

**COMMONS REGISTRATION COMMITTEE**  
**22/12/2008 at 17:00**

**PRESENT** Councillors Ball, Butterworth, Hindle, Lord and Rogers

Also present

Alan Evans - Solicitor

Dan Hyslop - Deputy Head of Constitutional Services

Representative of the Council as landowner

Ami Dennison - Trainee Solicitor

The applicant chose not be represented.

Item 2 **URGENT BUSINESS**

There was no urgent business.

Item 3 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

Item 5 **ELECTION OF CHAIR** 8120108

**RESOLVED** - Councillor Hindle be elected chair for this meeting.

Item 6 **MINUTES OF THE MEETING ON 27 NOVEMBER 2008** 8120104

**RESOLVED** - the minutes of the meeting held on 27 November 2008 be approved as a correct record.

Item 7 **PUBLIC QUESTION TIME**

There were no questions from members of the public.

Item 8 **APPLICATION TO REGISTER LAND AT CROSSLEY ESTATE AND FOLD GREEN ESTATE, CHADDERTON AS A TOWN OR VILLAGE GREEN** 8120105

The Committee considered the report which set out an inspector's conclusions following a public enquiry regarding whether land at Crossley and Fold Green Estates should be registered as a town or village green.

It was noted for the application to be granted, several legal tests needed to be passed, with the burden of proof with the applicant.

The Committee noted the following minor errors in the inspector's report:

- Paragraphs 85 and 142 should have been stated the 20 year qualifying period began on 30 May 1987 (rather than 30 May 1997).

- In paragraphs 63 and 121 Chadderton Boulevard should have been Broadway, Chadderton.

- In paragraph 121 references to the eastern and western boundaries should have been transposed.

The inspector's conclusion was the four areas of land the applicant wished to register failed the statutory test because:

- Green four had not been used by a significant number of local people after 2002.

- Use of greens one, two and three had been limited and it was not by people from a defined locality or neighbourhood.

- Use of greens two and three had not been as of right, as the Council had asserted its control over them by erecting signs.

Councillor Butterworth was absent for part of this item and took no part in the discussion or voting.

**RESOLVED** - the recommendations of the inspector be accepted, the application be dismissed and the land at Crossley Estate and Fold Green Estate Chadderton not be registered as a town or village green.

The meeting started at 5.00pm and ended at 5.15pm.