

# CHESHIRE EAST COUNCIL

## Public Rights of Way Committee

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<b>Date of Meeting:</b>	13 June 2016
<b>Report of:</b>	Director of Legal Services
<b>Subject/Title:</b>	Village Green Applications – Delegation of Powers from Rochdale Borough Council

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### 1.0 Report Summary

- 1.1 This report asks the Public Rights of Way committee to accept a delegation of powers from Rochdale Borough Council to determine two village green applications on that Council's behalf.

### 2.0 Recommendation

- 2.1 That the Committee accepts the delegation from Rochdale Borough Council, made under Section 101 of the Local Government Act 1972, of its powers to determine the following two village green applications:-

- a) Land at Swift Road, Bamford
- b) Heritage Green, Norden

### 3.0 Reasons for Recommendations

- 3.1 Rochdale Borough Council has approached Cheshire East Council with a request that it accepts from it a delegation under S101 of the Local Government Act 1972, with the effect that Cheshire East Borough Council assumes the functions of Commons Registration Authority for Rochdale Borough Council in respect of those two matters.
- 3.2 This represents an excellent opportunity for this Council to utilise the expertise it has gained over recent years to assist a fellow council and Commons Registration Authority in the determination of two village green matters, and to build its reputation for excellence in this field.

### 4.0 Background

- 4.1 Rochdale Borough Council owns the land subject to both of the applications. In the interests of transparency, it is that Council's preference that another authority determines the applications on its behalf. Recognising its expertise in these matters, Rochdale Borough Council has approached Cheshire East Council with a request that it determines these two matters on its behalf.
- 4.2 Under S101(1)(b) of the Local Government Act 1972, a local authority may arrange for the discharge of any of its functions by any other local authority.

The function of determining village green applications under the Commons Registration Act 2006 is one such function.

4.3 As noted above, Rochdale Borough Council has received these two applications in its own right as Commons Registration Authority for the relevant area. That Council owns the land subject to both applications. In the interests of transparency, that Council has taken the view that it would prefer those two applications to be determined by a different authority. Accordingly, it has asked Cheshire East Borough Council's Public Rights of Way Committee to accept a delegation of its powers for that purpose.

4.4 It is proposed to determine those two applications using the same process that the Council would use to determine applications made to it in its own right. That is to subject the same to consideration by a suitably qualified practitioner who would produce reports containing recommendations to be taken back to this committee for determination.

4.5 Rochdale Borough Council has agreed to meet the reasonable costs properly incurred by this council in determining those two applications on its behalf.

## **5.0 Wards Affected**

5.1 N/A

## **6.0 Local Ward Members**

6.1 N/A

## **7.0 Financial Implications**

7.1 Cheshire East Council will recover its operational costs and disbursements incurred in the determination of these two matters from Rochdale Borough Council. Consequently there are financial implications that flow from the recommendation.

## **8.0 Legal Implications**

8.1 The Council will follow its usual practice in this matter, which is designed to ensure a fair consideration of the matter and so eliminate potential grounds of challenge to any decision it ultimately reaches.

## **9.0 Risk Management**

9.1 This is dealt with in the legal implications section of the report.

## **10.0 Alternative Options**

10.1 The alternative option is to decline to accept the delegation. That would be unfortunate in terms of missing the opportunity to assist a fellow commons

registration authority and the opportunity to cement this authorities expertise in this field.

## **11.0 Access to Information**

Background Documents - None

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