

**Area General Licensing and  
Registration Sub-Committee  
(North Durham)**



**23 February 2010**

**Village Green Registration  
Belle View Consett**

---

**Report of Colette Longbottom, Head of Legal and Democratic Services**

---

**Purpose of the Report**

1. To inform members of the receipt of an application to register an area of land known as Belle View, Consett as Village Green.
2. Additionally, to seek the Committee's agreement to appoint an Inspector to hold a Public Inquiry to receive evidence, to prepare a report on the evidence and to make a recommendation to members of this Committee on the merits of the application.

**Background**

3. On 8 October 2009 the County Council received an application from Consett Green Spaces Group to register an area of land identified on the Plan attached as Village Green. The application was accompanied by a number of written statements claiming use of the site for activities, such as sledging, kite flying, community celebration games, general recreation. These activities are claimed to have been exercised as of right for a period in excess of 20 years. There is an objection to the registration from the County Council as land owner, the objector denies that the activities have been carried out as of right. The site is subject to a Deed of Open Space and therefore it is claimed use of the site is commensurate with this designation and is therefore not an assertion of Village Green rights.
4. In cases where there is a conflict of evidence, such evidence should be tested. The most appropriate way to do this would be to hold a non Statutory Public Inquiry when all parties have the opportunity to present their evidence orally to a suitably qualified inspector. The inspector would then provide a report, which would include advice to the Committee on the evidence. The report would conclude with a recommendation as to whether to confirm or reject the application.

**Proposal**

5. The ultimate decision on registration of this land as Village Green is a matter for the Licensing Committee. However, the assessment of the evidence does require expertise in dealing with witnesses and assessing evidence. This Authority and others routinely appoint an Inspector with expertise in these

matters and in particular, Village Greens, to undertake this task on their behalf. In this case, it is proposed to appoint a Barrister who has the relevant experience and expertise to act as an Inspector.

### **Recommendations**

6. It is **RECOMMENDED** that a suitably qualified Barrister be appointed as an Inspector to hold a Public Inquiry for the purpose of receiving and assessing evidence, thereafter to provide a report and recommendation to members of the Licensing Committee.

### **Background Paper(s)**

Map

---

**Contact: Christopher Simmonds      Tel: 0191 3834906**

---

---

**Appendix 1: Implications**

---

**Finance**

The cost of arranging an Inquiry is part of the Council's statutory responsibilities.

**Staffing**

None

**Equal opportunities**

The Inquiry process is intended to give all interested parties the opportunity to participate.

**Accommodation**

None

**Crime and disorder**

None

**Environment**

None

**Human rights**

The Inquiry will be the fairest way of permitting interested parties to exercise their rights.

**Localities**

None

**Young people**

None

**Consultation**

The application has been publicised in the locality.