

B&NES Town Green Meeting 15th November 2013.

I will assume that the committee members have read all the Town Green application papers, the objections, my response to the objections, support letters or emails, the two sets of advice from the Barrister, my additional information to the Barrister and my responses to his advice.

I will thus confine my contribution today to a series of questions, which I expect to be answered prior to the Committee making its decision.

There has obviously been some confusion on my part concerning 'As of right', 'By right' and 'As if of right' introduced by the Barrister. I preferred to use the normal English language meaning of the words not some arbitrary legalistic interpretation and chose 'The Right' finally as what Bath Citizens are entitled to. (See second advice from Barrister and my response)

1. Do you understand that B&NES are not the owners of the Recreation Ground, they only hold it in Trust for the real beneficiaries the Bath Citizens.(See appendix 3)
2. Do you then think it appropriate that Councillors outside Bath should be the proper authority to rule on the Town Green Application, which relates only to a specific area in Bath?
3. Do you think it right that the Barrister appears to give more credence to those who are illegally using the Recreation Ground than those legally using it as specified in the 1956 conveyance and covenants?
4. Do you agree that 'The Right' of access to the Recreation Ground over the past 20 years has been prevented by the illegal operation of the Rugby Club, The Leisure Centre and the poor management of B&NES Council and the Trustees who should be preserving the full rights for the Bath Citizens? (see my response to Barrister's first advice) TG STATUS WOULD CORRECT THIS.
5. Do you recognise that the Barrister commented on the length of my application and responses but had little to say about the 855+ pages in the Rugby Club objection, most of which was irrelevant but clearly designed to intimidate? It clearly confirmed that professional rugby was a large commercial activity not permitted within the rules! (see second advice from Barrister section 6) TG STATUS WOULD CORRECT THIS.
6. Do you accept the Bath Citizens have 'THE RIGHT' to use the Recreation Ground for all manner of activities provided they abide by the covenant rules? (see first Advice from Barrister section 2)
7. Do you accept the narrow interpretation of the Barrister in suggesting only competitive sport is permitted? This is not what the conveyance and covenants say.(see Barrister's second advice and appendices 1, 2 and 3)

8. Do you accept that if the Barrister was correct then friendly games, all spectators of any games and all other activities allowed in the conveyance and covenants would not be permitted? [TG STATUS WOULD CORRECT THIS.](#)
9. Do you accept that professional sport, which is primarily a commercial undertaking, is not allowed by the rules? ([see appendices 1, 2 and 4](#)) [TG STATUS WOULD CORRECT THIS.](#)
10. Do you accept that the Recreation Ground should be maintained as an open space forever as the conveyance prescribes? ([see appendices 1, 2, 3 and 4](#)) [TG STATUS WOULD CORRECT THIS.](#)
11. Do you accept that the 1922 conveyance and covenants, the 1956 pre conveyance contract and the 1956 conveyance, which incorporates the 1922 covenants, are all valid? ([see appendices 1 and 2](#)) [TG STATUS WOULD ALLOW THIS.](#)
12. Do you accept the ruling of the High Court in 2002, which determined that the Recreation Ground should have been seen as a Charitable trust since its inception in 1956 but that it could be used by the general public? ([see appendix 3](#))
13. Do you agree that usage is not the same as ownership, which the High Court confirmed was still the Bath Citizens, as shown in the 1956 conveyance? [TG STATUS WOULD ALLOW THIS.](#)
14. Do you accept that the Charity Commission registered the Recreation Ground as a Charitable Trust in 2002 following the High Court ruling? ([see appendix 4](#)) [TG STATUS WOULD ALLOW THIS.](#)
15. Do you accept the objectives set by the Charity Commission? These clearly state that the sport should be AMATEUR. ([see appendix 4](#)) [TG STATUS WOULD CORRECT THIS.](#)
16. Do you agree that Registration of the Recreation Ground as a Town Green would not restrict any of the legal uses but exclude the illegal ones? [TG STATUS WOULD CORRECT THIS.](#)
17. Do you feel that the Barrister was incorrect in dismissing the proposed future proposals for the Recreation Ground, which the trustees claimed had already agreed Heads of Terms in December 2011? ([See Additional information and Second advice from Barrister](#))
18. Do you agree that the Barrister was wrong in assuming that the future proposals had been overtaken by the Charity Commission 'Scheme' when this is still subject to a First Tier Tribunal hearing in January 2014? ([see second advice from Barrister](#))
19. Do you agree that if the Heads of Terms for the Rugby Club were approved then more of the Recreation Ground would fall under the control of a company based in the Bahamas, which is clearly not allowed in the original conveyance of the land in 1956? ([see appendix 1, 2](#)) [TG STATUS WOULD CORRECT THIS.](#)
20. Do you agree that the Recreation Ground was conveyed in 1956 to the Citizens of Bath for their amateur sporting and other charitable events not for commercial exploitation? ([see appendices 1, 2 3 and 4](#))
21. Do you agree it is wrong for one organisation to dominate a significant part of the Recreation Ground virtually throughout the year for some 15 professional games, whilst denying the Bath Citizens their right to use the land conveyed to them? ([see appendices 1, 2 and 3](#)) [TG STATUS WOULD CORRECT THIS.](#)
22. Do you agree that the covenants applying to the Recreation Ground are valid as determined by the High Court in 2002? ([see appendix 3](#)) [TG STATUS WOULD ALLOW THIS.](#)
23. Do you agree that no mandate has been given by any organisation, least of all the Bath Citizens to sell, lease or exchange land of inferior quality since it must be retained as an open space in perpetuity? ([see appendices 1, 2 and 3](#)) [TG STATUS WOULD CORRECT THIS.](#)

24. Do you agree that the Town Green application is the only solution so far proposed, which satisfies all the rules applicable to the Bath Recreation Ground? (see appendices 1, 2 and 3)
25. Do you agree that the covenants, within the conveyance of 1956, make the Recreation Ground an ideal site for a Town Green?

All the above questions and, more importantly, the original conveyance in 1956 indicate that the Recreation Ground is an ideal candidate to be a Town Green and I urge the Committee to recognise this and give it the appropriate status.

Jack Sparrow 11th November 2013