

KENT COUNTY COUNCIL

REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held at Medway Room, Sessions House, County Hall, Maidstone on Friday, 6 February 2009.

PRESENT: Mr M J Harrison (Chairman), Mr A D Crowther (Vice-Chairman), Mr I S Chittenden and Mr J A Davies

IN ATTENDANCE: Mr C Wade (PROW Team Manager (definition)), Miss M McNeir (Public Rights Of Way Officer (Definition Team)) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

1. Application to register land known as "The Market Square" at Aylesham as a new Village Green.

(Item 3)

(1) A visit to the site at "Market Square" (formally known as Market Place), Aylesham had taken place prior to the meeting. It was attended by the applicant, Mrs E Madden; representatives from Aylesham Parish Council and some half dozen members of the public.

(2) A letter from Mr G Mandry, Principal Solicitor of Dover District Council was tabled. Also tabled at the request of Aylesham Parish Council was a copy of the Lords of Appeal Judgement in the Regina v. City of Sunderland (Respondents) ex parte Beresford (FC) Appellant case.

(3) Mr D Falconer and Mr R Oliver addressed the Committee in support of the application, as did Mrs E Madden, the applicant and Dr L Keen, the Clerk to Aylesham Parish Council. The texts of the speeches given by Mr Falconer, Mrs Madden and Dr Keen were made available to the Panel.

(4) During her presentation, Dr Keen challenged the view of the Director of Environment and Waste that the lease granted by Dover District Council to Aylesham Parish Council was conclusive evidence that use of the land had been with permission. She considered that the Parish Council had been given responsibility by the District Council to maintain the land and stated that there was no record of the Parish Council ever challenging or permitting use of the land by local people. In her view, use of the land had therefore not been with permission.

(5) The Panel considered that it did not have the required legal expertise to reach a safe conclusion in respect of Dr Keen's views with regard to the lease. It was agreed to defer consideration of the application to enable KCC Officers to seek a qualified legal view.

(6) RESOLVED that consideration of the application to register land known as "The Market Square" at Aylesham as a Village Green be deferred to enable qualified legal view to be sought.

2. Application to register land at Montefiore Avenue, Ramsgate as a new Town Green.

(Item 4)

(1) A visit to the site at Montefiore Avenue, Ramsgate had taken place prior to the meeting. It was attended by the applicant, Mr M Matthews; Mr J Thomson, Mr P Verrall and Mr C Tull from Thanet District Council; Mr W A Hayton, the Local Member; and two members of the public.

(2) Mr C Tull, Senior Leisure Officer of Thanet District Council, presented an affidavit declaring that to his personal knowledge, fencing had been erected around the application site and that sections of it had been stolen on numerous occasions during the 1990s.

(3) Mr M Matthews, the Local Member addressed the Panel in support of the application. Mr C Tull and Mr J Thompson (Asset Manager of Thanet District Council) spoke in reply as the Landowner's representatives. Copies of the text of Mr Thompson's speech were made available to the Panel.

(4) RESOLVED that a non-statutory Public Inquiry be held into the case to clarify the issues.