

LSC3

Contact Officer: Andrea Woodside - Tel. 01484 221715

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Thursday 27 October 2011

Present: Councillor Ahmed in the Chair
Councillors Burke, Bellamy, Hardcastle, S Hall, Iqbal, Iredale, Sims,
Sokhal, Stanfield, Stubley and Ward

1 Membership of the Committee

Councillor S Hall substituted for Councillor Scott.

Under the provisions of a 9 day change Councillor Bellamy substituted for Councillor Dodds.

2 Minutes of Previous Meeting

RESOLVED - That the Minutes of the meeting held on 19 September 2011 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

It was noted that all agenda items would be determined in public.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Determination of an Application to Register Land off Chickenley Lane, Chickenley, Dewsbury, as a Town or Village Green

The Committee received a report which set out details of an application to register land off Chickenley Lane, Dewsbury, as a Town or Village Green.

The Committee noted that an application had been received by the Council during December 2010 under Section 15 of the Commons Act 2006, to register the claimed land as a Town or Village Green. As the Council is the owner of the claimed land, a non-statutory public inquiry had taken place between 29 June 2011 and 1 July 2011 to consider the application. The Council, as the Registration Authority, instructed a

barrister to act as Inspector at the non-statutory inquiry. The appointment of the Inspector ensured an avoidance of or appearance of bias within the determination process due to the Council acting as the Registration Authority.

The Inspector's submission was appended to the report at Appendix 2. The Legal Officer explained that the non-statutory inquiry had taken place over a three day period, and outlined the formats of evidence that had been considered. She highlighted to Members that, having considered and tested the evidence presented, the Inspector had concluded that the claimed land not be registered as a Town or Village Green and that the register held by the Registration Authority remain unamended.

Under the provisions of Council Procedure Rule 37, the Committee heard a representation from Mrs D Hollas, on behalf of RAGE (Residents Against Greenbelt Exploitation), with regards to the outcome of the application and the work undertaken by the group.

Discussion took place with regards to the process that had been carried out and the Legal Officer answered a number of questions with regards to the role of the Inspector and the process for the consideration of evidence. Following the request of a number of Members that they would wish to undertake a site visit, notwithstanding the advice of the Legal Officer that a site visit would not be appropriate in the determination of such a matter, it was put to the vote, and carried, that the consideration of the application be deferred to enable a site visit to take place.

RESOLVED - That the consideration of the application be deferred to enable a site visit to be undertaken.