

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Monday, 25th January 2010 at 9.30 am in the Reception Suite, Civic Offices, Telford**

**PRESENT:** V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), R.G.Chaplin, J.A.Francis, R.E.Groom, Y.C.Hicks, G.P.Hossell, T.Kiernan, A.A.Mackenzie, C.N.Mason, H.Rhodes, C.F.Smith and A.G.P.Williams.

#### **LC-106 MINUTES**

**RESOLVED** – that the minutes of the meetings of the Licensing Committee held on the 8th December, 15th December and 17th December 2009 be confirmed and signed by the Chairman.

#### **LC-107 APOLOGIES FOR ABSENCE**

Councillors T.J.Hope and K.L.Tomlinson.

#### **LC-108 DECLARATIONS OF INTEREST**

None.

#### **LC-109 DETERMINATION OF APPLICATION FOR LAND KNOWN AS THE GREEN OFF HIGH STREET AND MANSE ROAD, HADLEY TO BE REGISTERED AS A VILLAGE GREEN**

The report of the Head of Governance was received which sought to request members to determine the application that had been made by Hadley & Leegomery Parish Council to register land known as The Green, off High Street and Manse Road, Hadley as a Village Green. Prior to consideration of the report the Committee were requested to confirm that the respective members had reviewed the evidence which had been submitted with the application that had been held on deposit in the Members Room and that they had either attended the site visit that had been arranged or had made their own arrangements to view the site in advance of this meeting and this was confirmed by all Members who were present.

Members were advised that an application had been received from Hadley & Leegomery Parish Council on 8 August 2008 to have the area of land known as The Green, off High Street and Manse Road, Hadley registered as a Village Green under the Commons Act 2006. The application site ("the Site") was shown on the plan attached to the report. Members also received a further coloured plan which clarified the application site. Evidence had been submitted which formed part of the application and, in accordance with the relevant legislation, consultation was carried out with various parties and a notice was placed in the Shropshire Star.

The Committee were further informed that part of the Site was owned by the Council with the other part owned by the Methodist Church. It was reported that no objection had been received from Property & Design (as landowner) but an objection was received from Solicitors acting on behalf of the Methodist Church. This objection had

subsequently been withdrawn and this application was now being considered as an uncontested application.

Members were asked to consider the evidence that had been submitted and determine, on the balance of probabilities, whether the case had been proven for registration of the Site as a Village Green.

The Committee were informed of the process and legal background to this type of application and that if the Council was satisfied on the balance of probabilities that the area of land in question had been used for not less than 20 years by a significant number of the inhabitants of the locality, or of any neighbourhood within a locality, who have indulged in lawful sports and pastimes as of right then an area of land should be registered as a Village Green.

Members were also advised that no representations or objections were received from Property & Design, however, an objection had initially been received from the Methodist Church on 9 January 2009. Further evidence was also submitted subsequently and as this then became a contested application arrangements were made to hold a non-statutory Public Inquiry. A Barrister was appointed by the Registration Authority to sit as an Inspector presiding over the Inquiry and a date for the Inquiry was set as 17<sup>th</sup> and 18<sup>th</sup> November 2009. However, on 16 October 2009 a letter was received from the Solicitors acting for the Methodist Church in which they confirmed that they wished to withdraw their objection to the application. Therefore there was no longer any reason to hold an Inquiry and this was subsequently cancelled.

The Board were advised of the points upon which they would need to consider when making their determination of the application.

Members were also referred to a letter of objection that had recently been received from two of the Trustees from the Methodist Church who had written in an individual capacity stating their objection to the application. The meeting was informed that the letter had been received outside the relevant period for responses but could be considered in any event. However, Members were advised that the letter contained no evidence which was contrary to that submitted by the Applicant and this determination is purely an evidence based consideration. It also had to be noted that whilst the Trustees of the Church had submitted a formal objection to the application that this had subsequently been withdrawn.

Following consideration and discussion by the Committee, it was;

**RESOLVED** – that the plot of land described as The Green, off High Street and Manse Road, Hadley, Telford be registered as a Village Green pursuant to Section 15(1) of the Commons Act 2006.

**LC-110      EXCLUSION RESOLUTION**

**RESOLVED** – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely

disclosure of information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-111      **MR.A.T. – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE**

After hearing the evidence presented by the Council's Licensing Operations Manager and the applicant in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

**RESOLVED** – that the Committee considered that they were satisfied that the applicant was a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his application should be granted subject to the issuing of a written warning as to future conduct and adherence to the Private Hire Vehicle Driver Conditions and all relevant Statutory Obligations.

The meeting ended at 12.25 pm.

**Chairman:**

**Date:**