

	<p>Planning Committee 30 July 2014</p>
<p style="text-align: center;">Title</p>	<p>Application to Register Land known as Mill Hill Village Green between High Street and Milesplit Hill, NW7 as a Town or Village Green.</p>
<p style="text-align: center;">Report of</p>	<p>Assistant Director of Planning and Development Management</p>
<p style="text-align: center;">Wards</p>	<p>Mill Hill</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix 1 – Site Plan</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Fabien Gaudin, Finchley and Golders Green Area Planning Manager, 020 8359 4258.</p>

<p>Summary</p>
<p>This report contains the result of officers’ investigations into the relevant facts and legal issues in deciding whether or not to register the subject land as a Town or Village Green under the Commons Act 2006.</p>

<p>Recommendations</p>
<p>1. That the application for registration as a Town or Village Green under Section 15 (8) of the Commons Act 2006 be approved in respect of the land known as ‘Mill Hill Village Green between High Street and Milesplit Hill, NW7’ on the basis that the voluntary registration by the land owner.</p>
<p>2. That the applicant and landowner be informed of this decision in writing.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 This report contains the result of officers' investigations into the relevant facts and legal issues in deciding whether or not to register the subject land as a Town or Village Green under the Commons Act 2006.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The recommendation to register the land as a Village Green follows the written agreement of the land owner to voluntarily register his land to be used as a Village Green.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 None

4. POST DECISION IMPLEMENTATION

- 4.1 No further approval or review required.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council as the Registration Authority is obliged by law to determine applications to register land as a Town or Village Green.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 Not applicable

5.3 Legal and Constitutional References

- 5.3.1 This application is to be considered under the Commons Act 2006. The original application was made by Dr Fredrick Robin Vicary on behalf of the Mill Hill Preservation Society and local residents was deemed to be received in whole by the Registration Authority on 28 November 2011.

- 5.3.2 Section 15 (1) of the 2006 Act provides that any person may apply to a commons registration authority to register land as a town or village green, where one of subsections (2), (3) or (4) applies.

- 5.3.3 Section 15(2) applies where:

(2) This subsection applies where—

- (a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
(b) they continue to do so at the time of the application.

5.3.4 On finally locating the Lord of the Manor who is the deemed owner of this site, he agreed to voluntarily register the land as a village green under s.15(8) of The Commons Act 2006. The Council is therefore determining this application under s.15(8).

5.3.5 Section 15(8) provides that, "The owner of any land may apply to the commons registration authority to register the land as a town or village green."

Further that section 15(9) states that "An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the land."

There is no such known leaseholder or charge over the land.

5.3.6 The application to voluntarily register the land as a village green was received complete by the Council on 12 June 2014.

5.3.7 Since the application has been made voluntarily, the application is not subject to the tests to determine how the land has been used (i.e. as of right etc) only that the landowner has the capacity to dedicate the land for registration as a village green.

5.3.8 The terms of reference of the Planning Committee are contained in the Constitution, Responsibility for Functions, Annex A and include the following function '...Commons registration and town and village Greens....'

5.4 **Risk Management**

5.4.1 The Council as the Registration Authority is obliged by law to determine applications to register land as a Town or Village Green.

5.5 **Equalities and Diversity**

Equality Duties and the Equality Act 2010

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure

better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to;
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) tackle prejudice, and
 - (b) promote understanding

- (5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

- (6) The relevant protected characteristics are-
 - age;
 - disability
 - gender reassignment
 - pregnancy and maternity
 - race
 - religion or belief

- sex
- sexual orientation

The proposals would not result in any physical alterations to the site. It is not considered that any of the protected groups listed above would be affected by the proposal.

S149 (5) of the Act requires that the Council have due regard to the need to:-

“(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and
- (b) Promote understanding”

The proposals would not result in any physical alterations to or change of use of the site. It is not considered that there would be any change in the type of relation of any protected groups listed above who would remain unaffected by the proposals.

5.6 Consultation and Engagement

5.6.1 The site is located between High Street and Milespit Hill, NW7 in the Mill Hill ward. It is an open area of land and contains a pond to the north opposite the Ridgeway Methodist Church.

5.6.2 The application was made by Dr Frederick Robin Vicary ('the Applicant').

5.6.3 The application was advertised by way of press notice, site notice and letters sent to 118 addresses.

5.6.4 Four representations in support of the application to register the Land as a village green were received. Those representations can be summarised as follows:

- Helps bring the community together
- Place for children to play
- Important aspect of the conservation area

5.6.5 An objection was also received. The objection was raised on safety grounds. The resident has advised that the land has been used as a football pitch and that balls have been kicked in the surrounding roads with young children running after them.

5.6.6 The Council's Highways officers have advised that a section of the area of land forms part of the adopted public highway and that the land should not be granted Village Green status. The path considered to be highways has been removed from the application and it no longer forms part of the application for registration.

5.6.7 The Council's Property Services section have confirmed that they have no interest to submit for the application.

5.6.8 The Lord of the Manor of Hendon in his capacity as landowner has provided a written response to the application and has agreed to voluntarily register his land to be used as a Village Green.

5.6.9 In view of this voluntary registration, the Council as the registration authority is not required to advertise the application and does not need to examine the merits of registering the land and the applicant has been advised of the same.

5.6.10 Legal officers are satisfied that the applicant is legally entitled to apply to register. There is historical evidence that the unregistered land belongs to the Lord of the Manor of Hendon.

6. BACKGROUND PAPERS

6.1 None