

Meeting: LICENSING AND REGULATORY COMMITTEE

Date of Meeting: 22 February 2010

Title of Report: COMMON ACT 2006 - REGISTRATION OF A VILLAGE GREEN

Report of: C.J. Elwood
Legal Director

Contact Officer: Ms. J. Beatty
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This report contains	Yes	No
CONFIDENTIAL Information/		ÿ
EXEMPT information by virtue of paragraph(s)..... of Part 1 of Schedule 12A to the Local Government Act, 1972		ÿ
Is the decision on this report DELEGATED?	ÿ	

Purpose of Report

To advise Members of an application received by the Legal Director (acting on behalf of the Council as the "Local Registration Authority") that the Licensing and Regulatory Committee support a request to the Land Charges Department, to have the Village Green at Hightown formally recognised and registered as a Village Green.

Recommendation(s)

That Members support the Committee's request.

Corporate Objective Monitoring

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1.	Creating a Learning Community		ÿ	
2.	Creating Safe Communities		ÿ	
3.	Jobs and Prosperity		ÿ	
4.	Improving Health and Well-Being		ÿ	
5.	Environmental Sustainability	ÿ		
6.	Creating Inclusive Communities		ÿ	
7.	Improving the Quality of Council Services and Strengthening local Democracy		ÿ	

Financial Implications

None as a direct result of this report.

List of background papers relied upon in the preparation of this Report

Commons Act 2006.

Commons Registration (England) Regulations 2008 as amended by Commons Registration (England) (Amendment) Regulations 2009.

DEFRA Guidance

SEFTON M.B.C.

1.0 BACKGROUND

1.1 A formal application for the registration of land as a Village Green at Hightown was received by the Legal Director (acting on behalf of Sefton Council as the Registration Authority) on the 30 June 2009. At that time the application was refused due to the fact that the evidential requirements stipulated by the legislation was not deemed satisfactory. Further evidence was provided in October 2009 and as a result of this a formal Notice was published in the local press dated the 12 November 2009. The advertisement requested representations/objections to the application by the 31 December 2009. No objections or representations were received after the cessation of the notification period.

1.2 Acting on behalf of the Registration Authority, it is the intention of the Legal Director to formally register the Village Green at Hightown into the Commons Register held by the Land Charges Department.

2. COMMONS ACT 2006

2.1 Criteria for registration is set out at Section 15 Commons Act 2006 as:-

(1) Any person may apply to the Commons Registration Authority to register land to which this part applies as a Town or Village Green in a case where sub-section (2) (3) or (4) applies.

(2) This sub-section applies where -

(a) a significant number of the inhabitants of any locality, or of any neighbourhoods within a locality, have indulged as a right in lawful sports and pastimes on the land for a period of at least twenty years; and

(b) they continue to do so at the time of the application.

2.2 This application was made by Councillor John Gibson. In support of the formal application he provided extraneous evidence as follows:

- Extract "At Random" by Chris Scott. This showed the Village Green in use by Hightown residents on VJ day 1945.

- Photograph "My Hightown" by Joe Bulman. This showed a photograph from the 1930's illustrating that the Village Green was used for local residents to walk in and admire the flowers growing.

- Undated aerial photograph. Councillor Gibson believes that this picture is dated 1967 and shows that the area was laid out for people to walk on.

- Letter from Mr Malcolm Walker dated 22/07/09. The letter provides details of the flag being raised on the flagstaff from 1960's onwards. This shows use of the land. The flag was frequently at half-mast due to people dying and the flag being used as a form of respect to their passing.
- Letter from Mrs Barbara Hope, undated. This letter illustrated that Mrs Hope's children and others would use the Green on a significant basis. Mrs Hope points out that a significant number of people would use the Green as part of communal festivities where, a significant number of people used it as of right to sing around the Christmas tree and watch the lights being switched on.
- Letter from Mrs Gillian Rowe dated 17/09/09. This provided details that during the 1960's and 1970's the Green was regularly used by Mrs Rowe and other families and children. Mrs Rowe also mentions the use of the Village Green for communal activities by Hightown as a community, which implies a significant user of the land. She makes a point that it has "been well used by residents and others walking through the village".
- Email from Linda Hough dated 27/07/09 supporting the application.
- Email from Mr Ian Lunt dated 21/07/09 supporting the application.
- Letter from the Chairman of the Hightown Parish Council dated 14/08/09 indicating that the Village Green had been in use by the Community as a right for carol singing, Christmas tree lighting and that the Chairman supports the registration of the land as a Common on behalf of the Parish Council.

2.3 The evidential requirements set out by Section 15 of the Commons Act 2006 (as set out above), were deemed satisfied by this submission of this evidence. Acting on behalf of the Registration Authority, the Legal Director confirms that no representations or objections were received to the formal notice published in the Formby Times and Crosby Herald on Thursday, November 12th 2009. As indicated, the notification period ceased on the 31st December 2009.

2.4 Members are therefore requested to approve formal registration of the Hightown Village Green in the Commons Register.