

REPORT TO: Council

DATE: 18 July 2007

REPORTING OFFICER: Chief Executive

SUBJECT: Decision Making Process – Village Green Applications

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

1.1 To determine the decision making process to apply in respect of applications to register Village Greens under the Commons Act 2006 and its predecessor the Commons Registration Act 1965

2.0 RECOMMENDATION: That

- (1) Council determines whether the decision on an application to register land as a Village Green under the Commons Act 2006 [and its predecessor the Commons Registration Act 1965] should be made by the Council itself or delegated to the Regulatory Committee.
- (2) The Chief Executive be authorised to amend the Constitution appropriately to reflect that determination.

3.0 SUPPORTING INFORMATION

- 3.1 The Council is the Registration Authority under the Commons Act 2006 and its predecessor the Commons Registration Act 1965. As such it needs to determine applications to register land as a Village Green and to have in place the necessary process to do so.
- 3.2 The Council's function as Registration Authority is not an Executive Function. As such a decision has to be taken either by the Council itself or by a Committee or by an Officer acting under delegated powers.
- 3.3 The Constitution does contain a delegation to the Council Solicitor to determine applications. While this is felt to be satisfactory for non-contentious applications, there will be cases where it would be appropriate to take a decision at Member level.
- 3.4 The choice for decision making at Member level would be for the matter to be decided by the Council itself or for the Council to delegate responsibility to a Committee, such as the Regulatory Committee.

- 3.5 While the decision making body will have to weigh up the factual situation in respect of the land in question and apply the law correctly, there is no reason in law why such a role cannot be carried out by the Council meeting itself. In contentious cases there will generally be a Report from an Independent Inspector which will assist in the decision making.
- 3.6 The decision by the Council today on the process would be subject, of course, to review in the light of experience when the Constitution itself is reviewed at each Annual Council.

4.0 POLICY IMPLICATIONS

- 4.1 None – this is purely a procedural matter.

5.0 OTHER IMPLICATIONS

- 5.1 None – this is purely a procedural matter.

6.0 RISK ANALYSIS

- 6.1 This is purely a procedural matter and as such no risk arises from the choice to be made.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 None – this is purely a procedural matter.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

- 8.1 None.