

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	18 November 2015
Title:	Application for registration of land at Oval Green, Oval Road, Lockerley as town or village green (Application No. VG 269)
Reference:	7068
Report From:	Director of Culture, Communities and Business Services

Contact name: Sylvia Seeliger

Tel: 01962 846349

Email: sylvia.seeliger@hants.gov.uk

1) Summary of decision area:

1.1. Hampshire County Council is the Commons Registration Authority for the purpose of exercising functions under the Commons Act 2006. An application has been made by the Clerk of Lockerley Parish Council for the registration of land at Oval Green, Oval Road in the parish of Lockerley as a town or village green. This is an application for voluntary registration, as the applicants are also the landowners. The Registration Authority is required to grant the application if certain conditions are met. Those conditions appear to be met and so Members are invited to approve the application for registration.

2) Legal framework for the decision:**2.1. S.15 COMMONS ACT 2006**

Registration of greens:

s.15(8) The owner of any land may apply to the Commons Registration Authority to register the land as a town or village green.

s.15(9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any charge over, the land

2.2 THE COMMONS (REGISTRATION OF TOWN OR VILLAGE GREENS) (INTERIM ARRANGEMENTS) (ENGLAND AND WALES) REGULATIONS 2007

Procedure in relation to application to which section 15(8) of the 2006 Act applies

7. Where an application is made under section 15(8) of the 2006 Act to register land as a town or village green, the registration authority must grant it

provided it is satisfied that

- (a) the applicant is the owner of the land; and
- (b) any consents which are required by section 15(9) of the 2006 Act have been obtained

3) Purpose of report:

3.1. The purpose of this report is to seek the acceptance of the application to register the land shown edged red on the plan annexed, known as Land at Oval Green, Oval Road, Lockerley as town or village green ('the Red Land').

4) Applicant: Mrs. S. Holder, Clerk of Lockerley Parish Council, Mill Cottage, East Tytherley Road, Lockerley, Romsey, SO51 0LW.

5) Landowners: Lockerley Parish Council, with title absolute under title number HP 782003.

6) Description of the land (please refer to the map attached to this report):

6.1. The land which is the subject of the application ('the Land') is shown edged red on the plan annexed to this report (Appendix 1). It consists of approximately 0.15 acres (0.06 hectares) of land, is rounded in shape, and is situated in a cul-de-sac called Oval Road. It abuts a number of properties in Oval Road. The land is comprised in the registered title number HP 782003.

7) The application:

7.1 The application was received on 6th October, 2015. It states that the Parish Council of Lockerley wishes to register the Land as town or village green on a voluntary basis. The application is "duly made" for the purposes of the Commons Act 2006. The application is accompanied by the registered title documents supplied by the Land Registry. These documents are appended as Appendix 2 to this Report.

7.2 For land to be registered voluntarily as town or village green, it is necessary under section 15(9) that the consent of any leaseholder or proprietor of any charge over the land should be obtained. Further, the requirements of Regulation 7 of the 'Commons (Registration of Town or Village Greens) (Interim Arrangements) (England and Wales) Regulations 2007 ('the Regulations') should be satisfied in that the applicant should be owner of the land, and that the necessary consents under section 15(9) should have been obtained.

7.3 For the avoidance of doubt, none of the land to be included in this voluntary registration of village green rights forms part of the verge or any part of the adopted public highway.

8) Issues to be decided:

8.1. Members are asked to agree to the registration of land at Oval Green, Lockerley, the red land, as town or village green. As it is a voluntary registration, the Registration Authority is required to accept the application and register the land, provided that the consent of any relevant lessee or mortgagee is first obtained. As there are, in fact, no lessees or mortgagees of the red land, this requirement is fulfilled and the obligation to grant the application and register the blue land as town or village green arises.

9) Conclusions:

9.1 That the application to register voluntarily Dummer Village Pond as town or village green be accepted.

10) Recommendation:

10.1 That the application to register voluntarily land shown edged red on the attached plan as a town or village green be accepted.

CORPORATE AND LEGAL INFORMATION ABOUT THIS DECISION:

Hampshire safer and more secure for all:	yes/no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes/no
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes/no
Corporate Improvement plan link number (if appropriate):	
OR	
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the County Council, in its capacity as Commons Registration Authority, has a legal duty to decide whether or not the register of towns and village greens should be amended.	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report.

(NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

(Quote list of documents here: e.g. list the relevant letters, memos, etc. and their location)

<u>Document</u>	<u>Location</u>
File: VG 269	Countryside Access Team Room 0.01 Castle Avenue Winchester SO23 8UL

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

2. Impact on Crime and Disorder:

2.1.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

This report does not require impact assessments but, nevertheless, requires a decision because the County Council, in its capacity as Commons Registration Authority, has a legal duty to amend the register of town and village greens in the circumstances described in this report.