

**COUNCIL  
24 SEPTEMBER 2020**

**ITEM NO.**

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**REGISTER OF VILLAGE GREENS**

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**Responsible Cabinet Member - Councillor Charles Johnson  
Resources Portfolio**

**Responsible Director - Paul Wildsmith, Managing Director**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To put in place a procedure for the determination of applications to make corrections to an entry in the Register of Village Greens.

**Summary**

2. The Constitution currently delegates decisions regarding the determination of new applications for inclusions on the register of village greens (under the Commons Act 2006) to the Assistant Director Law and Governance. If an objection is received an independent Inspector is appointed to determine the application.
3. The Constitution does not provide for the determination of other applications regarding village greens, such as applications to add or remove land from the register where the applicant believes that a mistake was made in registration.

**Recommendation**

4. It is recommended that:
  - (a) The change to the Constitution as detailed in the **Appendix** to this report is approved to take effect from 1 October 2020.
  - (b) The Assistant Director, Law and Governance is delegated to update the Constitution to reflect the changes identified.

**Reasons**

5. The recommendation is supported by the following reasons :-
  - (a) To enable decisions to be taken effectively and in a timely manner as set out in the Commons Act 2006 ('the Act') and the Commons Registration (England) Regulations 2014 ('the Regulations'); and
  - (b) To ensure that the Constitution is accurate and up-to-date.

**Paul Wildsmith  
Managing Director**

**Background Papers**

No background papers were used in the preparation of this report.

Luke Swinhoe: Extension 5430

S17 Crime and Disorder	There are no specific crime and disorder implications
Health and Well Being	There are no specific Health and Well Being implications
Carbon Impact and Climate Change	There are no carbon impact implications in this report
Diversity	This report has no direct impact on diversity issues
Wards Affected	All Wards are affected equally
Groups Affected	All groups are affected equally
Budget and Policy Framework	The decision does not represent a change to the budget and policy framework
Key Decision	This is not an executive decision
Urgent Decision	This is not an executive decision
One Darlington: Perfectly Placed	The report implements structural and legislative changes
Efficiency	The report has no direct implications for efficiency
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

**MAIN REPORT**

**Information and Analysis**

6. The Council is the Commons Registration Authority for the Borough. The Act designates to the Commons Registration Authority responsibility for the maintenance of the registers of commons and village greens; the processing of applications for land to be added to the registers; and the processing of applications to correct mistakes in the registers. The Regulations set out how these responsibilities and procedures are to be carried out.
7. The Council's Constitution prescribes the framework for Council decision making and the procedures that are followed. Part One of the Appendix sets out the current provision within the Scheme of Delegation for dealing with applications for land to be added to the register. However there is no provision for dealing with applications to correct the register where the applicant believes that a mistake was made in registration.
8. Until now we have not previously received an application to make a correction of the register. We received an application to make a correction in July. We need to put in to place arrangements to deal with this application and any future applications.

9. For dealing with applications where the applicant believes that a mistake was made in registration the Regulations set out circumstances in which it may be appropriate for the determining Authority, or their Inspector, to request further representations from interested parties and hear oral representations from the applicant, and, if considered appropriate, hold a public inquiry.
10. It is proposed to amend the entry in the Scheme of Delegation from that set out in Part One to that set out in Part Two of the Appendix in order to enable decisions on uncontested applications to be made by the Assistant Director Law and Governance, and to enable decisions on contested matters to be able to be referred to an Independent Inspector.

### **Financial Implications**

11. There will be financial implications where an Independent Inspector is appointed, but this will be an unavoidable consequence of maintaining an appropriate process for determining contested issues concerning village greens. The volumes are likely to be very low.

### **Legal Implications**

12. The Local Government Act 2000 requires that the adoption of a local authority's Constitution is exercised by the Council.

### **Summary**

13. Members are asked to approve the proposed change detailed in the Appendix to this report for inclusion in the Constitution to take effect from 1 October 2020.

## APPENDIX

### SUGGESTED CHANGE TO THE CONSTITUTION

#### **PART 1 – CURRENT ENTRY IN SCHEME OF DELEGATION**

Determining new applications for inclusion on the register of village greens (under the Commons Registration Act 2006) - Assistant Director Law and Governance. If an objection is received an Independent Inspector shall be appointed to determine the application.

#### **PART 2 – PROPOSED AMENDED ENTRY IN SCHEME OF DELEGATION**

Determining applications affecting the registers of commons and village greens (under the Commons Act 2006 and any subsequent legislation) - Assistant Director Law and Governance. In the case of contested matters, or matters which require oral representations or an inquiry, an Independent Inspector may be appointed to determine the application.