

**MINUTES OF A MEETING OF THE
COMMONS REGISTRATION COMMITTEE
HELD ON 13 JANUARY 2016 AT 7.30 - 7.50 PM**

Committee Members Present

Councillors: Chris Bowring, John Kaiser, Bob Pitts, Malcolm Richards, Rachelle Shepherd-DuBey, Chris Singleton, Wayne Smith and Simon Weeks

Officers Present

Colm Ó Caomhánaigh, Democratic Services Officer
Catherine Woodward, Legal Officer
Mary Severin, Borough Solicitor

1 ELECTION OF CHAIRMAN FOR THE 2015/16 MUNICIPAL YEAR

The Clerk called for nominations for Chairman for the remainder of the 2015/16 Municipal Year. It was proposed by Chris Bowring and seconded by John Kaiser that Simon Weeks be elected as Chairman for the remainder of the 2015/16 Municipal Year.

It was unanimously agreed that Simon Weeks should be elected as Chairman for the remainder of the 2015/16 Municipal Year.

2 ELECTION OF VICE-CHAIRMAN FOR THE 2015/16 MUNICIPAL YEAR

The Chairman called for nominations for Vice-Chairman for the remainder of the 2015/16 Municipal Year. It was proposed by Rachelle Shepherd-DuBey and seconded by John Kaiser that Chris Bowring be elected as Vice-Chairman for the remainder of the 2015/16 Municipal Year.

It was unanimously agreed that Chris Bowring should be elected as Vice-Chairman for the remainder of the 2015/16 Municipal Year.

3 APOLOGIES FOR ABSENCE

An apology for absence was received from Tim Holton.

4 DECLARATION OF INTEREST

There were no declarations of interest.

5 APPLICATION FOR REGISTRATION OF LAND AT WOODCRAY AS A VILLAGE GREEN

Proposal: Application for registration of land at Woodcray as a Village Green.

Applicant: Mr. Christopher Benham

The Committee received and considered a report about this application, set out in Agenda pages 5 to 14.

The Case Officer summarised the inspector's report dated 17th August 2015 which included two reasons for refusal:

- The Applicant has failed to establish that there was continuous qualifying use of the land for at least 20 years; and

- The Applicant has failed to prove use by the inhabitants of a qualifying neighbourhood. Neither of the claimed neighbourhoods are neighbourhoods within the meaning of section 15(3) of the Commons Act 2006.

The Case Officer also circulated Members with colour copies of the maps of the application land and also with copies of a letter from the Objector's solicitors asking that a third reason for refusal be added: The Applicant has failed to advance evidence to the Inquiry that the localities relied on have been in existence significantly unaltered for the whole of the qualifying periods. The locality statutory test has not been met.

Members asked for clarification on the proposed third point for refusal. The Case Officer referred to the Inspector's Report which stated that, while electoral boundaries could be recognised as defining a locality, the Applicant had failed to prove that they remained significantly unaltered for the 20 year period. The onus is on the Applicant to prove that the conditions are met.

Chris Bowring asked if the Applicant had seen this request for the third point of refusal to be added. The Case Officer responded that the Applicant had taken no further part in the process following receipt of the Inspector's Report.

RESOLVED: That application No. TVG WTC-1 be refused for the following reasons:

- The Applicant has failed to establish that there was continuous qualifying use of the land for at least 20 years; and
- The Applicant has failed to prove use by the inhabitants of a qualifying neighbourhood. Neither of the claimed neighbourhoods are neighbourhoods within the meaning of section 15(3) of the Commons Act 2006.
- The Applicant has failed to advance evidence to the Inquiry that the localities relied on have been in existence significantly unaltered for the whole of the qualifying periods. The locality statutory test has not been met.