



Report of Head of Legal and Democratic Services

Purpose of the Report

1. To consider an application to register an area of land ("the Land") known as Eldon Village Green as a village green under the provisions of section 15 of the Commons Act 2006.

Background

2. On 5 December 2013 an application to voluntarily register the Land was made to DCC in its capacity as the Commons Registration Authority ("the CRA") by the Assets arm of DCC in its capacity as the owner of the land in question. The application form asserted that DCC is the sole owner of the Land and there are no other lessees, tenants or occupiers of the Land.

The Law

3. Section 15(8) of the Commons act 2006 permits the owner of land to apply to register it voluntarily as village green. This power is open to any landowner. Any land so registered will be subject to the same statutory protections as any other registered town or village green, and local inhabitants will obtain a perpetual legal right to indulge in lawful sports and pastimes upon it.
4. The CRA is not required to advertise an application made under section 15(8) and will not examine the merits of registration. The CRA, which is entitled to assume that the Assets arm of DCC have complied with all relevant statutory provisions prior to making the application, need only be satisfied that the applicant is legally entitled to apply to register the land. If it is so satisfied, it has no discretion to refuse the application.

The application

5. The officer making the application on behalf of DCC's Assets service has submitted a statutory declaration in support of the application to the effect that the Land is within the ownership of DCC and that all necessary consents (of which there are none) have been received.

Conclusion

6. Accordingly it follows that the CRA must register the Land as a village green.

Recommendation

7. To register the Land as a village green.

Appendix 1: Implications

Finance – None

Staffing – None

Risk – None

Equality and Diversity – None

Accommodation - None

Crime and Disorder - None

Human Rights - None

Consultation – None

Procurement – None

Disability Issues - None

Legal Implications: None