

---

MEETING	LICENSING & REGULATORY COMMITTEE
DATE	6 MARCH 2009
PRESENT	COUNCILLORS FIRTH, HORTON, LOOKER, MOORE (VICE-CHAIR) AND WISEMAN (SUBSTITUTE)
APOLOGIES	COUNCILLORS GILLIES

---

## 7. **DECLARATIONS OF INTEREST**

At this point Members were asked to declare any personal or prejudicial interests they had in the business on the agenda. None were declared.

However, Councillors Horton and Moore requested that it be noted that they were on the Planning Committee which determined the planning application for the land to the east of Fordlands Road and south of Germany Lane.

## 8. **MINUTES**

RESOLVED: That the minutes of the meeting held on 9 January 2009 be approved and signed as a correct record by the Chair.

## 9. **PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme, on general issues within the remit of the Committee.

## 10. **APPLICATION TO REGISTER LAND EAST OF FORDLANDS ROAD AND SOUTH OF GERMANY LANE, YORK, AS A TOWN OR VILLAGE GREEN.**

Members were asked to consider an application under Section 15 (1) of the Commons Act 2006 ("the 2006 Act") to register land to the east of Fordlands Road and south of Germany Lane, York as a town or village green. The application was received on 31 January 2008 and following the receipt of objections the registration Authority arranged a non-statutory public enquiry for the 21 October 2008. Following this inquiry the Inspector produced a report which concluded that the criteria for registering the land had not been met.

The Legal Officer provided an update to Members and advised that the purpose of the meeting was to consider the inspectors report and not to re-

hear the public hearing. The Legal Officer was satisfied that the Inspector had summarised the evidence, and had analysed and made reasoned findings of fact. Members were advised that in order to vote against the Inspectors recommendation, they would need to consider that the Inspector had been irrational in reaching his conclusion.

Representations in objection to the Inspectors recommendation were heard from three speakers on behalf of the Friends of Germany Beck and one speaker on behalf of York Natural Environment Trust. Representations in support of the Inspectors recommendation were heard from a Legal Representative of Persimmon Homes.

Members were addressed again by the Council's legal officer who advised that having heard the representations there was no need for the meeting to be adjourned as there were no legal reasons for the decision not to be made that day. The Legal Officer reminded Members that it was also open to them to find that part of the application had been successful and to register part of the land.

Members were presented with the following 2 Options:

Option A: That the Inspectors Report should be accepted and the application for this piece of land to be registered as a town or village green be refused.

Option B: Having considered the Inspectors report, Members are of the opinion that there are sound and cogent reasons to reject the content and reasoning of the Inspectors report and his recommendation.

Following debate, Members stated that while they accept the rights of the Friends of Germany Beck to respond to the Inspectors report, they could see no robust reason not to agree with the Inspectors recommendation and unanimously voted to accept the recommendation.

**RESOLVED:** That the Committee accepts the conclusions and recommendations of the Inspectors report dated 22 February 2009 by Mr. Alan Evans and resolves to reject the application to register the land as a town or village green for the reasons set out in the Inspectors report.

Councillor R Moore, Chair

[The meeting started at 2.00 pm and finished at 2.33 pm].