

NOTTINGHAM CITY COUNCIL

REGULATORY AND APPEALS COMMITTEE

MINUTES

of meeting held on **20 OCTOBER 2008** at the
Council House from 10.00 am to 10.45 am

Councillor Cresswell (Chair)
Councillor Grocock (Vice Chair)
Councillor Davie
Councillor Foster
Councillor Ibrahim
Councillor James
Councillor A Khan
Councillor Liversidge
Councillor Munir
Councillor Packer
Councillor Smith
Councillor Spencer
Councillor Wildgust

Indicates present at meeting

Officers in attendance

Mr J Lee	- Public Rights of Way	- Environment and Regeneration
Ms T Bestwick	- Legal Services) Resources
Ms P Rohrbach	- Committee Administration)

35 APOLOGY FOR ABSENCE

An apology for absence was received from Councillor Spencer.

36 DECLARATIONS OF INTERESTS

No declarations of interests were made.

37 MINUTES

RESOLVED that the minutes of the last meeting held on 15 September 2008, copies of which had been circulated, be confirmed and signed by the Chair.

38 APPLICATION FOR REGISTRATION OF NEW TOWN OR VILLAGE GREEN AT BULWELL HALL PARK AND BLENHEIM LANE ALLOTMENTS, BULWELL

Consideration was given to a joint report of the Director of Transport Services and Director of Legal and Democratic Services, copies of which had been circulated, detailing the background to an application for the registration of a new Town or Village Green at Bulwell Hall Park and Blenheim Lane Allotments, Bulwell. The application had been submitted to the Committee for determination of whether the application had been ‘duly made’ and subsequent progress with the application following its decision. The applicant did not attend the meeting.

The report also sought delegated authority for the Director of Legal and Democratic Services and the Legal Services Manager to determine whether future applications for registration of land as Town and Village Greens were duly made and to appoint an independent expert who would make recommendations to Committee.

Members noted that the application for the registration of a new Town or Village Green at Bulwell Hall Park and Blenheim Lane Allotments, Bulwell had procedural deficiencies and despite the applicant being given opportunity to rectify these, the current application still did not meet the procedural requirements detailed in the The Commons Registration (New Land) Regulations 1969. In particular members noted that:

- (a) a number of plans had been submitted, none of which clearly delineated the boundary of the land to be registered
- (b) the additional plans provided by the applicant outlined significantly different areas of land to be registered, including an additional area of land not shown in the original plan
- (c) a fresh statutory declaration was required due to the significant changes to the original application area
- (d) the individuals who completed the user forms in support of the application did not confirm that they used the area of land outlined in the additional plans as a Town or Village Green
- (e) the locality of inhabitants using the land had not been identified
- (f) there was insufficient detail of activities which were taking, or had taken place at the application area.
- (g) part of the application area fell outside of Nottingham City Council’s administrative area

RESOLVED

- (1) that the application for registration of Bulwell Hall Park and Blenheim Lane Allotments as a Town or Village Green had not been duly made;**
- (2) that the Director of Legal and Democratic Services or his successor in function and the Legal Services Manager or his/her successor in function be granted delegated authority to determine whether any current or future applications made under the Commons Registration Act 1965 or the Commons Act 2006 for registration of Town or Village Greens were duly made;**
- (3) that, in the case of any application for registration of land within Nottingham as a Town or Village Green determined to be duly made in accordance with resolution (2) above, the Director of Legal and Democratic Services and the**

Legal Services Manager be granted delegated authority to appoint an independent expert to consider the application, and either:

- (a) in the event that no objections were received to the application, to instruct the independent expert to make recommendations regarding the determination of the application, such recommendations to be submitted to this Committee for consideration, or;**
- (b) if objections against such registration were received, to appoint an independent expert to hold either;**
 - (i) a non-statutory local inquiry, or;**
 - (ii) if all objectors agreed, to consider written representation, and;**
 - (iii) in each case to make recommendations regarding the determination of the application, such recommendations to be submitted to this Committee for consideration.**