

Standards Committee 24 April

Steve Osgood / Phil Corbett, speaking on behalf of the **Friends of the Recreation Ground**, will say.....

1

Our representation is to draw this Committee's attention to **irregularities** in Council's position for a significant part of the public realm.

2

In **2002** the Council applied to the High Court for clarification of the restrictions affecting use of **Bath's Recreation Ground**. In giving Judgement, Justice Hart upheld the terms of the **1956 Conveyance**, at the same time stating that the property was *not within the Council's estate*, was a *charitable gift* and should be so *managed by a separate body*. There was no Appeal. 1956 stands.

3

The Council subsequently applied to the Charity Commission for a **Scheme** of management. A First Tier Tribunal stated that the use was **recreational open space**, that professional / commercial rugby was **not a charitable activity**, and Leases for such be **rescinded**. This has not been done.

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In 2014 the Council, then acting as Custodian Trustee, issued a **Lease Variation** in favour of Bath Rugby plc, **contrary to the above Judgement** and Charity Commission requirements.

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In 2018 Bath Rugby Ltd applied to HM Land Registry for Title. The **Charges Register** of AV256173 requires adherence to the Terms of the 1956 Conveyance. This is not done.

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Ambivalence in this Council's **Obligations** has encouraged the Tenant to **progressively extend** over the property, well beyond that envisaged by the High Court, the Charity Commission and the Custodian Trustee. There is no excuse for flagrant **breaches of the law** and an **unashamed land grab**.

7

The wish of Bath Rugby Ltd to build a Stadium on the Rec requires a further Lease Variation **extending the presently leased boundary** eastwards and upwards. Any such action in the full knowledge of the referenced illegalities would I suggest expose the Council to a claim of maladministration. This is a matter for **this** Committee.

8

Commercial rugby is played on this charity property perhaps a dozen times every season. The remaining 350 or so days of the year the site is dormant, unavailable to charity beneficiaries. This is an appalling misuse of a community resource, the **maladministration** of which lies with this Council.

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One further matter for this Committee is that the Rec is a **Designated Flood Alleviation Area** for the city. The Council has allowed the progressive extension of hardstanding to now about 50% of the whole, thus compromising the effectiveness of that Designation. The Rec also acts as a release to ground water capacity, changes in which can adversely impact on the structural character of the ground supporting the Grade 1 Listed Buildings of Great Pulteney St, Johnstone St, Laura :Place and Argyle **Street**.

10

These matters have been raised in two Election hustings, since 2016 there has been a Demonstration, 4 Citizen written Representations and numerous letters to the Council. The conflict brings our present Council into disrepute which we suggest is a matter for the **Standards Committee**.

11

What are we now asking this Committee to do ?

To **check the facts** presented perhaps in conjunction with the Scrutiny Committee, prior the association's Representation to Cabinet on May 9th for the Council to exercise its **right to annul its Lease** with Bath Rugby, at its review date in June 2024.

*With Easter's fine weather, schoolchildren wanted to get out and kick a ball. Victoria Park playground was way overloaded. The crush of visitors on Great Pulteney Street was significant. **Why was the Rec deserted ?***

We are happy to respond to any technical questions you may have.

