

Statement to the Cabinet Meeting Sept 12, 2024

Steve Osgood will say

1 I was 18 when the Recreation Ground was sold to the Citizens of Bath. In the written Agreement and Conveyance, the Council is separately identified as Guarantor of the Objects and Terms of sale, that is to say the property would

*-not be used otherwise than as a recreational **open space**
-its use not to favour any single sport, club or body
-for ever hereinafter*

Citizens are able to rely on the Council's signature, given *under seal*

2 Fifty years later, when the Council applied to the High Court for a relaxation of the Conveyance terms, Justice Hart in 2002 decreed that the Rec

-was not part of the Council's estate, was a charitable gift and should be to be so managed

There was no Appeal

3 With Council's nomination of Bath Recreation Ltd as public (custodian) Trustee to represent the interests of the Mayor, Aldermen and Citizens of Bath, there was no *onward conveyance*, no *consideration* involved and no *change of terms* ; the Council's parallel Obligation as Guarantor of the 1956 terms *in perpetuity*.....remains unchanged.

4 **Today** I wanted to draw Members attention to the fact that in June this year the already dubious 2014 Lease with Bath Rugby Ltd, was renewed for a further five years

-in the knowledge that it is contrary to the 1956 and 2002 terms, and in the knowledge that it is contrary to the charity's Governing Document

5 I suggest that this action compromises any proposals to develop the Rec

*- in favour of the Developer.....and to the disbenefit of the **public Trustee**, Bath Recreation Ltd*

6 Such a proposal is a legal issue before it becomes a planning matter.

Core Plan policy B8(2)b itself is subject to “.....*the resolution of unique legal issues...*”, as a pre-requisite to any proposal for development.

7 In the event such a proposal is ‘called in’ for Determination by the Minister, his Inspector will initially call upon the Council to explain

-how a piece of self financing open space, a charitable gift for Citizen’s recreation Guaranteed by the Council, has since become the site for the development of a single purpose private stadium, contrary to the terms of its 1956 Title and the 2002 High Court judgement.

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