

REPORT FOR: LICENSING PANEL

Date of Meeting: 13 May 2013

Subject: Whitchurch Playing Field, Wemborough Road - Application under Section 15(1) of the Commons Act 2006 to register the land as a Town or Village Green

Responsible Officer: Hugh Peart, Director of Legal and Governance Services

Exempt: No

Enclosures: None

Section 1 – Summary

Member approval is sought for a non-statutory public inquiry in relation to an application which seeks to register the land at Whitchurch Playing Field as a Town Green. Members are not asked to consider the merits of the application at this stage.

Recommendation:

To authorise officers to hold a non-statutory public inquiry for the purposes of considering the merits of the application.

Representations received

The application was submitted by Mrs Melanie Lewis together with 19 supporting evidence questionnaires.

The landowner has submitted six grounds of objection to the application.

Section 2 – Report

Background

This report concerns an application to register land at Whitchurch Playing Fields, Wemborough Road, Stanmore, HA7 2EQ (“the Land”), as a town green pursuant to section 15(1) of the Commons Act 2006 (“the Act”).

For the purposes of the Act, the Council is the relevant registration authority. The Council is also the registered proprietor of the freehold interest in the Land and matters relating to the conflict of interest are addressed below.

Applications under section 15(1) of the Commons Act 2006

Any application which is made pursuant to the Act must be made in accordance with the Commons (Registration of Town or Village Greens) (Interim Arrangements) Regulations 2007 (“the Regulations”).

For the purposes of the Regulations, the applicant submitted a valid application to the Registration Authority on 6 December 2012.

Conflict of Interest

The London Borough of Harrow holds the freehold interest in the Land and acting in its capacity as landowner has objected to the application. Given that the Council is also the Registration Authority for the purposes of the Act there is an apparent conflict of interest.

In the interests of transparency and maintaining public confidence in the fair and independent determination process, the Council’s interests in this matter have been separated to reflect its capacity as Landowner and that of Registration Authority. In practical terms, this means that the Corporate Estates team will undertake the role of Landowner whilst the Director of Legal & Governance Services will act in the capacity of the Registration Authority.

The Landowner and the Registration Authority will be advised separately by two legal officers, operating a ‘Chinese wall’ working arrangement.

Non-Statutory Independent Inquiry

As previously stated, the Landowner has objected to the application and given the Council’s apparent conflict of interest the reporting officer considers it

prudent for the Council to hold a non-statutory public inquiry for the purposes of testing the evidence submitted by the relevant parties.

Independent Inspector

The Registration Authority has appointed Mr Stephen Morgan (Counsel of Landmark Chambers) to act as Independent Inspector. Following the inquiry the Inspector will consider all the evidence against the statutory tests and prepare a report setting out his recommendation.

The Inspector's report will be reported to Panel Members in order for them to determine the application.

Financial Implications

The Inquiry will commence on Monday 10th June 2013 and is currently scheduled to last for 4 days (although the length of the inquiry is subject to change dependent on the number of witnesses to be called). Notice of the inquiry will be publicised ahead of the inquiry.

The costs associated with the Independent Inspector will be borne by the Council and a provision will be created to cover the estimated future liability.

Recommendation

Authorise officers to hold a non-statutory public inquiry for the purposes of considering the merits of the application.

Section 3 - Statutory Officer Clearance

Name: Kanta Halai	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 11 April 2013		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 10 April 2013		

Section 4 - Contact Details and Background Papers

Contact: Katherine Hamilton, Assistant Lawyer – Planning & Information Law, 020 8424 1890

Background Papers: None