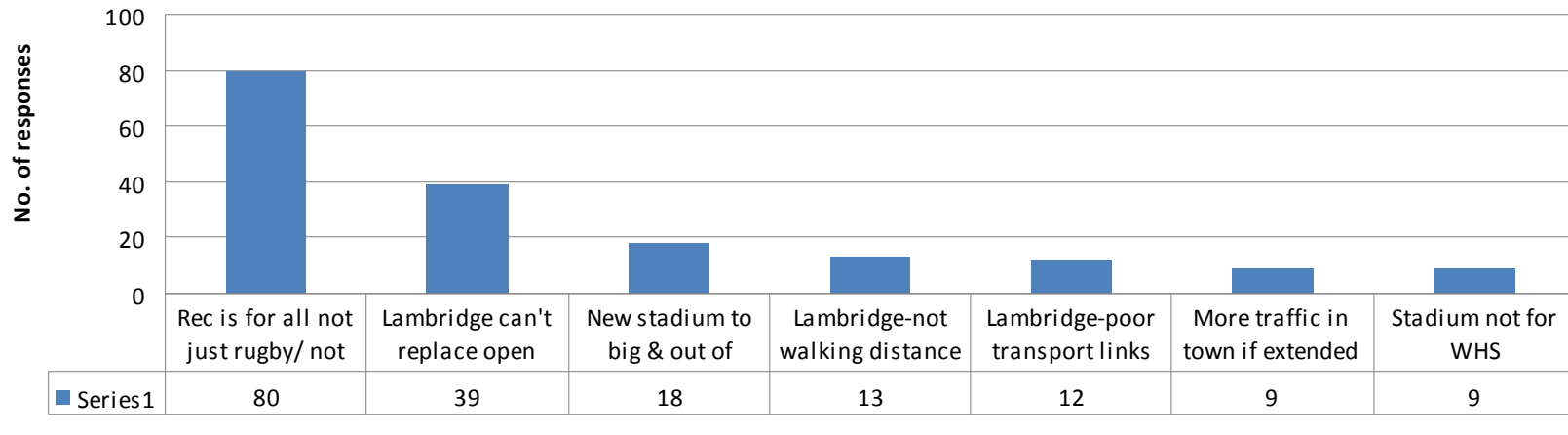
Bridge	1
Crèche/kids club on match days	1
Croquet	1
Elderly people's 'play park' (with mobility machines)	1
Extra bird nesting boxes	1
Field sports	1
Firework displays	1
Fitness groups	1
General recreational use	1
Improved facilities at the rec	1
Inclusion projects for children & adults with learning difficulties	1
Indoor bowls rink	1
Junior football currently held at Lansdown	1
Kite flying	1
Ladies pamper days	1
Mass participation fitness events	1
Meeting facility for senior citizens	1
Military fitness	1
More advertising of events	1
Netball	1
Outdoor team games	1
Pond	1
Pre-match entertainment	1
Rounder's	1
Segway Rally Racing	1
Skate boarding	1
Snooker	1
Softball	1
Speaker's Corner	1
Women's football	1
Youth centre	1



Question 1:

The Trustees believe that the benefits secured by the Trust's proposed land use are greater than any additional detriments (negative elements) arising from them

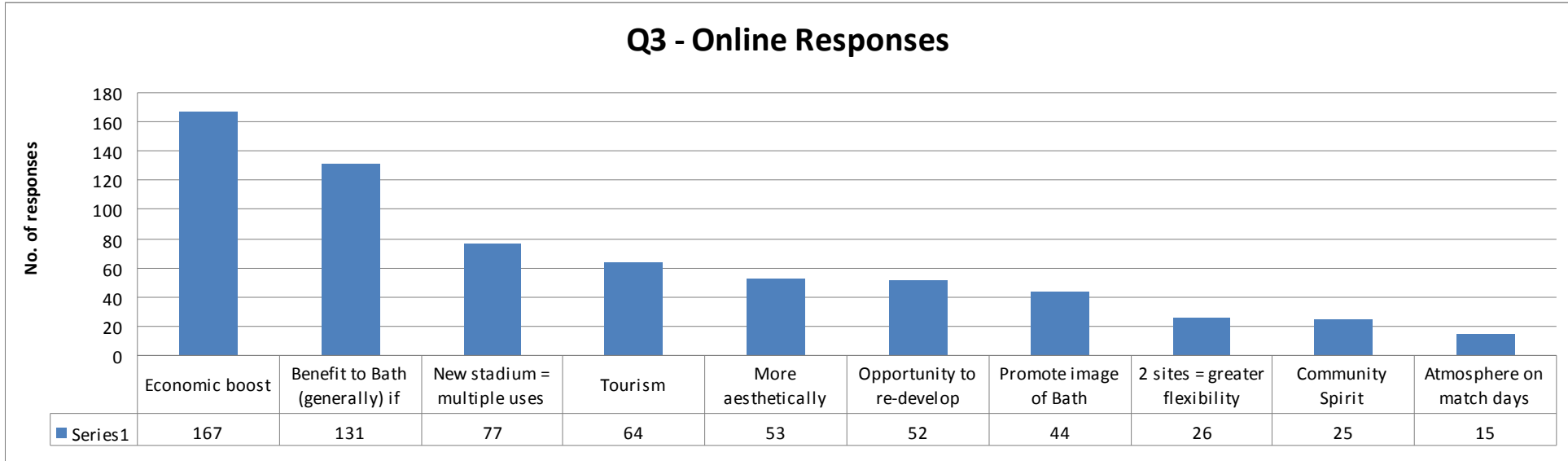
Q2 - Online Responses



Question 2:

If you disagree, could you explain why you believe there are more detriments?

Q3 - Online Responses



Question 3:

Are there any benefits to the proposals that you believe we have overlooked?

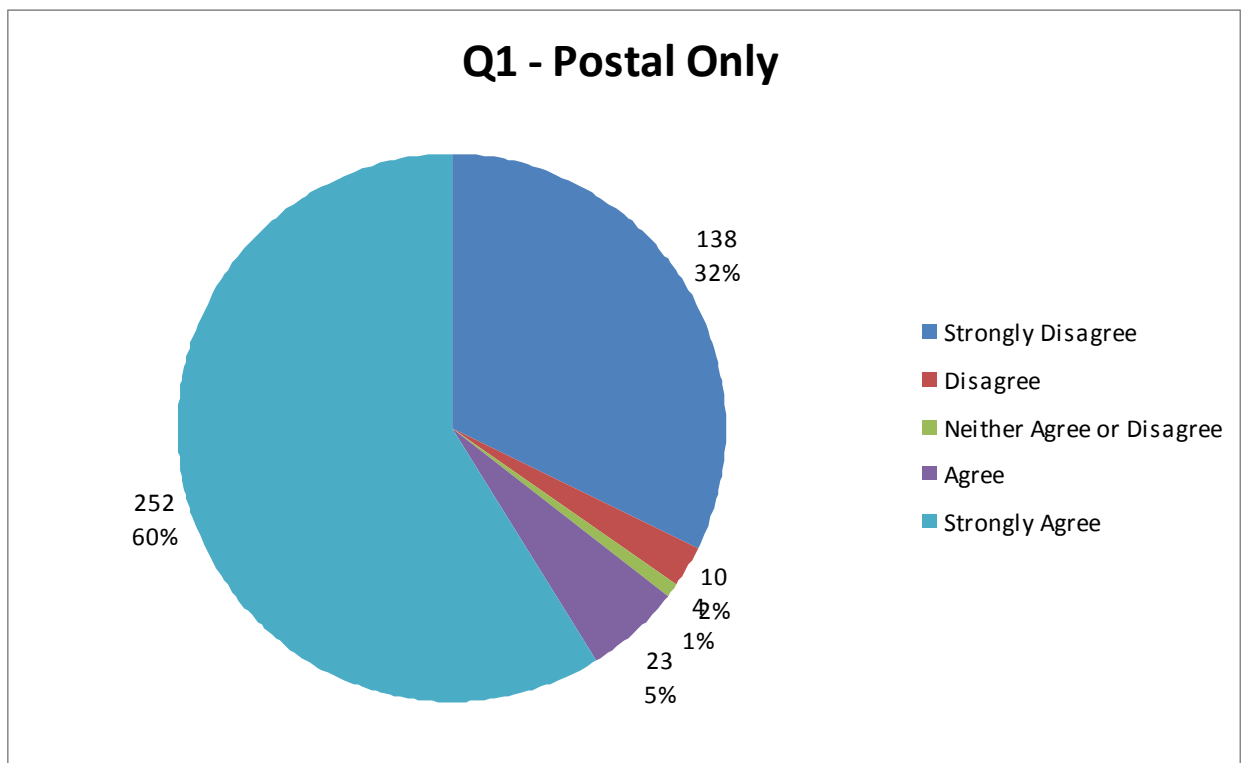
Question 4

What additional clubs, societies and/ or activities, would you like to see available at The Rec or Lambridge?

REC		LAMBRIDGE		LEISURE CENTRE	
Music	271	Canoeing at Lambridge	6	Swimming pool-improved	13
Cricket	266	All weather pitch-Lambridge	3	Warm water pool	8
				Leisure Centre-Separate male/female saunas & bigger/better changing rooms for sauna and gym	1
All Sports / clubs	89	Lambridge P&R	3	more day time fitness classes	1
Youth Sport	69	Children's play area-Lambridge	2	Water aerobics	1
Youth/junior/mini rugby	42	Pontoon at Lambridge	2		
School Sports	40	Association Football at Lambridge	1		
Hockey	30	Clay pigeon shoots-Lambridge	1		
		Individual sporting activities requiring the transport of personal sporting equipment will be best served at Lambridge.	1		
Athletics	29	Junior football currently held at Lansdown	1		
Archery	26	Larkhall Ath FC and all its teams to use part of Lambridge	1		
Outdoor theatre	26	Outdoor cycle track-Lambridge	1		
Bath City FC	25				
Tennis	25				
Café/bars/restaurants	20				
Lacrosse	13				
Boules	12				
Women's Rugby	12				
Charity Events	11				
Family events	11				
Volleyball	10				
Facility hire	9				
University Sport	9				
5 a side	8				
Boules	8				

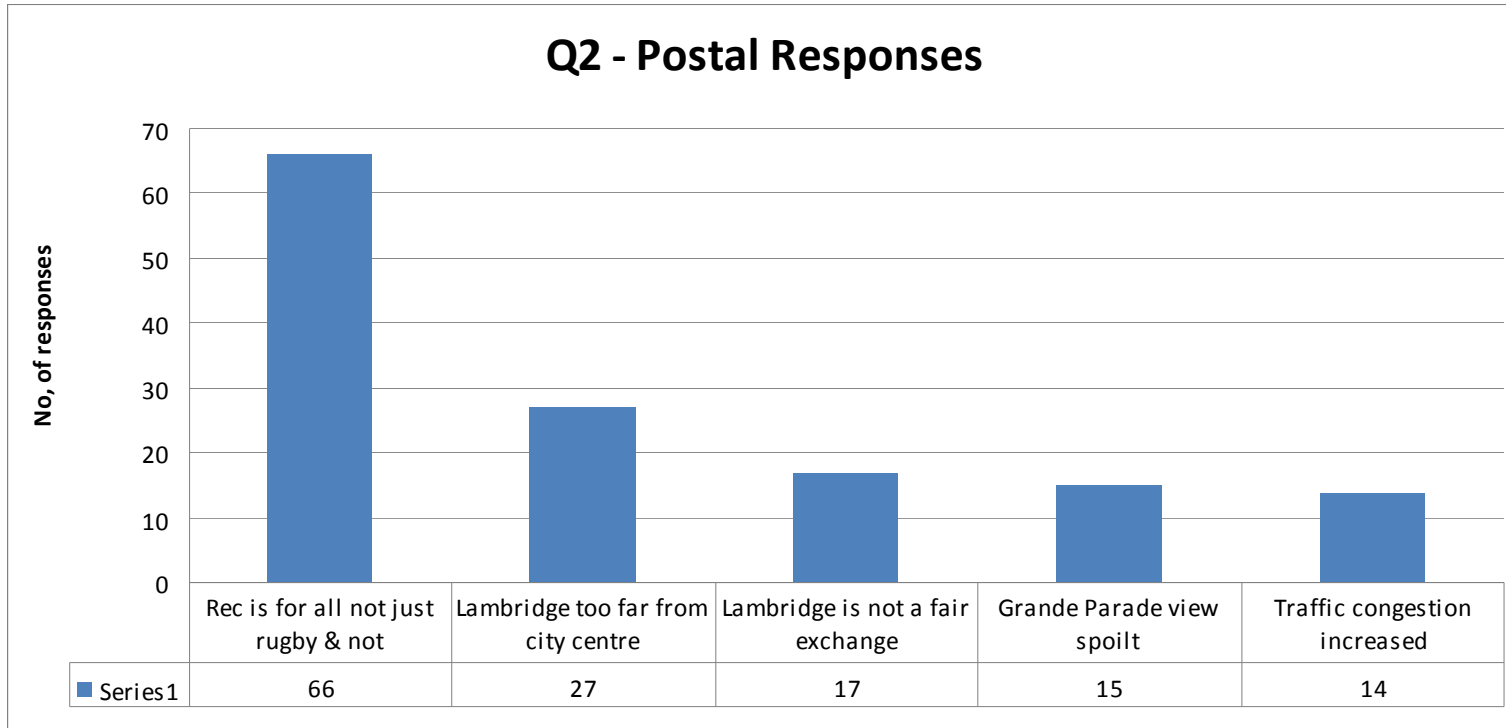
Ice Rink	7
Climbing wall	6
Fairs/Fetes	6
Touch Rugby	6
Disabled Sport	5
Hut for cubs/scouts etc.	5
Open space for community	5
American Football	4
Baseball	4
Children's play park	4
Community events	4
Rugby - Big Screen	4
Bowling	3
Rugby Museum	3
Better sports centre	2
Boxing	2
Dance groups	2
Dog Show	2
Hot air ballooning	2
International Sport	2
Markets	2
Outdoor cinema	2
Small scale Bath & West	2
Squash	2
Weekend activities/sports for toddlers (age 2-4)	2
Amateur sport	1
Arts & culture events	1
Bandstand	1
Basketball	1
Bath Flower Show-central	1
Big picnic days	1
BMX track	1
Bridge	1
Crèche/kids club on match days	1
Elderly people's 'play park' (with mobility machines)	1
OAP keep fit	1
Extra bird nesting boxes	1

Horse Shows	1
Inclusion projects for children & adults with learning difficulties	1
Indoor bowls rink	1
Kite flying	1
ladies pamper days	1
Mass participation fitness events	1
Meeting facility for senior citizens	1
Military fitness	1
More advertising of events	1
More cycle facilities	1
Multipurpose gymnasium	1
Pond	1
Pre-match entertainment	1
Segway Rally Racing	1
Snooker	1
Softball	1
Speaker's Corner	1
Youth centres	1
Youth gym	1



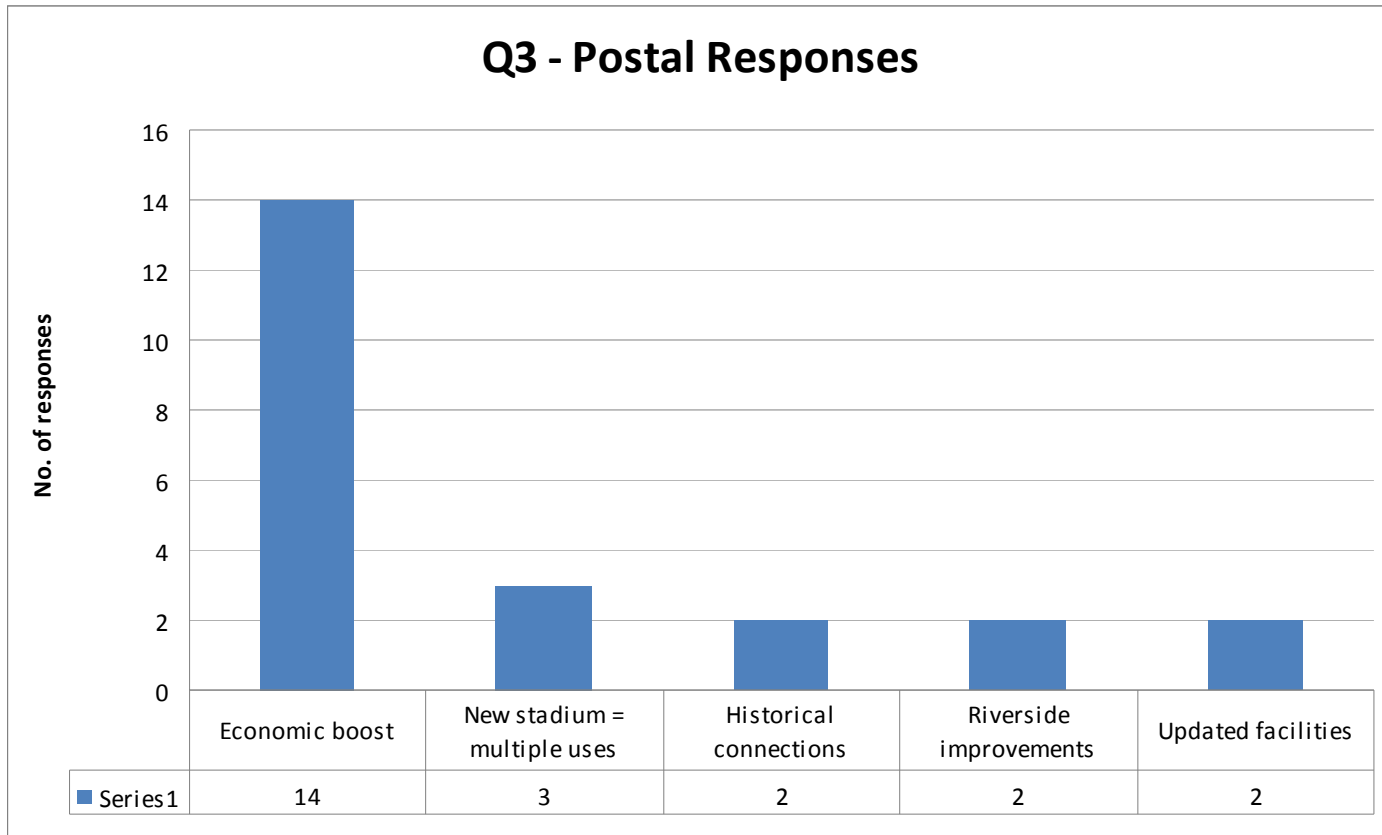
Question 1:

The Trustees believe that the benefits secured by the Trust's proposed land use are greater than any additional detriments (negative elements) arising from them



Question 2:

If you disagree, could you explain why you believe there are more detriments?



Question 3:

Are there any benefits to the proposals that you believe we have overlooked?

Question 4

What additional clubs, societies and/ or activities, would you like to see available at The Rec or Lambridge?

REC		LAMBRIDGE		LEISURE CENTRE	
Music	17	School sports at Lambridge	2	Warm water pool	53
Amature sports & clubs	14	Athletics at Lambridge	1	more day time fitness classes	2
School sports	13	Club house at Lambridge for use by all sports	1	Pool with wave machine, fun pool	1
Cricket	12	Football at Lambridge	1	Swimming pool-improved	1
Fairs/Fetes	7	Horse shows at Lambridge	1		
Open air theatre	6	Sports at Lambridge	1		
Youth sport	6				
Boules	5				
Children's play ground	5				
Café with a garden	4				
Football	4				
Ice rink	4				
Lacrosse	4				
Running track	4				
Tennis	4				
Athletics	3				
Squash	3				
Bowling	2				
Cycle tracks	2				
Hockey	2				
Volleyball	2				
Adult outdoor fitness equipment	1				
All-weather pitch	1				
Archery	1				
Association football	1				
BMX track	1				

Climbing wall	1
Croquet	1
Dance	1
Field sports	1
Gymnastics	1
Improved facilities at the rec	1
Netball	1
OAP keep fit	1
Open space with seating	1
Outdoor team games	1
Rounder's	1
Skate boarding	1
Women's football	1
Women's rugby	1

Q&A Slots with Rec Trust Board
25th May

Time	Organisation	Representative(s)
10:00	Whitefield Volleyball Tournament	Ron Richards & Phil Gorton
10:30	Bath Drama	Stephen Curtis, Ian Brown & one other
11:00	Rotary Club - fireworks chairman	Alan Keeling
11:30	Bath Youth Rugby Minis Section	Peter Morgan & 2/3 colleagues
12:00	Friends of Holburne Museum Trust	Sally Roche
12:30	Bath Croquet Club	Andrew Willis
LUNCH		
13:00	Bath Preservation Trust	Caroline Kay
13:30	Bath Lacrosse Club Committee	Daniel Weil
14:00	Running High (Bath Half Marathon)	Andrew Taylor & Will Finlayson
14:30	Bath Lacrosse Tournament	Jon Harrop
15:00	Somerset County Cricket Club	Sally Donoghue & colleagues

Appendix 5

Minutes of Meeting of the Trust from the 29th September 2011

Democratic Services

Riverside, Temple Street, Keynsham, Bristol BS31 1LA
Telephone: (01225) 477000 *main switchboard*
Direct Lines - Tel: 01225 394414 Fax: (01225) 394439
Web-site - <http://www.bathnes.gov.uk>

Your ref:

Our ref: DT

Date: 23 November 2011

E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Board of Trustees of the Recreation Ground, Bath

Councillor David Dixon (Chair)
Councillor Tim Ball
Councillor Nathan Hartley

Copy to Abbey Ward Councillors Manda Rigby and Brian Webber

Chief Executive and other appropriate officers
Press and Public

Dear Trustee

Board of Trustees of the Recreation Ground, Bath: Thursday, 1st December, 2011

You are invited to attend a meeting of the **Board of Trustees of the Recreation Ground, Bath**, to be held on **Thursday, 1st December, 2011** at **6.30pm** in the **Council Chamber, Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely

David Taylor
for Board of Trustees

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact David Taylor who is available by telephoning Bath (01225) 394414 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting David Taylor as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting David Taylor as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Board of Trustees of the Recreation Ground, Bath - Thursday, 1st December, 2011

at 6.30pm in the Council Chamber, Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will ask the Administrator to draw attention to the emergency evacuation procedure as set out under Note 6

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

To receive any declarations from Members/Officers of personal or prejudicial interests in respect of matters for consideration at this meeting. Members who have an interest to declare are asked to:

- a) State the Item Number in which they have the interest;
- b) The nature of the interest;
- c) Whether the interest is personal, or personal and prejudicial.

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. QUESTIONS AND STATEMENTS

To consider any submissions received and decide what action to take, if any, on the matters raised therein. As the Questions and Answers will be circulated in written form, there is no requirement for them to be read out at the meeting. The Questions and Answers will be published with the draft Minutes.

6. MINUTES: THURSDAY 29TH SEPTEMBER 2011 (Pages 5 - 10)

To approve as a correct record the Minutes of the previous meeting held on Thursday 29th September 2011

7. UPDATE ON GENERAL MANAGEMENT ISSUES (Pages 11 - 12)

To consider a report by the Adviser to the Bath Recreation Ground Trustees updating Members on general management issues at the Recreation Ground

8. LETTINGS UPDATE (Pages 13 - 18)

To consider a report by the Parks and Estates Manager on lettings made at the Recreation Ground since the last report to the Board at its September meeting

9. BUDGET POSITION FOR BATH RECREATION GROUND TRUST AND STRATEGIC REVIEW TO 31ST OCTOBER 2011 (Pages 19 - 26)

To consider a report by the Assistant Management Accountant which gives details of the Recreation Ground spend to 31st October 2011 against the agreed budget for 2011/12 and details of the strategic review spend to 31st October 2011

10. DATE OF NEXT MEETING

The Administrator to the Board is David Taylor who can be contacted on 01225 - 394414

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

BOARD OF TRUSTEES OF THE RECREATION GROUND, BATH

Thursday, 29th September, 2011

Present: Councillor David Dixon in the Chair
Councillors Tim Ball and Nathan Hartley

Also attending: Councillors Manda Rigby and Brian Webber

12 EMERGENCY EVACUATION PROCEDURE

The Administrator to the Board drew attention to the emergency evacuation procedure

13 APOLOGIES FOR ABSENCE

There were no apologies for absence by Members of the Board (Note: Keith Bray, Independent Consultant to the Board, had indicated that he would not be able to attend this meeting.)

14 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

There was none

15 TO ANNOUNCE ANY ITEMS OF URGENT BUSINESS AGREED BY THE CHAIR

There was none

16 QUESTIONS AND STATEMENTS

Questions had been submitted in advance of the meeting by Steve Osgood and Ian Barclay. They were provided with copies of the responses by the Chair of the Board which were printed in the Public Speakers document made available at the meeting (see *Appendix* to these Minutes). Steve Osgood asked further questions for clarification purposes to which the Chair responded.

17 MINUTES: THURSDAY 7TH JULY 2011

The Minutes of the previous meeting were confirmed as an accurate record and signed by the Chair

18 UPDATE ON GENERAL MANAGEMENT ISSUES

The Board considered a report by the Adviser to Bath Recreation Ground Trustees which provided an update on general management issues at the Recreation Ground.

The Chair reported on the Charity Commission's authorisation for construction of a temporary East Stand for the rugby season, the Order being available for inspection

on the Charity's website. He informed the meeting that the Recreation Ground website was being updated with a view to encourage bookings and add a community focus with links to users of the Recreation Ground. Charges for events/bookings at the Recreation Ground would be signed off at the next Board meeting.

RESOLVED to note the report

19 LETTINGS UPDATE

The Board considered the report of the Parks and Estate Manager which provided an update on the lettings made at the Recreation Ground since the report to the last meeting.

The Chair briefly reported on the matter. It was commented that there was a diverse range of sports using the Recreation Ground.

At the Chair's discretion, a member of the public commented that people found it difficult in getting to the Recreation Ground as there were no signs giving directions. The Chair replied that he would ask Officers to look into the matter.

RESOLVED to note the report

20 OUTTURN REPORT FOR 2010/11 AND BUDGET PROPOSAL FOR 2011/12

The Board considered the report of the Financial Accountant which provided details of the Recreation Ground audited accounts for 2010/11 and the proposed budget for 2011/12.

The Chair reported on various aspects of the report. He stated that there would be some more marketing to promote bookings and therefore an additional £3,000 would be included in the budget under Events and Marketing.

The Head of Business Finance and Pensions informed the meeting that Irene Draper, the author of this report who had looked after the financial matters pertaining to the Board for a number of years, was retiring imminently. The Chair extended his thanks on behalf of the Board for her efforts and hard work in the past.

The Board approved the Recommendations set out in the report and therefore **RESOLVED:**

(1) to note the outturn report for 2010/11;

(2) to approve the budget for 2011/12 (including the additional £3,000 for Events/Marketing);

(3) to note the expenditure to date on the strategic review; and

(4) to note the audit report for 2009/10 and 2010/11 and approve the recommended audit programme for future years.

21 DATE OF NEXT MEETING

The Chair stated that the next meeting would be held on Thursday 1st December 2011 at 6.30pm in the Guildhall Council Chamber (if available).

He extended his thanks to the Officers for their support of the Board particularly regarding their work with the Charity Commission on the future uses of the Recreation Ground.

The meeting ended at 6.46 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

This page is intentionally left blank

**RECREATION GROUND TRUST BOARD MEETING
29TH SEPTEMBER 2011**

The following people have registered to ask Questions at this meeting and these are set out below:

QUESTIONS AND ANSWERS - PUBLIC

01

5 Questions from Steve Osgood followed by replies from the Chair of the Board:

1. Following the recent visit to Bath of the Principals of ICOMOS, does the new Board of Trustees recognise the **premise** upon which the City enjoys World Heritage status and the role that the open space of the Rec plays in this?

Reply: Yes

2. Can the Board table its **mission** statement for the Citizens it represents?

Reply: No. The Trustee Board acts in the interest of beneficiaries which may include, but is not restricted to, Citizens. The charitable objects of the Trust are in effect the mission statement.

3. Is it the Board's proposal to sell a new 100 year **lease** with an enlarged curtilage to Bath Rugby?

Reply: Yes but it will be a 125 year lease.

4. Does the Board have grounds to believe that B&NES will alter the Local Plan to give planning **consent** to a major industrial building on the Rec?

Reply: No

5. Has any Trustee since appointment been the recipient of Bath Rugby corporate entertainment?

Reply: No

02	Question from:	Ian Barclay
Please could the Chair update me on the position of the “Firs Field Land Swap” proposal given the Lambridge Consultation Exercise and the exclusion of Firs Field from this consultation? Has the “Firs Field Land Swap” proposal been abandoned?		
Answer from:		Chair of the Board
The Firs Field option was never progressed.		

Bath & North East Somerset Council		
MEETING:	Bath Recreation Ground Trust Board	
MEETING DATE:	Thursday 1st December 2011	<small>EXECUTIVE FORWARD PLAN REFERENCE:</small>
		E 2339
TITLE:	The Recreation Ground, Bath – Update on General Management Issues	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		

THE ISSUE

This paper gives the Trustees an update on general management issues at the Recreation Ground.

RECOMMENDATION

The Trust Board is asked to:

Note the contents of this report

FINANCIAL IMPLICATIONS

Any financial implications have been noted within the content of this report.

THE REPORT

Bath Rugby have erected a new scoreboard within the area leased to them having received the relevant planning and advertising consents.

Web site – A web-site designer has been commissioned and work is progressing on the new website with an interactive booking facility.

Bath & North East Somerset Council have commissioned repairs to the retaining wall and railings at the end of Johnstone Street.

Discussions have taken place with agents for the La Sainte Union convent to undertake repairs to the collapsed retaining wall in the tennis courts.

RISK MANAGEMENT

The report author and the 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.

RATIONALE

General Management fulfils the terms of the Trust.

OTHER OPTIONS CONSIDERED

All information is contained within the report

ADVICE SOUGHT

Open Spaces and Finance Services, Bath and North East Somerset Council

Contact person	<i>Glen Chipp – Trust Board Adviser – 01225 394567</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council		
MEETING:	The Recreation Ground Trust	
MEETING DATE:	1st December 2011	AGENDA ITEM NUMBER
TITLE:	Lettings Report	EXECUTIVE FORWARD PLAN REFERENCE: E 2340
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – Schedule of lettings at November 2011</p>		

1 THE ISSUE

1.1 This paper gives the Trustees an update on the lettings made since the last report to the Board at its October 2011 meeting.

2 RECOMMENDATION

The Bath Recreation Ground Trust agrees that:

2.1 The position with the lettings update is noted.

FINANCIAL IMPLICATIONS

2.2 Lettings provide a source of part of the income of the Trust

3 CORPORATE PRIORITIES

- *Building communities where people feel safe and secure*
- *Improving life chances of disadvantaged teenagers and young people*

4 THE REPORT

4.1 Attached as Appendix 1 is a summary of the lettings granted on the Recreation ground since September 2011 and known future lettings.

5 RISK MANAGEMENT

5.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

6 EQUALITIES

6.1 An equalities impact assessment is not required in this instance as the report is for information.

7 RATIONALE

7.1 Lettings fulfil the terms of the Trust and provide income to contribute towards its running costs.

8 OTHER OPTIONS CONSIDERED

8.1 "None", as the report is for information only.

9 CONSULTATION

9.1 Sport & Active Leisure and Environmental Services have been consulted.

10 ISSUES TO CONSIDER IN REACHING THE DECISION

10.1 Social Inclusion; Customer Focus; Sustainability; Human Resources; Property; Young People; Human Rights; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations

11 ADVICE SOUGHT

11.1 None sought on the basis that this report is for information only.

Contact person	Graham Evans – Parks & Estate Manager – 01225 396873
Sponsoring Cabinet Member	<i>Councillor David Dixon</i>
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

BATH RECREATION GROUND

September

Annual Bath Lacrosse Tournament – 3

Bath Rugby 10, 17

Bath Rugby Beer Marquee – 10, 17

Bath Rugby Produce Marquee – 10

Bath Rugby Family Festival - 10

Jaquar Hospitality Marquee – 10

Bath Lacrosse – 17

Bath Mini Rugby – 4, 11, 18, 25

October

Bath Rugby – 1, 22

Bath Rugby Beer Marquee – 1, 22

Bath Rugby Sponsors Marquee – 1

Bath Rugby Community Team (childrens coaching) - 22

Bath Mini Rugby – 2, 9, 23

Bath Lacrosse – 15, 22

November

Bath Rotary Club Annual Fireworks Display – 5

Bath Rugby 5, 20

Bath Rugby Beer Marquee – 5, 26

Bath Rugby Community Team (childrens coaching) - 5

Bath Mini Rugby – 6, 27

Bath Lacrosse – 12, 19, 26

December

Bath Rugby 3, 11

Bath Mini Rugby – 4, 11

Bath Rugby Community team (Tag rugby) – 16

Bath Lacrosse – 3, 10

January 2012

Bath Rugby – 1, 21, 28

Bath Mini Rugby – 8, 15, 22, 29

Bath Lacrosse – 14, 21, 28

February 2012

Bath Rugby – 11,18

Bath Mini Rugby – 5, 19, 26

Bath Lacrosse – 11, 18, 25

March 2012

Bath Rugby – 3, 31

Bath Half Marathon - 11

Bath Mini Rugby – 18, 25

Bath Lacrosse – 3

Bath Lacrosse Ladies - 4

April 2012

Bath Rugby 21

Bath Mini Rugby – 15, 22, 29

May 2012

June 2012

Bath Fringe Spiegeltent (PROV) 1 -10

July 2012

Whitefield Volleyball Tournament (PROV) 21, 22

September 2012

Bath Lacrosse Annual Tournament - 1

This page is intentionally left blank

Bath & North East Somerset Council		
MEETING:	Bath Recreation Ground Trust	
MEETING DATE:	1st December 2011	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2341
TITLE:	Budget position for Bath Recreation Ground Trust and Strategic Review to 31st October 2011	
WARD:	Abbey	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report: Appendix 1 – 2011/12 Budget Spend Appendix 2 – Strategic Review Spend</p>		

1 THE ISSUE

1.1 This report gives details of the Recreation Ground spend to 31st October 2011, against the agreed budget for 2011/12 and details of the strategic review spend to 31st October 2011.

2 RECOMMENDATION

The Bath Recreation Ground Trust is asked to agree to:

- 2.1 Approve the budget amendment for 2011/12.
- 2.2 Note the expenditure to 31st October 2011 on the 2011/12 budget.
- 2.3 Note the expenditure to 31st October 2011 on the strategic review.

3 FINANCIAL IMPLICATIONS

3.1 Included in the report.

4 CORPORATE PRIORITIES

4.1 None

5 THE REPORT

- a. Grant income of £10,000 is being held separately until a decision has been made on how to spend it.
- b. Total net spend on the Bath Recreation Ground Trust to 31st October 2011 is £6,141 as shown on Appendix 1.
- c. The budget of £1,150 needs to be reinstated to cover the costs of the opening and closing of the gates.
- d. Total spend on the strategic review to the 31st March 2011 is £213,511. A further £4,947 has been spent to 31st October 2011 as shown on Appendix 2.
- e. At 31st March 2011 the loan outstanding to the Council was £292,737. The Trust has made a provision of £82,300 for repayment of the loan.

6 RISK MANAGEMENT

- a. The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance. The key risk remains the outcome of the strategic review, and in particular the future of the Rugby Club and Leisure Centre, upon the financial position of the Trust.

7 RATIONALE

- a. The budget spend to 31st October 2011 and the strategic review spend is for information only.

8 OTHER OPTIONS CONSIDERED

- a. None.

9 CONSULTATION

- a. Section 151 Finance Officer.
- b. Consultation was directly made with the Section 151 Finance Officer.

10 ISSUES TO CONSIDER IN REACHING THE DECISION

- a. Other Legal Considerations.

11 ADVICE SOUGHT

- a. The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Stephen Brain (01225) 396377
Sponsoring Cabinet Member	Councillor David Dixon
Background papers	
Please contact the report author if you need to access this report in an alternative format	

This page is intentionally left blank

APPENDIX 1

Budget 2011/12

	2010/11 Actual	Budget 2011/12 £	Actual to 31st Oct £
Income :			
Bath Rugby Club	140,454	140,000	20,268
Other leases	4,013	6,500	3,710
Other Income	22,188	25,000	16,810
Car Parking Income	41,448	20,000	4,000
Total Income	208,103	191,500	44,788
Expenditure :			
Grounds Maintenance	53,075	53,075	30,961
Security of Premises			1,725
Management & Administration - Grounds	9,378	10,000	2,138
Management & Administration - Property	17,384	16,000	1,175
Management & Administration - Legal	7,945	10,000	4,222
Management & Administration - Finance	2,606	2,500	691
Audit Fees		950	
Servicing Trust meetings	3,214	3,300	
Web Hosting		3,000	
Business Rates	15,856	16,000	874
Repairs & Maintenance	3,337	6,000	5,317
Pitch Renovation	6,531	5,000	2,950
Cricket outfield renovation	8,250		
Electricity	353	400	295
Public Liability Insurance	5,989	6,000	
Water/sewerage Charges	1,578	1,600	581
Total Expenditure	135,496	133,825	50,929
Net Surplus/(deficit)	72,607	57,675	6,141

**Forecast
2011/12**

140,000
6,500
25,000
20,000

191,500

53,075
2,300
10,000
16,000
10,000
2,500
950
3,300
3,000
16,000
6,000
5,000

400
6,000
1,600

136,125

- 55,375

APPENDIX 2

Spend on Review

	£
Spend to 31st March 2010	196,329
Spend during 2010/11	
Independent adviser	4,720
Francesca Quint QC	6,942
Valuation advice	3,520
Legal advice	2,000
	<hr/>
	17,182
Total spend at 31 March 2011	213,511
Spend to 31st October 2011	
Charity Commission submission documentation	270
Independent adviser	2,714
Francesca Quint QC	1,963
	<hr/>
	4,947

This page is intentionally left blank