



Minutes

Name of meeting	GENERAL PURPOSES (APPEALS) SUB COMMITTEE
Date and time	THURSDAY, 11 FEBRUARY 2010 COMMENCING AT 10.00 AM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllr Susan Scoccia (Chairman), Jonathan Bacon, Ivan Bulwer
Officers Present	Catherine Chalkley, Julie Martin, Justin Thorne, Jerry Willis

46. **Minutes**

RESOLVED :

THAT the Minutes of the meeting held on [25 January 2010](#) be confirmed.

47. **Declarations of Interest**

Councillors Ivan Bulwer and Susan Scoccia declared personal interests in Minute 48 - Supplementary report of the further information as an addendum to the initial report of the proposed registration of 'The Football Field', Northwood as a Town or Village Green – as they were members of the same political group and fellow councillors.

48. **Report of the Strategic Director of Economy and Environment**

Supplementary report of the further information as an addendum to the initial report of the proposed registration of 'The Football Field', Northwood as a Town or Village Green

Members were reminded that a report had been considered at a meeting of the General Purposes (Appeals) Sub Committee on 7 September 2009. At that meeting the Sub Committee decided that an independent inspector should be appointed to convene a non-statutory inquiry under s111 of the Local Government Act 1972 and a further report be brought back to the committee based upon the inspectors findings as to whether the land subject to the application should be registered as village green.

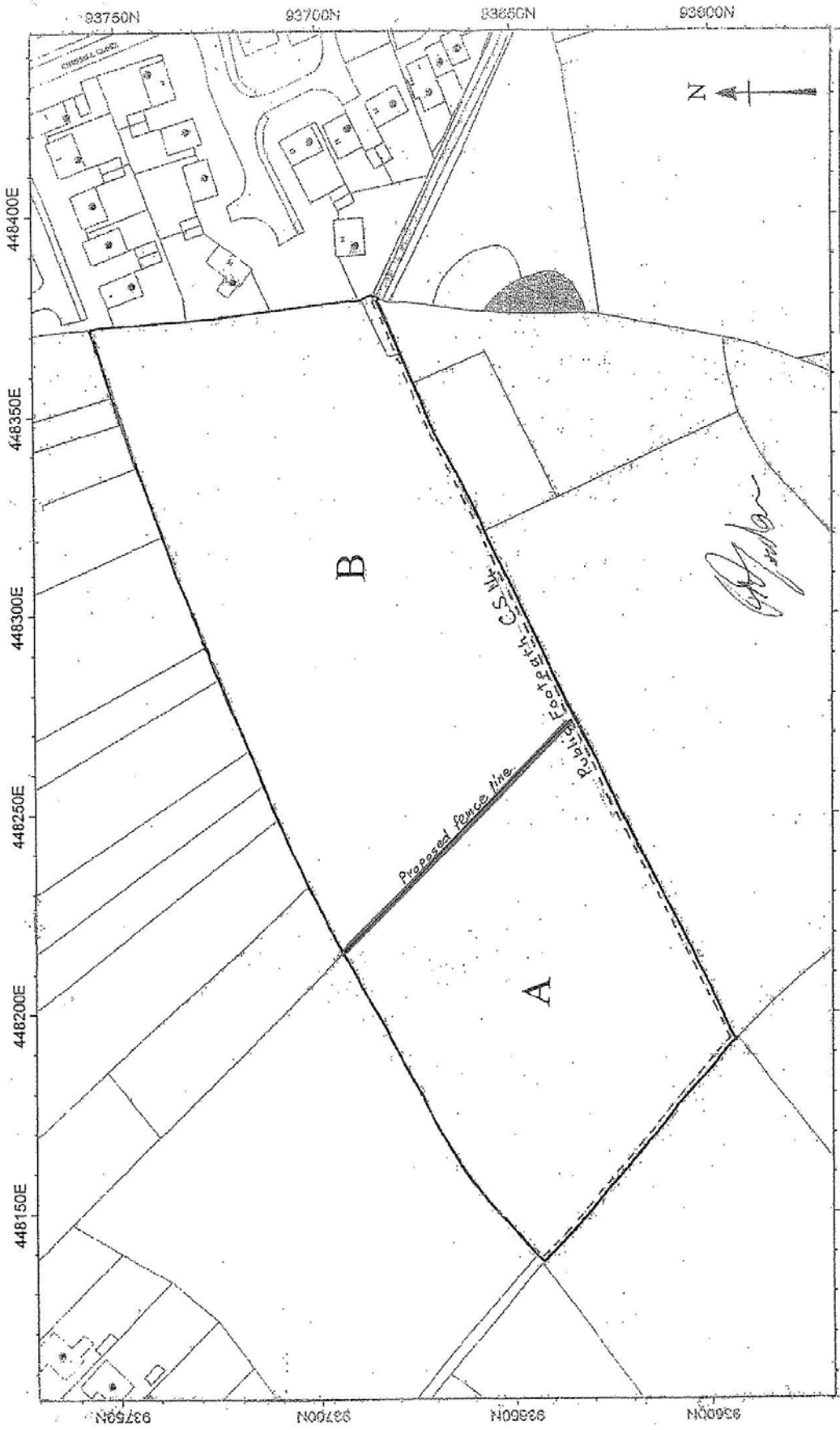
An inspector was appointed during October 2009 and a public enquiry set for February 2010. However, subsequent to that further information had been submitted to the Council by the applicant and land owner. It was considered that the information was sufficient to enable the Sub Committee to determine the application and for that reason the public inquiry was stayed.

Upon receiving the report of the village green team section, oral and written evidence from the applicant and land owner, and having regard to the decided case law and the Commons Registration Act 1965 (as amended) the sub committee hereby:

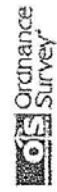
RESOLVED :

- (a) THAT on the balance of probabilities, members were satisfied that part of the application site has been used by a significant number of local inhabitants of the locality/neighbourhood for lawful sports and past times as of right for no less than 20 years. It was members' view that the evidence contained within the report proved that use by sufficient numbers of persons as of right. It was members view therefore:
 - (i) THAT the application in respect of the part of the land shown marked 'A' on the plan, attached to and forming part of these minutes, be accepted and that part of the application of land be registered as a town or village green under s22(1) of the Commons Registration Act 1965; and
 - (ii) THAT the application in respect of the land shown marked 'B' on the plan, attached to and forming part of these minutes, be rejected on the grounds that it did not satisfy the statutory conditions for registration.
- (b) In reaching the above decision the sub committee had regard to the Human Rights Act 1998, and in particular Article 1 of the First Protocol, Article 8 and Article 6. The sub committee considered the decision was in accordance with the legal principles of registration. Members noted that the registration of land would interfere with the rights of the land owner but it also noted that it was a matter of law as to whether registration should be made and on the basis of the information before Members, the decision was considered proportionate and necessary.

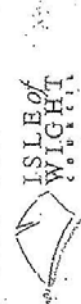
CHAIRMAN



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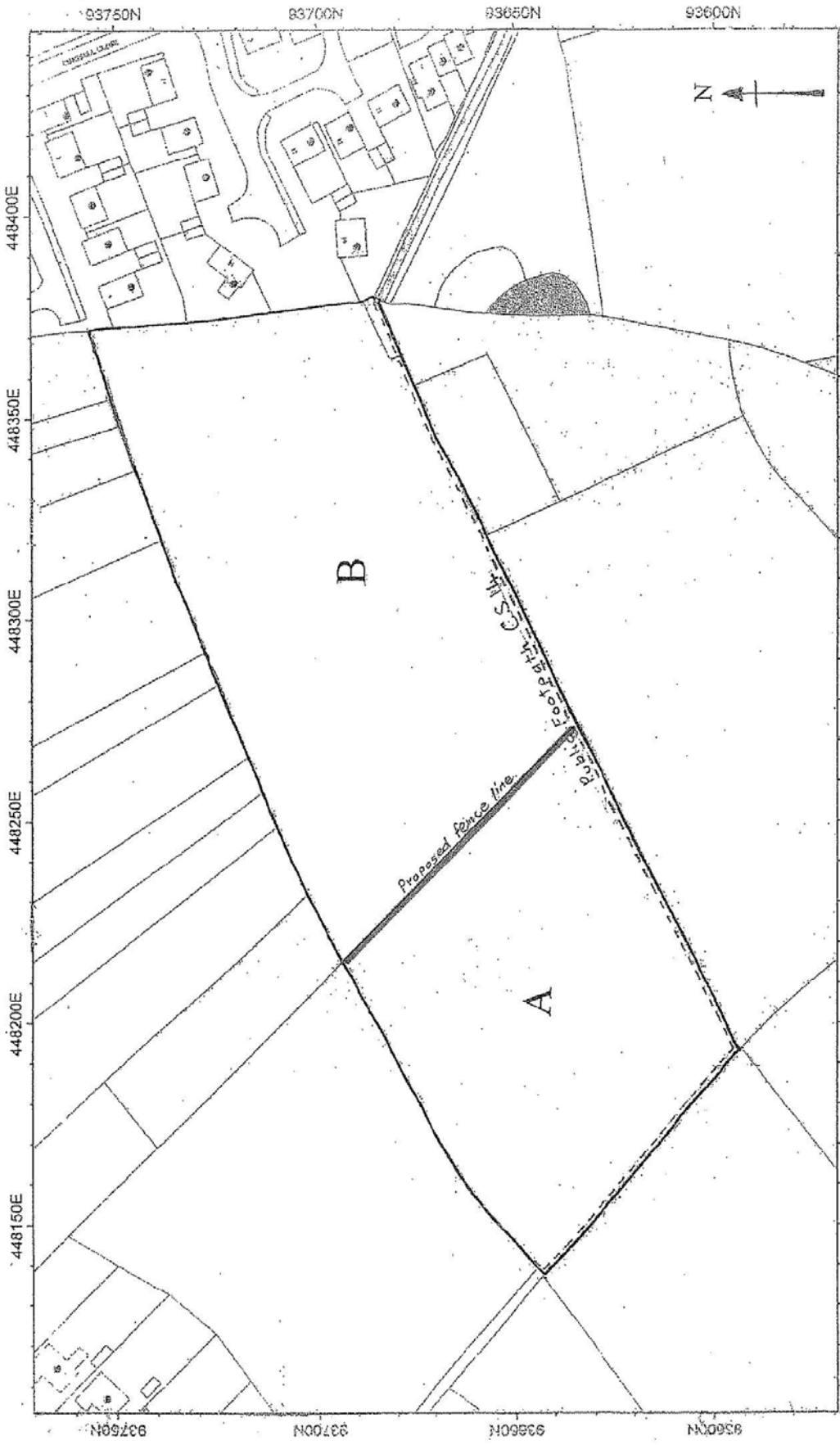


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