

Lancashire County Council

Commons and Town Greens Sub-Committee

Minutes of the Meeting held on Monday, 1st July, 2013 at 10.00 am in The Duke of Lancaster Room (Formerly Cabinet Room 'C') - County Hall, Preston

Present:

County Councillor Jackie Oakes (Chair)

County Councillors

M Barron	R Shewan
I Brown	K Snape
N Hennessy	V Taylor
S Prynne	D Whipp
P Rigby	

Also in attendance

Mrs L Campy, Solicitor, Legal Services, Office of the Chief Executive
Mr M Neville, Senior Committee Support Officer, Democratic Services, Office of the Chief Executive.

1. Appointment of Chair

Resolved: The appointment by full Council on the 23rd May 2013 of County Councillor J Oakes as the Chair for the remainder of the 2013/14 municipal year is noted.

Before moving on to the next item of business the Chair informed the meeting of the recent death of former County Councillor Albert Thornton who had been the Chair of the Sub Committee between 2008 and 2012.

Members of the Sub Committee stood in silent tribute.

2. Appointment of Deputy Chair

Resolved: The appointment by full Council on the 23rd May 2013 of County Councillor Miss K Snape as the Deputy Chair for the remainder of the 2013/14 municipal year is noted.

3. Constitution, Membership; Terms of Reference and programme of Meetings of the Commons and Town Greens Sub-Committee

It was reported that at the annual meeting of the full Council on the 23rd May 2013 the constitution of the Sub Committee had been agreed as 11 members on the basis of 5 Labour, 5 Conservative and 1 Liberal Democrat and the following nominations had been made by each of the respective political groups.

M Barron	S Pryn
I F Brown	P Rigby
N Hennessy	R Shewan
A Kay	Miss K Snape
J Oakes	C Wakeford
D Whipp	

The Chair informed the meeting that County Councillor V Taylor had subsequently replaced County Councillor A Kay on the Sub Committee.

It was further reported that that current Terms of Reference for the Sub Committee were as follows:

1. To exercise the Council's powers under the Commons Registration (New Land) Regulations 1969 to register common land or town or village greens (except where the power is to be exercised solely for the purpose of giving effect to an exchange of land by an order under Section 19(3) or Schedule 3 of the Acquisition of Land Act 1981, or an order under Section 147 of the Inclosure Act 1845).
2. To make recommendations to the Cabinet Member with responsibility for the Environment on matters under the Commons Registration Act 1965 as amended and Regulations thereunder where responsibility lies with the Cabinet.
3. To amend the register in respect of rights of common under Regulation 29 of the Commons Registration (General) Regulations 1966, namely to apportion, vary, extinguish, release or transfer a right of common.
4. To exercise the duties powers and functions of the County Council as Registration Authority under Part 1 Commons Act 2006.

Details of the programme of meetings for 2013/14, as agreed by the full Council in December 2012, were also presented for information. In response to a query Mr Neville informed the meeting that a programme of two day meetings had been agreed in order to determine any applications for village/town greens which may be received. However, if no such applications were ready for consideration in time for a meeting then, with the agreement of the Chair, the Sub Committee would either be cancelled or one of the dates used for a meeting to consider other business, such as applications relating to common land.

It was also noted that a programme of half day meetings would be explored for 2014/15 with any town/village green applications being dealt with via ad hoc Special Sub Committees.

Resolved:

1. That the constitution of the Sub Committee as agreed by full Council on the 23rd May 2013, together with the current membership and Terms of Reference is noted.
2. That, the dates for future meetings of the Sub Committee, as agreed by full Council in December 2012 and set out below, are noted and that the Chair determine whether in light of the available business individual meetings should be held.

30th September/1st October 2013

21st/22nd January 2014

29th/30th April 2014

4. Disclosure of Pecuniary and Non-Pecuniary Interests

There were no declarations of interest relating to any of the matters on the agenda.

5. Minutes of the last meeting

It was noted that the meetings which had previously been arranged for 28th/29th January and the 13th/14th March 2013 had been cancelled due to lack of business.

Resolved: That the Minutes of the meeting held on the 2nd October, 2012 be confirmed as an accurate record and signed by the Chair.

6. Annex A - Guidance on the law relating to applications to register land as town or village green

Guidance on the law relating to applications to register land as a town or village green was presented for the information and future reference of the Sub Committee.

The Chair reported that on the 12th June 2013 the Regulatory Committee had appointed a Special Sub Committee to consider application VG102 concerning land at Simonstone in Ribble Valley and that she, County Councillor Shewan and County Councillor Brown had subsequently been appointed to serve on the Sub Committee.

Resolved: That the guidance as presented be noted and that similar guidance in relation to common land applications be provided in the future for the information of the Sub Committee.

**7. Commons Act 2006
Commons Registration (England) (Amendment) Regulations 2009 as amended
Regulation 44**

Application for a Declaration of Entitlement to be recorded in respect of some of the Rights of Common being grazing rights registered as attached to land at Gawcar House, Newton-in-Bowland, being entry 5 in the Rights section of Register Unit CL 66 YR

A report was presented regarding an application from Mr Anthony Moores for a Declaration of Entitlement to record his rights to graze 8 Sheep on CL66 YR

In considering the application the Sub Committee was aware that rights to graze 50 sheep over CL66 YR were attached to Gawcar House and that Land Registry title LA699436 indicated that 16.039% of the farmland was owned by Mr Moores, which equated to the right to graze 8 Sheep. In response to a query regarding the calculation Mrs Campy informed the meeting that the right to graze a fractional animal was not recognised in law and so any fractional rights would be rounded down in accordance with advice from DEFRA and the applicant had been advised of this.

It was also reported that Notice of the application had been duly given according to the regulations and no response had been received.

After considering all of the information presented that Sub Committee felt that it was appropriate to amend the Commons Register as set out below.

Resolved: That the application be accepted in full and a Declaration of Entitlement be recorded in the Commons Register in accordance with the Commons Registration (England) (Amendment) Regulations, 2009, that Mr Anthony Moores is entitled to exercise part of the right attached to Gawcar House, namely the right to graze 8 Sheep over the whole of CL66 YR.

**8. Commons Act 2006
Commons Registration (England) (Amendment) Regulations 2009 as amended
Regulation 44**

Application for a Declaration of Entitlement to be recorded in respect of some of the Rights of Common being grazing rights registered as attached to land at Abbot Barn Farm and Nickens Field, Chipping, being entry 43 in the Rights Section of Register Unit CL12

A report was presented regarding an application from Mr Paul Smith on behalf of the trustees of St Bartholomew's Church in Chipping for a Declaration of Entitlement to record the rights to graze 12 Sheep on CL12.

The Sub Committee was informed that rights to graze 45 sheep over CL12 were attached to Abbot Barn Farm and Nickens Field and the Church had been bequeathed the farmstead and land at Abbot Barn Farm by the late Thomas Ellison. It was further reported that the land was held on trust in the name of the two Churchwardens, Paul William Smith (the named Applicant) and Barbara Butters, together with the vicar, John Vickers Scott.

In considering the application the Sub Committee noted that Land Registry title number LAN90266 indicated that 27.040% of the land was owned by the three trustees, which equated to the right to graze 12 Sheep. Notice of the application had been duly given according to the regulations and no responses received.

Having considered all of the information presented the Sub Committee felt that the register should be amended to reflect the entitlement to graze 12 Sheep over the whole of CL12.

Resolved: That the application be accepted in full and a Declaration of Entitlement be recorded in the Commons Register in accordance with the Commons Registration (England) (Amendment) Regulations 2009 that Mr Paul Smith (and the other two trustees of St Bartholomew's Church – Barbara Butters and John Vickers Scott) are entitled to exercise part of the right attached to Abbot Barn Farm and Nickens Field, namely the right to graze 12 Sheep over the whole of CL12

**9. Commons Act 2006
Commons Registration (England) (Amendment) Regulations 2009 as amended
Regulation 44**

Application for a Declaration of Entitlement to be recorded in respect of some of the Rights of Common being grazing rights registered as attached to land at Abbot Barn Farm and Nickens Field, Chipping, being entry 43 in the Rights Section of Register Unit CL12

A report was presented regarding an application from Mr Richard John Seed and Mrs Elizabeth Seed for a Declaration of Entitlement to record their rights to graze 24 Sheep on CL12

When considering the application the Sub Committee was aware that rights to graze 45 sheep over CL12 were attached to Abbot Barn Farm and Nickens Field and that Land Registry title number LAN78981 indicated that 32.9% of the farm land was owned by the applicants, which equated to the right to graze 14 Sheep.

The Applicant had been informed of this and Notice of the application had been duly given according to the regulations and no responses received.

Whilst the application had been for rights to graze 24 Sheep the Sub Committee agreed that, having considered all the circumstances, it was appropriate to amend the Commons Register to show the correct entitlement as the rounded down figure of 14 Sheep.

Resolved: That the application be accepted in part and a Declaration of Entitlement be recorded in the Commons Register in accordance with the Commons Registration (England) (Amendment) Regulations 2009 that Mr Richard John Seed and Mrs Elizabeth Seed are entitled to exercise part of the right attached to Abbot Barn Farm and Nickens Field, namely the right to graze 14 Sheep over the whole of CL12.

**10. Commons Act 2006
Commons Registration (England) (Amendment) Regulations 2009 as amended
Regulation 44**

Application for a Declaration of Entitlement to be recorded in respect of some of the Rights of Common being grazing rights registered as attached to land at Out Head Lane Farm, Chipping, being entry 4 in the Rights Section of Register Unit CL12

The Sub Committee was informed that rights to graze 70 sheep over CL12 were attached to Out Lane Head Farm at Chipping and an application had been received from Mr Peter Joseph Rogerson and Mrs Elizabeth Susan Rogerson for a Declaration of Entitlement to record the rights to graze 35 Sheep on CL12.

Mrs Campy reported that after the agenda had been circulated it had come to light that not all of the land in question was in the ownership of the applicants which would impact on the calculation of grazing rights and would most likely result in the applicant being eligible to graze fewer sheep than set out in the report.

In view of the circumstances there was general agreement amongst the members of the Sub Committee that a decision on the application should be deferred to allow further investigations to take place regarding land ownership and to establish the applicant's correct entitlement of grazing rights.

Resolved: That a decision in connection with the application by Mr Peter Joseph Rogerson and Mrs Elizabeth Susan Rogerson for a Declaration of Entitlement to be recorded in the Commons Register in accordance with the Commons Registration (England) (Amendment) Regulations 2009 regarding the entitlement to exercise part of the right attached to Out Lane Head Farm at Chipping, be deferred to the next meeting to allow further investigations to take place

regarding land ownership and to establish the applicant's correct entitlement of grazing rights.

**11. Commons Act 2006
Commons Registration (England) Regulations 2008**

**Requirement to Amend a Register following the Registration of
Ownership of CL2 Stanley Common, Bowland-with-Leagram under
Land Registration Act 2002**

It was reported that notification had been received from the Land Registrar that certain land had been registered under the Land Registration Acts. The Sub Committee noted that the land in question was registered under title number LAN118265 and related to the whole of the registered Common Land unit CL2 at Stanley Common, Bowland-with-Leagram.

It was further reported that as there was an ownership noted the amendment would involve deleting the registration of ownership as required by paragraph 8(2) of Schedule 3 of the Commons Act 2006 and noting in accordance with Model Entry 23 that the land had been registered under the Land Registration Act 2002.

Resolved: That the Ownership Section of the Common Land Register relating to common land unit CL2 be amended in accordance with the notification from the Land Registrar as specified in the report presented.

**12. Commons Act 2006
Section 19
Commons Registration (England) (Amendment) Regulations 2009**

**Proposal to correct the Commons Register in relation to Common
Land Unit CL65YR, known as Harrop Fell including Harrop Common
and Harrop Fold, Grindleton in the Rural District of Bowland**

The Sub Committee considered a report regarding a proposal to amend the Register of Common Land in order to correct a mistake which had been made when an entry in the register had been amended.

It was reported that in January 1968 a right to graze 95 sheep over common land parcel CL65YR had been recorded at entry No.3 in the rights section of the Register of Common Land. At that time the applicant was Mr Henry Robinson and the right was recorded as being attached to land at Higher Harrop Fold Farm, Bolton-by-Bowland.

In September 1995 an application to amend the register had been received and as the County Council was satisfied with the documentation supplied Notices

were served on all interested parties and, as no objections were received, an amendment was duly recorded in the Register. However, the rights were recorded incorrectly in that the entry referred to the rights being attached to the land rather than being held in gross.

In considering the report the Sub Committee acknowledged that a mistake had been made by the Registration Authority in amending the Register of Common Land and agreed that an amendment should be made to the entry in the Register to show the apportionment of the rights as set out below as being held in gross.

Resolved: That the Proposal be approved and the Rights Section of the Common Land Register relating to CL65YR be amended in accordance with the Commons Registration (England) Regulations, 2008, as amended, to show that the rights set out below are held in gross.

- a) The right of Neville Harrison of Harrop Hall, Slaidburn to graze 8 sheep over the whole of the land comprised in this Register Unit.
- b) The right of David Harrison of Harrop Hall, Slaidburn to graze 8 sheep over the whole of the land comprised in this Register Unit.
- c) The right of Daniel Wood of Harrop Fold, Bolton by Bowland to graze 16 sheep over the whole of the land comprised in this Register Unit.
- d) The right of Mark Blakey of Spencers Farm, Bolton by Bowland to graze 16 sheep over the whole of the land comprised in this Register Unit.

13. Urgent Business

There were no items of urgent business for discussion at the meeting.

14. Date of Next Meeting

It was noted that, subject to the agreement of the Chair, the next meeting of the Sub Committee would be held at 10am on the 30th September/1st October 2013 in the Duke of Lancaster Room (formerly Cabinet Room 'C') at County Hall, Preston.

I M Fisher
County Secretary and Solicitor

County Hall
Preston