



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.

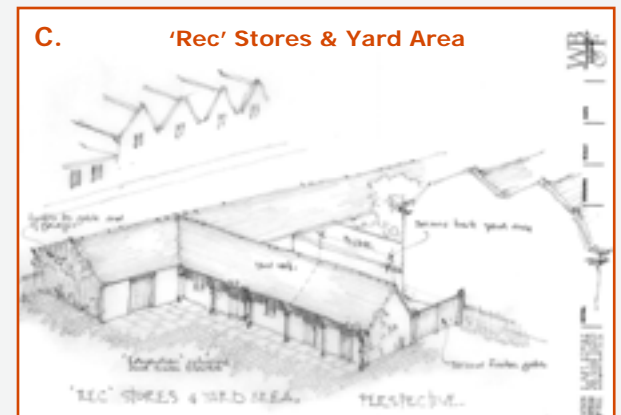
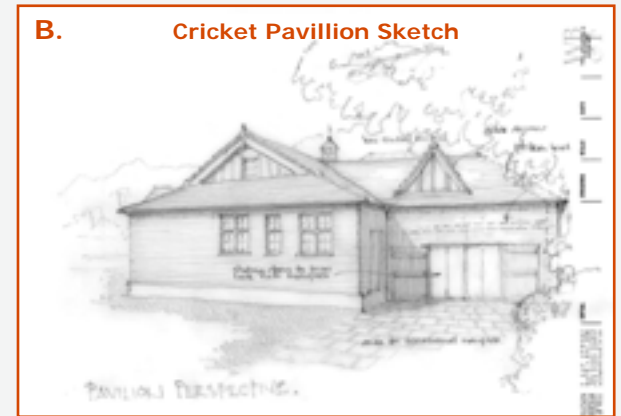
In addition you can compare the current use of land at The Rec with the new proposal using the plans on pages 8-9 and pages 14-15. Both plans give an indication of the pitches for some of the activities that beneficiaries participate in.

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

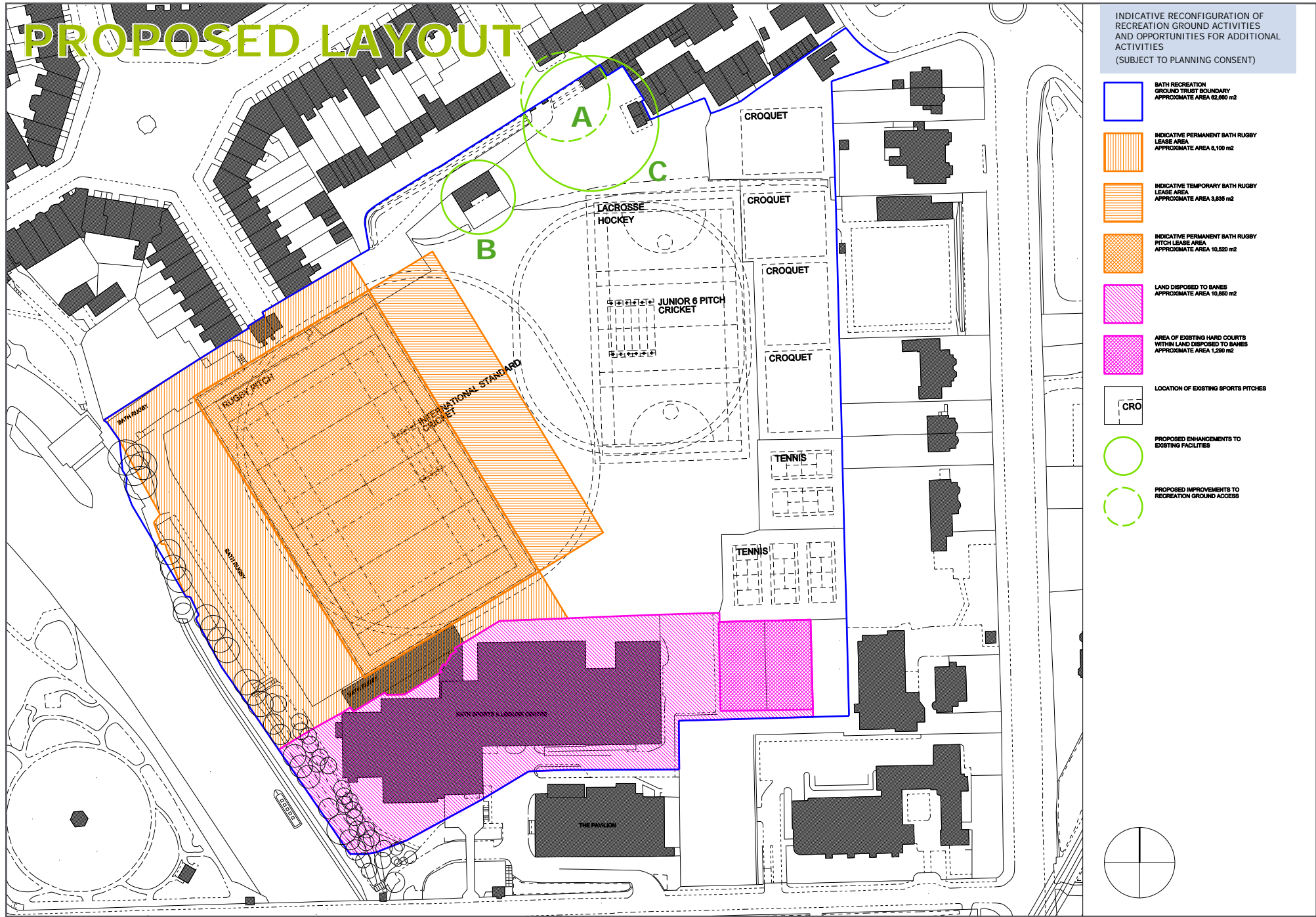
	Trust Today	Proposal	
	Recreation Ground	Recreation Ground	Lambridge
Total Area	62,660	62,660	45,500
Land for qualifying activities (Year round)	35,600	42,205	45,500
Available open space (Summer)	47,292	45,000	45,500
Available open space (Winter)	36,982	30,645	45,500

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.

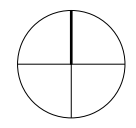


PROPOSED LAYOUT



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 3,235 m²
-  INDICATIVE PERMANENT BATH RUGBY PITCH LEASE AREA APPROXIMATE AREA 10,820 m²
-  LAND DISPOSED TO BANES APPROXIMATE AREA 10,500 m²
-  AREA OF EXISTING HARD COURTS WITHIN LAND DISPOSED TO BANES APPROXIMATE AREA 1,280 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 visting 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

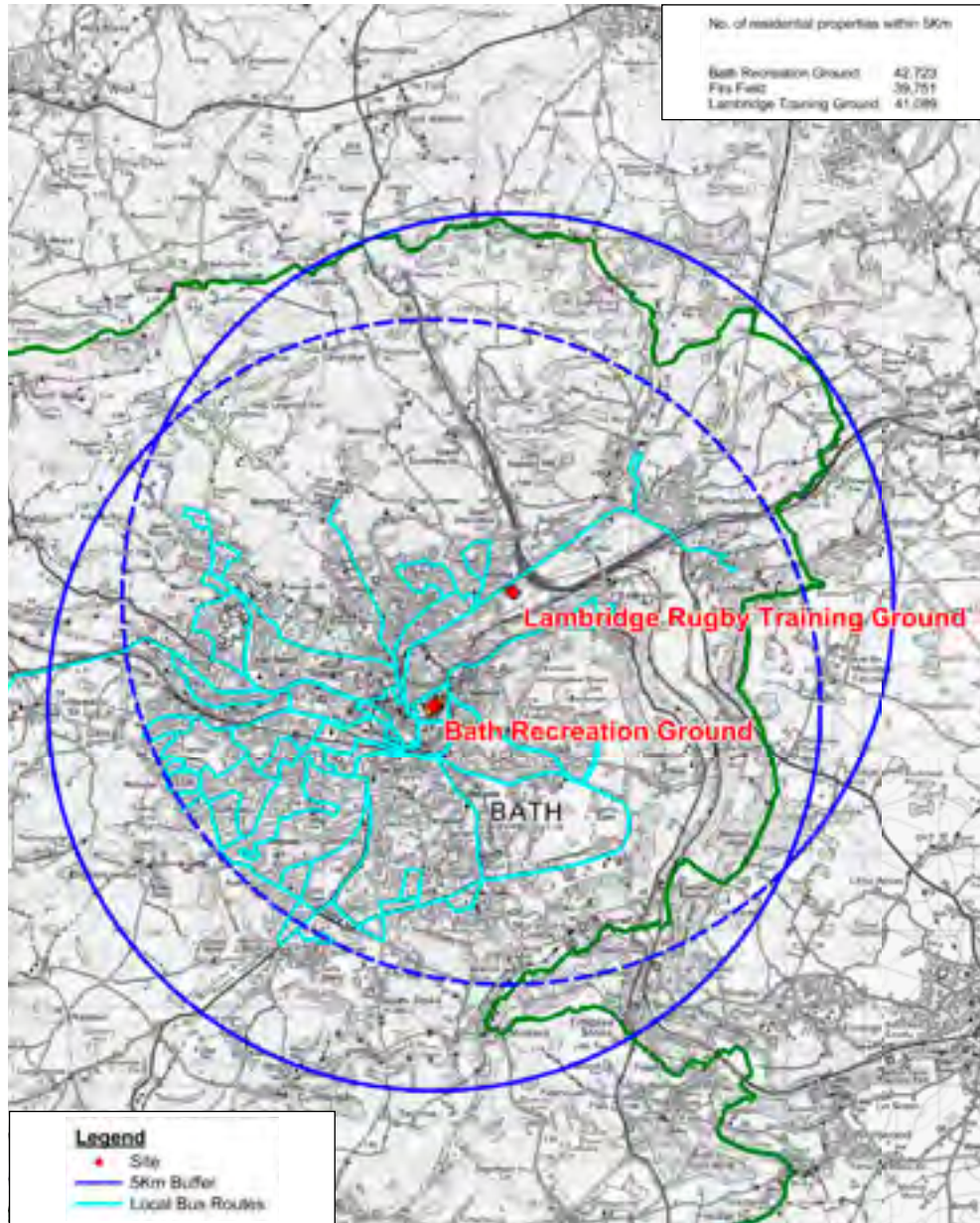
The Recreation Ground was conveyed to the Mayor Aldermen and the Citizens of the City of Bath.

1973

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

Appendix 3

GIS Map Lambridge and The Rec

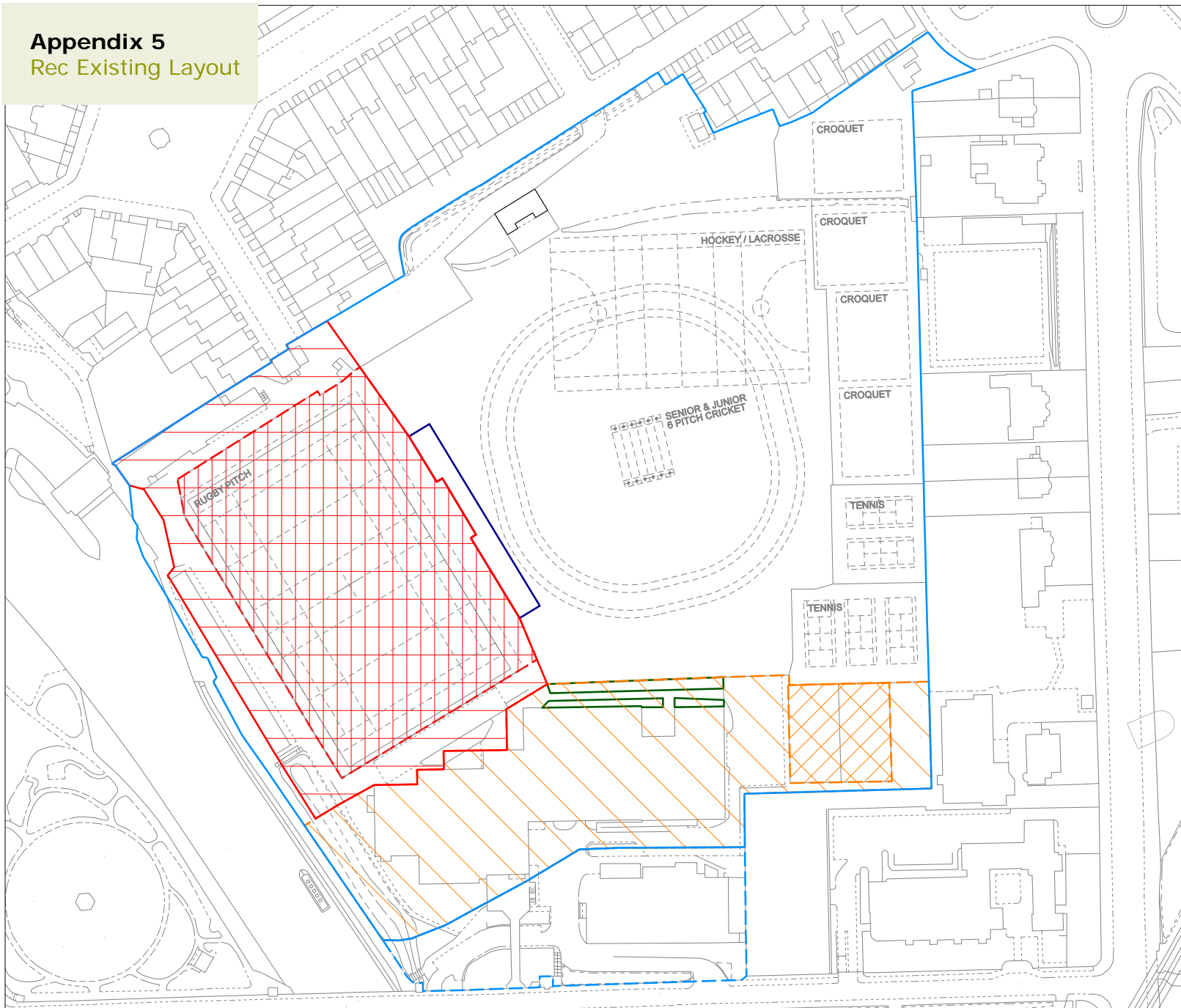


Appendix 4










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
4,091 m²
-  LAND DISPOSED TO BAMES
APPROXIMATELY 11,260 m²
-  AREA OF EXISTING HARD COURTS
WITHIN LAND DISPOSED TO BAMES
APPROXIMATELY 1290 m²
-  EXISTING 14,907 m² BATH RUGBY
75 YEAR LEASE AREA
-  EXISTING BATH RUGBY 75 YEAR LEASE AREA
(RESTRICTED TO 8 MONTHS PER ANNUM)
APPROXIMATELY 10,910 m²
-  EXISTING 800 m² BATH RUGBY
TEMPORARY STAND
ANNUAL TENANCY AT WILL
-  EXISTING 400 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

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