

Lancashire County Council

Commons and Town Greens Sub-Committee

Minutes of the Meeting held on Tuesday, 31st January, 2012 at 10.00 am in Cabinet Room 'C' - County Hall, Preston

Present:

County Councillors

T Brown	P Rigby
C Coates	T Sharratt
J Jackson	P Steen
A Jones	J Sumner
M Parkinson	

1. Election of Chairman

Due to apologies being received by the Chairman and the absence of the Deputy Chairman, it was proposed that County Councillor T Jones be the Chairman for this meeting only.

Resolved: That County Councillor T Jones be the Chairman for this meeting only.

2. Apologies

Apologies were received from County Councillor A Thornton.

3. Disclosure of Personal and Prejudicial Interests

There were no personal/prejudicial interests declared.

4. Minutes of the Meeting held on 22 September 2011

Resolved: That, the Minutes of the meeting held on the 22 September 2011, be confirmed and signed by the Chairman.

**5. Commons Act 2006
Commons Registration Act 1965
Commons Registration (General) Regulations 1966 (as amended)**

**Application for the Amendment of the Register in relation to Rights
of Common on Common Land registered as Entry 9 in the Rights
Section of Register Unit CL23**

A report was presented on an Application from John Mark Lawson and Doreen Lawson trading as 'J & A Lawson & Son' of High Threaber Farm, Westhouse, to register a transfer of rights of common away from the land.

The Sub-Committee had previously considered a report regarding the Rights Section of Register Unit CL23 at its meeting on 24 September 2010 in which it had expressed concern that a mistake had perhaps been made by the Solicitors acting on behalf of Mrs Bracken in 1995 and therefore agreed to defer the Application for a period of 3 months on the grounds that a deed could perhaps be found in relation to the severance of 33 sheep gaits on Ireby Fell. The Sub-Committee requested that Jane Turner, Senior Solicitor, write to the Solicitors acting on behalf of the Applicant detailing the Sub-Committee's decision.

It was reported that the Solicitors for the applicant were informed and they said they were instructed to contact Mr Haslam's Solicitors to see if he would assist by providing the copy of the 1970 Conveyance. Despite reminders nothing further was submitted and it was therefore thought appropriate that the matter be returned to the Sub-Committee for determination.

The Sub-Committee was reminded that as previously stated, the sale of the rights without the land was evidenced only by the receipt from Mr Diggle in 1971. This appeared to be after at least some of the land passed to Mr Haslam and no Deed had been found.

The Sub-Committee was advised that there was still not sufficient evidence of legal severance and although purchased by the Applicants there was not sufficient evidence that Mrs Bracken held the rights in gross to sell them.

Resolved: That the Application be not accepted and that the register be not amended.

**6. Commons Act 2006
Commons Registration (England) Regulations 2008
Amended by Commons Registration (England) (Amendment)
Regulations 2009**

Opportunity to make oral representations under Regulation 28

The Sub-Committee considered a report on how an applicant or other party should be offered the opportunity to make oral representations and the options

available to Registration Authorities. Guidance from DEFRA on the matter of oral representations was also provided in the report.

The Sub-Committee was advised that the procedure adopted by the County Council as the Commons Registration Authority should satisfy the Statutory Regulations and be fair and reasonable. Concerns raised by the County Secretary and Solicitor were also presented in the report.

The Sub-Committee was asked to consider the options available and the concerns raised in the report and to decide how best to put in place a procedure that was fair and reasonable and which satisfied Regulation 28.

Two options were then presented to the Sub-Committee for consideration, these were;

1. Should representations be made to an officer/Solicitor and a Member of the Sub-Committee; or
2. Should representations be made to the full Sub-Committee

The Sub-Committee agreed that all representations should be made to the full Sub-Committee.

In relation to oral representations which might raise something previously unknown yet relevant, with any subsequent decision needed to be deferred, the Sub-Committee suggested that a draft procedure note on making oral representations be produced. Some discussion was had at the meeting on who should be given speaking rights and at what stage offers should be made.

The Sub-Committee agreed that applicants, or their representatives and any interested/other parties be given speaking rights. The Sub-Committee also agreed that the offer be made 14 days prior to the Sub-Committee meeting to determine the application and that speakers be given five minutes each to make their oral representations or such longer time as agreed. The Sub-Committee suggested that these matters be also included in the draft procedure note.

It was proposed that the draft procedure note be sent to the Chair of the Regulatory Committee for approval. Where upon it was;

Resolved: That, the County Secretary and Solicitor be asked to prepare a procedure note on the making of oral representations to be agreed in consultation with the Chair of the Regulatory Committee.

7. Date of Next Meeting

The next meeting of the Commons and Town Greens Sub-Committee will be held on Monday and Tuesday, 23 and 24 April 2012 at 10am, County Hall, Preston.

I M Fisher
County Secretary and Solicitor

County Hall
Preston