Summary Sheet

Title
Registration of land as a Town or Village Green (TVG) - land at The Crescent, Thurcroft

Assistant Director Approving Submission of the Report
Paul Woodcock (Acting) Strategic Director, Regeneration & Environment

Report Author
Chris Wilkins, Development Manager (South Team), Planning, Regeneration and Transport

Ward(s) Affected
Thurcroft

Executive Summary
The report seeks approval for the formal registration of land at The Crescent, Thurcroft as a Town or Village Green (TVG). The site is identified on the plan attached at Appendix 1 hatched in red. Following an application to register the land as a TVG the independent Inspector appointed by the Council to consider the application recommends that the Registration Authority register the Application Land as a TVG (Appendix 2).

Recommendations
1. That the Inspector's report be noted.
2. That the land at The Crescent Thurcroft is formally registered as a TVG.

List of Appendices Included
Appendix 1: The plan identifying the site.
Appendix 2: The Inspector's report.

Background Papers
As set out in Appendices.

Consideration by any other Council Committee, Scrutiny or Advisory Panel
No

Council Approval Required
No
Title: Registration of land as a Town or Village Green (TVG) - land at The Crescent, Thurcroft

1. Recommendations

1.1 That the Inspector's report be noted.

1.2 That the land at The Crescent, Thurcroft is formally registered as a TVG.

2. Background

2.1 Rotherham Council ("the Registration Authority") is the Registration Authority for the administrative area of the Borough of Rotherham by virtue of the Commons Act 2006 ("The Act"). As the Registration Authority the Council has the responsibility under the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 ("the Regulations") to determine applications made under the Act. The Council's statutory functions and responsibilities as a Registration Authority are independent to its other statutory and non-statutory functions and the Registration Authority should not therefore consider any impact upon Rotherham Council when considering applications.

2.2 The application for the TVG was made in May 2016 by local residents under Section 15 (2) of the Commons Act 2006. This was considered by an independent Inspector appointed by the Council in accordance with the Regulations.

2.2 The Inspector carried out a site visit and held a hearing which took place on 7th February 2017.

2.3 The Inspector's role was to assess the evidence contained in the Application against the statutory criteria. The requirements are:

i) A significant number of the inhabitants;

ii) of any locality, or of any neighbourhood within a locality;

iii) have indulged as of right;

iv) in lawful sports and pastimes on the land;

v) for a period of at least 20 years; and
They continue to do so at the time the application was made.

2.4 The Inspector considered all the evidence provided in respect of the statutory criteria and was satisfied that each one had been met. This specific assessment is set out on pages 40-44 of the Inspector’s report, which was submitted to the Council on 11th May 2018 recommended that the Registration Authority register the Application Land as a TVG.

2.5 The Strategic Director, Regeneration & Environment has Delegated authority to register the site as a Town or Village Green. Once approved, the site must be entered on the register of town or village greens and the Council must give notice of details of the registration to:

- The applicant; and
- Every person who objected to the application (though there were no objections in this instance).

2.6 If land is registered as a town or village green, then local residents will have a guaranteed legal right to indulge in sports and pastimes over it on a permanent basis. Registration as a town or village green is irrevocable and so land must be kept free from development and other encroachments.

3. Options considered and recommended proposal

Option 1: Formally register the TVG, as recommended by the Inspector.

Option 2: Reject registration of the TVG, setting out reasons why the Inspector’s recommendation is not accepted.

In this instance, it is considered that the Inspector has assessed the proposals appropriately and it is recommended that Option 1 is pursued.

4. Consultation

The consultation period ran from 20th July 2016, when the Notice was produced, sent to the parties outlined in Regulation 5 and erected on the application land. Following the conclusion of the consultation period, on 14th September 2016, no objections or other representations were received by the Registration Authority. No objection was received from the landowner.

5. Timetable and Accountability for Implementing this Decision

It is the responsibility of the Council to determine if this TVG application is successful or not and the Council must determine the application in accordance with the statutory criteria and carefully consider the report of the independent inspector which sets out the law, the evidence and his
recommendations; though they are not bound by the inspector’s recommendations.

6. Finance and Procurement Implications

The Council has no maintenance obligations in respect of this land and therefore, there are no revenue cost implications arising out of this decision.

7. Legal Implications

Whilst the Council has a statutory duty to determine applications for TVG, the Council is not bound by the report recommending adoption and the registration of the village green does not place the Council under any duty to maintain it.

8. Human Resource Implications

There are no HR implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

No implications.

10. Equalities and Human Rights Implications

No implications.

11. Implications for Partners and Other Directorates

It is not considered that partners and other directorates will be impacted as a consequence of this decision.

12. Risks and Mitigation

There is no right of appeal against the Council’s decision but interested parties could challenge the decision by applying for judicial review. A failure to determine the application in accordance with the law or at all will leave the Council exposed to a judicial review or a claim of maladministration by the Local Government Ombudsman. These costs can be significant and can represent a financial risk to the Council, though this should not allow this information to influence the decision about whether the application should be accepted or refused, as the decision should be based on the evidence available.

13. Accountable Officer(s)

13.1 Chris Wilkins, Development Manager (South Team), Planning, Regeneration and Transport
13.2 Andy Duncan, (Acting) Head of Planning.

Approvals obtained on behalf of:-

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<thead>
<tr>
<th>Named Officer</th>
<th>Date</th>
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<tbody>
<tr>
<td>Strategic Director of Finance &amp; Customer Services</td>
<td>Jon Baggaley 14/11/2018</td>
</tr>
<tr>
<td>Assistant Director of Legal Services</td>
<td>Dermot Pearson 03/12/18</td>
</tr>
<tr>
<td>Head of Procurement (if appropriate)</td>
<td>Kay Handley 09/11/2018</td>
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<tr>
<td>Head of Human Resources (if appropriate)</td>
<td>John Crutchley 09/11/2018</td>
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