

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Commons Registration)

Meeting held 27 October 2015

PRESENT: Councillors Geoff Smith (Chair), Josie Paszek and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence. Councillor Zoe Sykes attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. COMMONS ACT 2006 - "SMITHY WOOD", ECCLESFIELD, SHEFFIELD

4.1 The Chief Licensing Officer submitted a report to consider an application to register land known as "Smithy Wood", Ecclesfield, Sheffield, under Section 15 of the Commons Act 2006, as Town or Village Green.

4.2 Present at the meeting were Jean Howe, Chris Perring and M Widdowson (Cowley Residents' Action Group, Applicants), David Newton (St. Pauls Development PLC, Objector), Nick Tovey (Wardell Armstrong, Objector ???), Shimla Finch (Licensing Strategy and Policy Officer and Clerk to the Registration Authority), Brendan Twomey (Solicitor to the Sub-Committee (Commons Registration)) and John Turner (Democratic Services).

4.3 The Chair outlined the procedure which would be followed during the hearing and stated that the Sub-Committee (Commons Registration) would only be considering the recommendations of the independent inspector following the public enquiry.

4.4 Shimla Finch presented the report to the Sub-Committee (Commons Registration) and stated that the Council had held a non-statutory public enquiry, chaired by an independent Inspector, who considered the application, heard representations from the applicant and objectors, and reported back to the Council. The Sub-Committee (Commons Registration) was asked to consider the report of the independent Inspector, and determine whether the land should be granted Town or Village Green status and be included in the register.

4.5 Ms Finch outlined the legislation, criteria and background to the application, together with the Inspector's conclusions and recommendations.

- 4.6 The Inspector recommended that the Sub-Committee (Commons Registration) should refuse the application on the basis that the use had not been by a significant number of inhabitants of the neighbourhood and that the applicants had failed to establish the necessary criteria contained in Section 15(2) of the Commons Act 2006.
- 4.7 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 Brendan Twomey reported orally, giving legal advice on various aspects of the application, referring specifically to the Inspector's report and recommendations.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.10 RESOLVED: That, in the light of the information contained in the report now submitted, including the independent Inspector's report, the Sub-Committee (Commons Registration) accepts the conclusions and recommendations of the independent Inspector, and thereby determines that the application for the registration of "Smithy Wood", Ecclesfield, as a Town or Village Green, under Section 15(2) of the Commons Act 2006, be rejected on the specific ground that the use of Smithy Wood is insufficient to indicate that it was in general use by the local community for informal recreation, rather than occasional use by individuals as trespassers; the use was not of such an amount, or in such a manner, as would reasonably be regarded as the assertion of a public right and therefore, the Sub-Committee (Commons Registration) is not satisfied that the use has been by a significant number of inhabitants of the neighbourhood and that, therefore, the use fails the test for significant number in Section 15(2) of the Commons Registration Act 2006.