

## Regulatory Committee

Meeting to be held on 26 June 2019

Electoral Division affected: <u>Rossendale East</u>
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### Determination of Town and Village Green Application No. VG107 relating to land at 'Waterbarn Recreation Ground', Waterbarn Lane, Stacksteads, Bacup

Contact for further information:

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#### Executive Summary

The establishment of a Special Sub-Committee with power to act in respect of Application No. VG107 relating to land at 'Waterbarn Recreation Ground', Waterbarn Lane, Stacksteads, Bacup.

#### Recommendation

The Committee is asked to:

- (i) Approve the establishment of a Special Sub-Committee to determine Application No. VG107 relating to land at 'Waterbarn Recreation Ground', Waterbarn Lane, Stacksteads, Bacup.
- (ii) Agree that, subject to the above, the membership of The Special Sub-Committee for VG107 be drawn from 3 members of the Regulatory Committee, on the basis of 2 members of the Conservative Group and 1 member of the Labour Group.
- (iii) Agree that nominations to serve on the Special Sub-Committee be submitted by the respective political group secretaries.
- (iv) Agree that the quorum for the Special Sub-Committee be 2 members.

#### Background and Advice

At the meeting on 25 July 2001, Regulatory Committee established the Commons and Town Greens Sub-Committee with power to act in connection with decisions to alter the Commons Registers including determination of applications to add land as a

town or village green. This Sub-Committee no longer exists and the power for these matters now rests with the Regulatory Committee.

The Commons and Town Greens Sub-Committee at its meeting on 24 October 2008 resolved that the primary preference for the future determination of applications was:

That the Registration Authority could arrange its own hearing of oral evidence and submissions requesting parties to follow directions as given and to cross examine the evidence. This would be non-statutory and no Statutory Regulations prescribe procedure. Information given would be taken into account by the Sub-Committee. The Sub-Committee could hear the evidence, cross examinations and submissions and then assess the application of the law. This would not incur a fee for an inspector. A report would be prepared by the advising officer with assistance from Counsel, if required.

It was also resolved that when the above primary procedure was considered unsuitable an alternative procedure for the determination of an application would be agreed.

It is advised that Application VG107 requires that oral evidence be heard and tested through cross examination and that, in accordance with the resolution above, this would require arranging a hearing at which members of the Special Sub-Committee would listen to the evidence and then determine the application.

It is advised that to have evidence presented by lay members of the public and to enable the effective examination of the evidence and give the matter detailed consideration, the optimum number of members of the Special Sub-Committee would be 3. It is therefore proposed that a Special Sub-Committee be established to hear the evidence and determine all matters relating to Application VG107.

Whilst it is advised that the preferred way of proceeding is not of concern in this matter, should Committee consider the primary procedure to be unsuitable at the present time and that an alternative way of dealing with the determination would be appropriate, then Committee could authorise that the Registration Authority hold a public inquiry as prescribed under the Commons Registration (England) Regulations 2014, appointing an Inspector to hold the Inquiry, and to provide a report and recommendation to the Special Sub-Committee.

## **Consultations**

N/A

## **Implications:**

This item has the following implications, as indicated:

## **Risk management**

No significant risks have been identified.

**Local Government (Access to Information) Act 1985  
List of Background Papers**

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A

