

Report of the Interim Head of Civic, Democratic and Legal Services

AMENDMENT TO DELEGATION SCHEME – REGISTRATION OF COMMON LAND AND VILLAGE GREENS

Summary

1. The purpose of this report is to request the Council to amend the delegation scheme within the Constitution to make provision for the carrying out of functions in relation to the registration of common land and village greens by the Licensing and Regulatory Committee and the Director of City Strategy.

Background

2. The registration of common land and village greens under the provisions of the Commons Registration Act 1965 (to be replaced by the Commons Act 2006) is a function of, inter alia, unitary councils. In 1996 when the City of York Unitary Authority was established the functions relating to common land and village greens was left with North Yorkshire County Council. The County Council held all the records relating to York and had the expertise to deal with applications for common land and village greens as well as searches against the register maintained under the Act.
3. The County Council has recently informed the Council that it no longer wishes to carry out the function on this Council's behalf. It is necessary therefore for the Council to make a decision as to how the function should be discharged.
4. Registration of common land and village greens is a non-executive function under the provisions of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Consequently a decision on whether or not to approve an application to register a common or village green cannot be made by the Executive. Consequently the function needs to be delegated to a committee of the Council. The most appropriate Committee to oversee the function would be the Licensing and Regulatory Committee. The Director of City strategy has agreed to include the administration of the function in his directorate functions.
5. It is proposed therefore that the determination of applications for the registration of common land and village greens where objections are received be delegated to the Licensing and Regulatory Committee. Unopposed applications would be delegated to the Director of City Strategy along with the

administration of applications and the carrying out of searches against the register.

Consultation

6. The Chair of the Licensing and Regulatory Committee and the Director of City Strategy have been consulted on the proposals contained in this report.

Options

7. Given the fact that North Yorkshire County Council no longer wish to carry out this function for the Council alternative arrangements must be made for discharge of this statutory function. As it is a non-executive function responsibility for the function needs to be assigned to a committee of the Council. There are two possible committees – the Licensing and Regulatory Committee and the Planning Committee.

Analysis

8. Given that applications for registration of common land and village greens may well be in conflict with development proposals which are the subject of a planning application it is considered that it would be more appropriate to add this function to those exercised by the Licensing and Regulatory Committee and thereby minimise any risk of members having a conflict of interest.

Corporate Priorities

9. This issue does not have a direct impact on the Council's corporate priorities.

Implications

10. There are no implications in the following areas:
 - a. **Financial**
 - b. **Human Resources (HR)**
 - c. **Equalities**
 - d. **Legal** - other than those dealt with in the report.
 - e. **Crime and Disorder**
 - f. **Information Technology (IT)**
 - g. **Property**
 - h. **Other**

Risk Management

11. Council would be at risk of failing to discharge its statutory functions in respect of common land and village greens if it did not put arrangements in place.

Recommendations

12. The Council is recommended to :
 - a. add “power to determine applications for the registration of common land and village greens” to the delegated powers of the Licensing and Regulatory Committee.
 - b. add “The exercise of any functions in relation to common land and village greens other than the determination of applications to register common land or village greens where representations are received” to the specific officer delegations of the Director of City Strategy.

Reason: to enable the Council to discharge its statutory functions in relation to common land and village greens.

Contact Details

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**Report
Approved**



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Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Background Papers: None