THE FUTURE FOR THE REC

THE BATH RECREATION GROUND
The Recreation Ground Trust is proposing changes to how the Rec is used. The reason for doing this is to allow the Trust to meet fully its charitable objectives. The changes will resolve the issues relating to the lease to Bath Rugby Club and the Leisure Centre being on Trust land.

This booklet sets out the proposal prepared by the Trust. A major public consultation in early summer 2011 showed there was substantial support for the proposal.

The Trust has now submitted its proposal to the Charity Commission. The Commission has published a legal order, known as a Scheme, which will enable the Trust to carry out its proposal.

The Commission will consider representations from the public before it decides on the Scheme. So it is important that as many people as possible make their views known to them.
The Recreation Ground Trust manages the Rec for the benefit of the people of Bath and the surrounding areas. The Council is the sole trustee and manages the Trust’s affairs through a Board of councillors. The Board acts in the interests of the beneficiaries of the Trust and not of the Council.

The objectives of the Trust can be summarised as:

• to use the Rec for games and sports of all kinds, tournaments, fetes, shows, exhibitions, displays, amusements, entertainments, and other similar activities,

• to maintain and let the land as an open space, and

• to carry this out without preference to any particular sport or organisation.

HOW DID WE GET HERE?

The land currently held by the Trust is shown on Plan 1.

In 1995, Bath Rugby Club secured a 75 year lease at the Rec. This has resulted in some parts of the Rec being unavailable for charitable activities.

The Leisure Centre was erected by Bath City Council in 1975. The Centre does provide for ‘games and sports of all kinds’ but indoors, rather than on an open space.
KEY

- Bath Recreation Ground Trust boundary
- Existing sports pitches
- Hard courts
- Indicative area of existing lease to Bath Rugby
- Fixed stands
- Temporary stand

PLAN 1 – EXISTING LAYOUT

- Bath Rugby
- Cricket
- Hockey / Lacrosse
- Tennis
- Croquet
- Bath Leisure Centre
**WHY DOES THERE NEED TO BE A CHANGE?**

In 2002, the High Court decided that the Rec was a charitable trust. This meant there were two discrepancies with the objectives of the Trust:

- Bath Rugby is a commercial organisation and the land leased to it cannot be used for charitable purposes.
- The Leisure Centre provides for indoor sport and recreation and the land that it occupies is no longer an open space.

The Charity Commission is responsible for ensuring that charity law is followed. It has ruled that the Trust must rectify these discrepancies.

Bath Rugby Club has said that, to remain viable on the Rec, it requires some additional land to increase its spectator capacity.

If it cannot do this, Premiership Rugby will leave the Rec and the charity will lose most of its annual income. This would mean the Trust would not be able to cover its running costs.

Even if Premiership Rugby did relocate, the Club would still hold a valid lease at the Rec which it would occupy for the remainder of its term. The discrepancy with the charitable objective would remain unresolved and there would be no gain for the beneficiaries.

The Leisure Centre provides a wide range of sport and recreational activities for Bath and beyond which complement the outdoor activities provided by the open space at the Rec. The objectives of the charity could be widened so that indoor activities are included.

**WHAT OPTIONS HAVE BEEN LOOKED AT?**

In 2006, the Trust Board carried out a Strategic Review to consider how the discrepancies with the objectives could be resolved. The review examined three options based on; minimal impact uses, variations to the current usage, and significant change.

The results of the Review were published in 2007 and consultation revealed that a majority of respondents favoured the option to vary the current usage.

The Charity Commission accepted that it could be possible for the Rugby Club to remain at the Rec. However, there needed to be additional benefits in order to outweigh the effects of the Club staying.

The most direct and desirable way of creating additional benefits is for the Trust to gain access to additional land which will serve its charitable objectives. This is not possible at the Rec so the Trust looked for other possibilities in the vicinity.
SO WHAT IS THE PROPOSAL?

The Rugby Club has offered the Trust its Lambridge sports ground as compensation for the open space that it would occupy at the Rec. The site provides over 4.5 hectares of level grassed land, suitable for Trust activities. The area of Lambridge is more than twice the area the Club would need for its larger arena.

With the addition of Lambridge, the total amount of land held by the Trust would rise from 6.3 hectares to 10.8 hectares, an increase of 73%.

The new arena would have stands on three sides, as at present. A temporary east stand would be erected for the playing season. At the end of the season, this would be dismantled and the grass re-instated. The temporary stand area and the pitch would be available for trust uses during the summer.

The increase in the area of land available for trust uses, in summer and winter, is shown below:

<table>
<thead>
<tr>
<th>Areas in hectares</th>
<th>TRUST TODAY (Recreation Ground)</th>
<th>PROPOSAL (Recreation Ground plus Lambridge)</th>
<th>INCREASE %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open space available in <strong>Summer</strong></td>
<td>4.8</td>
<td>9.1</td>
<td>+88%</td>
</tr>
<tr>
<td>Open space available in <strong>Winter</strong></td>
<td>3.7</td>
<td>7.6</td>
<td>+105%</td>
</tr>
</tbody>
</table>
By including indoor sports within the Trust’s objectives, the area of land providing for qualifying activities all year round rises from 3.7 hectares to 8.5 hectares, an increase of 130%.

**Plan 2 – Proposed Layout**

**Key**
- Bath Recreation Ground Trust boundary
- Existing sports pitches
- Hard courts
- Indicative area of new lease to Bath Rugby
- Fixed stands
- Temporary stand

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**Diagram**

- Bath Recreation Ground Trust boundary
- Existing sports pitches
- Hard courts
- Indicative area of new lease to Bath Rugby
- Fixed stands
- Temporary stand

- Bath Rugby
- International Standard Cricket
- Bath Leisure Centre
- Junior Cricket
- Hockey / Lacrosse
- Croquet
- Tennis
- CROQUET
- CROQUET
- CROQUET
- Croquet
- Junior Cricket
- Hockey / Lacrosse
- International Standard Cricket
- Bath Rugby
- Bath Leisure Centre
The trustees:
The trustees will comprise;

• two trustees nominated by Bath and North East Somerset Council,

• two trustees nominated by independent organisations, expert in the operation of recreation grounds,

• one trustee nominated by the groups who use the Rec, and

• two co-opted trustees.

Decisions on using the powers in the Scheme will be for this new trustee body.

The Council will continue to hold legal title to the Rec land, in trust for the charity.

Leisure Centre:

• Indoor recreational activities as provided by the Leisure Centre will be brought within the objectives of the Trust.

• The new trustees would consider whether any changes in the existing management arrangements of the Leisure Centre were needed.

• This could continue to be by the Council on behalf of the Trust, through a specialist leisure operator if appropriate.

• The Trust will be able to invest in the Leisure Centre to further its charitable objectives.
Bath Rugby

- The Club will surrender its existing lease and the Trust will grant it a new lease for the land shown on plan 2, for the unexpired term of the existing lease.
- The Club will lease the Lambridge sports ground to the Trust, at a nominal rent, for the same period as its new lease.
- The Trust will agree to the Club developing a new arena within the footprint of the new lease.
- The arena will have a capacity of between 17,000 and 18,000 spectators.
- The arena will include a temporary stand on the east side of the ground. This will be removed at the end of each season and the grass re-instated.
- There will be public access to the rugby pitch during the summer months.
- The arena will include some retail space under the west, north and south stands.
- The Club will provide a scheme of community benefits including the provision of services and improved drainage to the eastern side of the Rec, and the provision of event facilities.
- The Club will pay an annual base rent to the Trust, with stepped increases over the first five years.
- The Club will pay commercial rent to the Trust, based on the rent received from the retail spaces and the turnover from other commercial activities on non-match days.
The Trust held a major consultation exercise on the proposal in June 2011. Nearly 4,000 consultation booklets and questionnaires were distributed locally and copies of both were available on the Trust’s website. The trustees put forward their view that the proposal provided benefits to the beneficiaries that outweighed the detriment that would be caused by a new rugby stadium. 85% of respondents strongly agreed or agreed with this view.

<table>
<thead>
<tr>
<th></th>
<th>Postal</th>
<th>On-line</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly Agree</td>
<td>252</td>
<td>3243</td>
<td>3495</td>
<td>77%</td>
</tr>
<tr>
<td>Agree</td>
<td>23</td>
<td>358</td>
<td>381</td>
<td>8%</td>
</tr>
<tr>
<td>Neither Disagree or Agree</td>
<td>4</td>
<td>44</td>
<td>48</td>
<td>1%</td>
</tr>
<tr>
<td>Disagree</td>
<td>10</td>
<td>41</td>
<td>51</td>
<td>1%</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>138</td>
<td>402</td>
<td>540</td>
<td>12%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>427</strong></td>
<td><strong>4088</strong></td>
<td><strong>4515</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
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The trustees considered carefully all the comments received through the consultation. With such a large level of support, they decided to proceed with presenting the proposal to the Charity Commission.
LAMBRIDGE SITE
## Comparison of Utility

<table>
<thead>
<tr>
<th>The REC</th>
<th>Lambridge</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accessibility</strong></td>
<td></td>
</tr>
<tr>
<td>Located in the City Centre</td>
<td>Located to the East of the City</td>
</tr>
<tr>
<td>Number of households within 5km: 42,723</td>
<td>Number of households within 5km: 41,089</td>
</tr>
<tr>
<td>Excellent public transport links</td>
<td>Good public transport links</td>
</tr>
<tr>
<td>Road congestion during morning and evening peaks</td>
<td>Road congestion during morning and evening peaks</td>
</tr>
<tr>
<td><strong>Usability</strong></td>
<td></td>
</tr>
<tr>
<td>Flat open space, given to grass and well suited to Charity’s Objectives</td>
<td>Flat open space, given to grass and well suited to Charity’s Objectives</td>
</tr>
<tr>
<td><strong>Durability</strong></td>
<td></td>
</tr>
<tr>
<td>Ground on alluvial flood plain, prone to becoming water logged</td>
<td>Ground on alluvial flood plain, prone to becoming water logged</td>
</tr>
<tr>
<td>Long recovery period after prolonged usage</td>
<td>Short recovery period after prolonged usage</td>
</tr>
<tr>
<td>Frequency of events must be managed to maintain suitable surface</td>
<td>Frequency of events must be managed to maintain suitable surface</td>
</tr>
</tbody>
</table>
WHAT NOW?

The Charity Commission has published a draft Scheme which will amend the purposes of the charitable trust and reconstitute the trustee body. The Scheme will enable the Trust to grant a new lease to the Rugby Club and to receive, as replacement land, the Lambridge sports ground.

The draft Scheme is being published so that members of the public have the opportunity to comment on it. In deciding whether to confirm the Scheme, the Charity Commission will take into account all representations that it receives during that period, both for and against.

The Trust is encouraging all those with an interest in the Rec and its future to tell the Charity Commission their views on the proposal. How to do this is shown opposite.

AND THEN?

If the Charity Commission authorises the Scheme, the next step will be to hand over to the new trustee body so it can manage the charity and decide on taking forward the proposal. It will be for the new Board to agree the details of the transactions with the Rugby Club. With the legal issues settled and an income stream secured, the Board would be able to invest in the facilities at the Rec and Lambridge. It could develop a management plan to maximise the recreational opportunities available from its land, for the benefit of the people of Bath and the surrounding areas.

Plans for any new rugby arena would need the approval of the new trustees. Separately from this, the Rugby Club would also need to apply for planning permission, in the normal way.
HOW TO RESPOND

Representations on the Scheme can be made to the Charity Commission as follows:

On line
Representations can be made on the Charity Commission’s website at:

www.charitycommission.gov.uk/our_regulatory_activity/compliance_work/schemes/
(click on ‘see a complete list of all Schemes and Orders currently open for representation’)

Or, from Charity Commission home page, follow:
   Our regulatory activity
   Where we provide legal consents
   Making a representation about a Scheme
   Schemes and Orders currently open for representation

In writing
Representations can be sent to:
Charity Commission
PO Box 1227
Liverpool, L69 3UG

A copy of this booklet, and further information about the Rec, is available at:
www.recreationgroundtrust.org.uk