

City of Bradford Metropolitan District Council

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Minutes of a meeting of the Miscellaneous Licences Panel held on Tuesday 8 September 2009 at City Hall, Bradford

Commenced 1000
Concluded 1020

PRESENT – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Mallinson	Sajawal Hussain	Chadwick
Ellis		

Observers: Councillors Palmer and D Smith

Apologies: Councillors Flowers, Hill and L Smith

Councillor Mallinson in the Chair

1. DISCLOSURES OF INTEREST

Councillor D Smith disclosed a personal interest in Minute 4 as he was a Ward Councillor for that area. As the interest was not prejudicial he remained in the meeting throughout.

ACTION: *Assistant Director Corporate Services (City Solicitor)*

2. MINUTES

Resolved -

That the minutes of the meeting held on 19 December 2008 be signed as a correct record.



2006-2007
Improving Rural Services
Empowering Communities



INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



BRADFORD
METROPOLITAN DISTRICT COUNCIL

3. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

There were no appeals submitted by the public to review decisions to restrict documents.

4. **APPLICATION FOR REGISTRATION OF LAND KNOWN AS BURLEY HOUSE FIELD, BRADFORD ROAD, BURLEY IN WHARFEDALE AS A VILLAGE GREEN**

The Assistant Director, Corporate Services (City Solicitor) presented a report (**Document "A"**) which explained that an application has been received from Burley Community Council for the registration of land known as Burley House Field, Bradford Road, Burley in Wharfedale (land owned by the Council) as a village green. Members were advised that the Council as Registration Authority had to consider and determine the application.

The Panel was advised that this was the third application in respect of Burley House Field and that the previous two had been heard under previous legislation. The law on such matters was constantly evolving and the Commons Act 2006, which had come out of high profile cases, had given a window of opportunity for applications such as this to be reconsidered.

In this instance the Council had three roles to fulfil; those of the landowner, the main objector and the registering authority. In order to properly manage such a complex process and to ensure transparency, the Council had appointed an independent inspector and for each of the three applications had held a public inquiry.

In order to achieve registration as a village green, there had been a series of tests which had to be satisfied. During the earlier applications it had been established that all tests had been satisfied save that of people using the land "as of right". For that reason, the third inquiry had had limited scope and had just looked at that issue. It was noted that, although the gates to the land had been signed to give permission for their use, that permission had not stipulated that it included the land beyond the gates.

An issue of "deference" had also been examined as there was an agricultural tenant on the land but it had been established that his use of the land did not conflict with recreational use by local people.

The Chair queried whether the tenant could continue his use of the land if it were registered and was assured that he could.

In response to a question from a Member, it was stated that, if the land were registered, it would still be owned by the Council but it could not be developed and could only be sold as a village green. There were discussions underway for the Parish Council to take on the responsibility for the management of the land.

The applicant was in attendance and stated that he hoped the Parish Council would do so.

Two Ward Councillors attended the meeting and welcomed the recommendations of the Inspector.

The Chair congratulated the applicants on getting the application to this stage.

Resolved –

That Members accept the recommendation of the Inspector appointed to consider the village green application for land known as Burley House Field, Bradford Road, Burley-in-Wharfedale and accept the application for the reasons set out in the Inspector's report dated the 1 July 2009.

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Panel.