

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Wednesday 23rd January 2013 at 6.10 pm in Meeting Room 5/6, AFC Telford United Learning Centre, Wellington, Telford**

#### **PRESENT**

Councillors: C Mason (Chair), R Picken, A Mackenzie, L Murray, J Seymour, J Thompson, K Tomlinson and C Turley.

Officers in attendance: Jonathan Eatough – Assistant Director: Law, Democracy and Public Protection, Ian Ross – Team Leader Places, Legal Services and Wendy Buckley - Democratic Services Support Officer.

#### **LC- 27      APOLOGIES FOR ABSENCE**

Councillors T Hope and R Scammell.

#### **LC- 28      DECLARATIONS OF INTEREST**

None.

#### **LC – 29      REVIEW OF LICENCE FEES**

This matter was deferred to a further meeting.

#### **LC- 30      DETERMINATION OF APPLICATION FOR LAND OFF STATION ROAD, NEWPORT TO BE REGISTERED AS A VILLAGE GREEN**

The Team Leader Places, Legal Services presented a summary of the report of the Assistant Director – Law, Democracy and Public Protection advising Members that an application had been made to register land at Station Road, Newport as a village green under the Commons Act 2006.

Telford & Wrekin Council were the freehold owner of the site and an objection had been made by them as land-owner. It was emphasised to Members that the Licensing Committee was exercising the Council's functions as Registration Authority with reference only to relevant considerations. A significant number of representations in support of the application were received from local residents. A non-statutory public inquiry into the application took place in October 2012. Counsel, was appointed to act as inspector by the Council, as registration authority, to receive and consider evidence and submissions from local residents regarding the application and prepare a report and recommendation for the Council.

Members were reminded of Section 15(2) of the Commons Act 2006 in that the authority may register land as a village green if it is satisfied, on the balance of probabilities, that a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and

pastimes on the land for a period of at least 20 years and they continue to do so at the time of the application.

Members were referred to the legal position and an outline of the Inspector's approach as set out in her report. The overall conclusion of the inspector on the totality of the evidence presented at the inquiry was that the Applicant had failed to prove his case and that none of the application land qualified for registration as a town or village green under section 15(2) of the Commons Act 2006. It was also not shown, in the inspector's opinion, that a significant number of inhabitants of the locality had indulged in lawful sports and pastimes as of right on the application land for at least 20 years. The inspectors recommendation was that the Registration Authority should reject the application for the reasons set out in her report, which was attached as an appendix to the main report.

Some Members mentioned that following a site visit earlier in the day and reading the inspectors report it was clear that a fair process had been followed but that the evidence in support of the application did not meet the criteria for registration of the land as a village green. Concern was shown by a Member regarding the Council's role in this application for a village green as it was thought that Telford & Wrekin Council had been extremely heavy handed with high costs involved. The Team Leader Places advised Members that they should confine their consideration to what was relevant to the determination of the village green application.

**RESOLVED - that**

- (a) the Inspector's report and recommendations dated 18<sup>th</sup> January 2013 were accepted.**
- (b) the land at Station Road, Newport as shown edged red on the plan, attached to the application for registration as a village green received on 15<sup>th</sup> December 2011 should not be registered as a village green for the reasons set out in the Inspector's report dated 18<sup>th</sup> January 2013.**

Meeting closed at 6.35 pm.

Chairman:

Date:

