

Medway Council
Meeting of Licensing Sub-Committee of Licensing and
Safety Committee

Friday, 8 June 2018

2.00pm to 2.45pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

Present: Councillors: Bhutia, Carr, Mrs Diane Chambers, Fearn, Godwin, Kemp and McDonald

In Attendance: Vicky Nutley, Assistant Head of Legal Services
Stephen Platt, Democratic Services Officer

52 Election of Chairman and Vice-Chairman

Councillor Mrs Diane Chambers was elected Chairman and Councillor Carr elected Vice-Chairman for the 2018/19 Municipal Year.

53 Apologies for absence

There were none.

54 Record of meeting

The record of the meeting held on 31 October 2017 was agreed and signed as correct.

55 Urgent matters by reason of special circumstances

There were none.

56 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

57 Application for the Registration of Land as a Village Green - The Old Cricket Ground Frindsbury Hill, Frindsbury, Rochester

Discussion:

The Sub-Committee considered a report seeking the determination of two applications for the Old Cricket Ground, Frindsbury, Frindsbury Hill, Rochester to be registered as a village green.

The Assistant Head of Legal Services explained the background to the applications, which had been submitted on behalf of the Wainscott Community Association, and a previous similar application which had been withdrawn. Following a Public Inquiry conducted by an Independent Inspector and held on 26 and 27 February 2018, the Inspector had submitted a report setting out his conclusions and recommendations. The Sub-Committee was asked to have due regard to these in determining the application.

In relation to the second and third applications, the Inspector's report concluded that, although he was satisfied that it had been demonstrated that inhabitants of a relevant locality used the Application Land for sports and pastimes for a period lasting at least 20 years, he was not satisfied that:

- a significant number of inhabitants of that locality used all or part of the Land for sports and pastimes during the relevant 20 year periods; or
- there was continuous use of the Land throughout the 20 year periods, and that such period(s) of use was not interrupted; and
- use of the Land by local inhabitants was as of right.

The report further concluded that it followed that qualifying use of the Land did not continue up to the date of each application. The Inspector's recommendation was that the second and third application to register the Application Land as a town or village green should be rejected.

An email received from the applicants, in response to Inspector's report, together with a map of the Application Land, was circulated to Members.

The Sub-Committee discussed the application, having regard to the Inspector's report following the Public Inquiry. A Member noted that the Inquiry had closed earlier than anticipated due to inclement weather and sought reassurance that all information and evidence had been available to the Inspector. The Assistant Head of Legal Services advised that, following the closing of the Inquiry, parties to the Inquiry had been given the opportunity to submit further written representations to the Inspector.

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It was noted that, at paragraph 23 of the Inspector's report, the second bullet point referred to the third application, rather than the second as stated.

Members considered the options available to the Sub-Committee and accepted the conclusions and recommendation of the Independent Inspector following the Public Inquiry.

Decision:

That the second and third applications be rejected and the Old Cricket Field, Frindsbury, Frindsbury Hill, Rochester, not be registered as a town or village green, because the criteria for registration have not been met.

Chairman

Date:

Stephen Platt, Democratic Services Officer

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