

**Stoke Lodge Town or Village Green Application**  
**Newsletter – 23<sup>rd</sup> July 2017**



Dear member

At the regular Public Rights of Way and Greens Committee (PRoW&GC) meeting on Monday 17<sup>th</sup> July the agenda item for Stoke Lodge was listed to be held in private with the Public and Press excluded and there were no papers issued for this agenda item.

Prior to the meeting both Alan Preece and I submitted Public Statements setting down why the PRoW&GC should not change its mind on the decision taken in December 2016 to register the land as a TVG.

Both Alan and I spoke in support of our statements in the Public Forum slot in the agenda ahead of the private section allocated to Stoke Lodge.

At agenda item 13 we were asked to leave the Chamber and were advised that the closed session would be very brief and we would be invited back in 5 or 10 minutes to hear the outcome of the debate.

After approximately one hour we were invited back in and were witness to a vote on a proposal that the Committee should delay any action with regard to Stoke Lodge for one month pending receipt of further legal advice.

Clearly our written and verbal statements had had some effect on what had been planned.

Which based on the minutes of the meeting held in March (that included a summary note of the private debate at that meeting, not made public until the release of these minutes 7 days prior to the July mtg), we must conclude that they were intending to reverse the decision taken in December.

We can only speculate on the part taken by the BCC legal dept in this plan, despite paying for and submitting three lengthy and comprehensive legal submissions to the High Court defending the committee decision taken in December 2016.

However, based on our statements on the day that: -

- a. Our professional legal advisors have written to BCC stating why they consider that the Council does not have the authority to change the decision in this way
- b. Copies of these letters were distributed to the committee members by us (for the first time)
- c. Confirmation that if BCC did capitulate they would face a second JR
- d. Consequently they would waste their legal costs to date
- e. Would be liable for the legal costs set by Cotham
- f. Would face an additional set of legal costs for the second JR (which they can't afford)
- g. And importantly they would not prevent a JR to determine if the decision in December was properly made

The committee were minded to seek fresh legal advice

I should add that at agenda item 7 of the meeting on Monday – “Approval of minutes of the previous meeting” Cllr Tim Kent objected to the wording contained in the minutes of the outcome summary note of the private session in March and stated openly that he

considered it unlawful to change that decision in this way and that he was in discussions with the legal dept on the matter.

We must assume that BCC are actively seeking further legal advice regarding their ability to change the decision taken by the committee in December and once we have further news we will advise you accordingly.

BCC have made a provisional booking for an extraordinary PRow&GC meeting on Wednesday 16<sup>th</sup> August at 2.00pm at City Hall pending what legal advice they receive and how they intend to proceed. If this meeting is confirmed we will also advise you accordingly.

Importantly, if this meeting is confirmed it will be paramount for as many of our membership as possible to attend to demonstrate the strength of local opinion on the TVG application so please make a note in your diary if you can.

David Mayer