

TRAFFORD COUNCIL

Report to: Council
Date: 24 March 2021
Report for: Decision
Report of: Corporate Director of Governance and Community Strategy

Report Title

Deposit of Statements under section 15A Commons Act 2006: Statement Registration Fee

Summary

The Council acts as the Commons Registration Authority (CRA) for Trafford. Landowners may deposit statements with the CRA to prevent the creation of Town and Village Greens (TVG). The Council are entitled to charge a fee for the application to make the deposit and for registering the statement. This report seeks approval of the fees as detailed in the report.

Recommendation(s)

It is recommended that the Council:

- i) notes the statutory process for depositing and registering a landowner statement as set out in the report;**
- ii) approves the proposed Statement Registration Fee for depositing a statement under section 15A Commons Act 2006 at £366.**
- iii) delegates authority to the Corporate Director for Governance and Community Strategy to periodically review and make minor adjustments to the Statement Registration Fee as appropriate.**

Contact person for access to background papers and further information:

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Background Papers:
None

Background Information

Implications:

Relationship to Corporate Priorities	None
Relationship to GM Policy or Strategy Framework	None
Financial	<i>Charging this fee allows the Council to recoup the cost of fulfilling this duty.</i>
Legal Implications	<i>Registering statements is a statutory duty in accordance with section 15A Commons Act 2006. The Legal implications are set out within the report.</i>
Equality/Diversity Implications	None
Sustainability Implications	None
Carbon Reduction	None
Staffing/E-Government/Asset Management Implications	<i>The legal team will be required to check the application, to advertise the application and to register the statement, both physically and digitally.</i>
Risk Management Implications	None
Health and Safety Implications	None

1.0 Background

- 1.1 The Council acts as the Commons Registration Authority (CRA) for Trafford. The statutory duties of a CRA include registering commons land, maintaining the register of commons land and adjudicating applications for Town and Village Greens. Under the Council's constitution the duty to maintain the Commons Register is delegated to the Corporate Director of Governance and Community Strategy.
- 1.2 A Town and Village Green (TVG) can be registered by a landowner when all of the following criteria are met:
 - a. a significant number of
 - b. the inhabitants of any locality, or any neighbourhood within a locality
 - c. indulged...in lawful sports and pastimes
 - d. as of right
 - e. on the land
 - f. for a period of at least twenty years.
- 1.3 The Growth and Infrastructure Act 2013 inserted section 15A into the Commons Act 2006 which allows landowners to deposit a statement with the CRA that brings to an end any period where inhabitants of the locality have been indulging in lawful sports and pastimes as of right on the land. This would prevent a TVG from being created as any period of time that had accrued would be reset to 0.
- 1.4 The landowner deposits a statement by making an application to the CRA using the process set out below.

- 1.5 The CRA is entitled to charge a fee for registration of a statement submitted in accordance with the application process detailed in section 2 of this report, which must be paid on application. Until recently, no statements had been deposited by any landowner with the CRA and as such, the Council has to date not yet approved a statement registration fee in respect of the process detailed in this report.
- 1.6 In order for the Council, acting as CRA, to fulfil its statutory duties, approval of a Statement Registration Fee detailed at section 3 of this report is sought.

2.0 The Application and Registration Process

- 2.1 The process for the submission of an application and subsequent registration of a statement which prevents the creation of a TVG is prescribed by The Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013 and is set out below:

Upon the receipt of a statement, the CRA is required to:

- i) check the application meets the requirements set out in the regulations as follows:
 - a) In the prescribed form or substantially the same
 - b) Signed by every owner of land to which the application relates
 - c) Accompanied by an OS map of not less than 1:10,560 showing the boundary of the land to which the application relates in coloured edging
 - d) Accompanied by the statement registration fee
- ii) As soon as practicable after receiving a valid application:
 - a) send an acknowledgement of receipt to the applicant
 - b) publish notice of the application on the website
 - c) serve notice of the application by email on any person who has previously asked to be informed of all applications and who has given the authority an email address for that purpose; and
 - d) post notice (in the prescribed form) of the application for not less than 60 days at or near at least one obvious place of entry to the land to which the application relates
- iii) Record the statement in the paper and electronic register by including:
 - a) a copy of the map and any legend accompanying or forming part of the map;
 - b) a copy of the statement;
 - c) the name and address, including the postcode, of the person who deposited the statement and the map;

- d) the date on which the application to deposit the statement and map was given to the commons registration authority;
- e) details of the land delineated on the map including—
 - i. the Ordnance Survey six-figure grid reference of a point within the area of the land;
 - ii. the name of the parish, ward or district in which the land is situated;
 - iii. the address and postcode of those buildings on the land to which a postcode has been assigned; and
 - iv. the name of the town or city which is nearest to the point referred to in paragraph (i).

2.2 If a valid application to deposit a statement is submitted to the CRA the CRA must register the statement.

3.0 The Statement Registration Fee

3.1 The ability to deposit statements under s15A Commons Act 2006 was introduced in 2013. The Council has, for the first time recently, received a statement application.

3.2 In order for the Council, acting as CRA, to fulfil its statutory duties, approval of the Statement Registration Fee, detailed in this section of the report, is sought.

3.3 The CRA must ensure that any fee charged in respect of the process set out in section 2 of this report, is sufficient to cover the cost to the Council of undertaking the registration process but the fee cannot generate any profit.

3.3 It is proposed that the Statement Registration Fee is approved based on the following rationale:

3.3.1 It is anticipated that the work would be undertaken by a band 8 officer and take approximately 6 hours. Band 8 officers have a charge out rate of £61/h and so this would equate to a fee of £366; and

3.3.2 The fee rate proposed in 3.3.1 is commensurate with statement registration fees charged by other local authorities in respect of the same process.

4. Conclusion

4.1 Approval is being sought for:

- a) The Statement Registration Fee for depositing a statement under section 15A Commons Act 2006 to be approved at £366 per application;
- b) Authority to be delegated to the Corporate Director for Governance and Community Strategy to periodically review and make minor adjustments to the Statement Registration Fee as appropriate.