

## COUNCIL

*At a special meeting of the Council, acting as the Registration Authority, on Wednesday, 6 February 2013 in the Council Chamber, Runcorn Town Hall*

Present: Councillors T. McInerney, Baker, J. Bradshaw, M. Bradshaw, D. Cargill, E. Cargill, Cassidy, Cole, Dennett, Edge, Fraser, Fry, Gerrard, Gilligan, Harris, P. Hignett, R. Hignett, S. Hill, V. Hill, Hodge, Horabin, Howard, Jones, Lea, M. Lloyd Jones, P. Lloyd Jones, C. Loftus, K. Loftus, Logan, A. Lowe, J. Lowe, Macmanus, McDermott, A. McInerney, Nolan, Osborne, Parker, Philbin, Polhill, C. Plumpton Walsh, N. Plumpton Walsh, Ratcliffe, Roberts, Rowe, Sinnott, G. Stockton, J. Stockton, Thompson, Wallace, Wharton, Wright, Woolfall and Zygadlo

Apologies for Absence: Councillors Morley, Nelson and Wainwright

Absence declared on Council business: None

Officers present: M. Reaney, A. Scott, D. Johnson, I. Leivesley, G. Meehan and D. Parr

Also in attendance: None

*Action*

*(N.B. Councillors Cole, Dennett, Fry and Gilligan made a Disclosable Other Interest in the following item of business as Board Members of Halton Housing Trust).*

### COU77 FESTIVAL WAY VILLAGE GREEN APPLICATION

Council considered a report of the Operational Director, Legal and Democratic Services on the Village Green application for land adjacent to Festival Way, Birch Road, Boston Avenue and Runcorn Way.

Council was advised that an application had been made under the Commons Act 2006 for land adjacent to Festival Way, Birch Road, Boston Avenue and Runcorn Way to be designated as a Village Green. The application, made on 3 October 2012, was supplemented by statements from five residents in the adjacent area evidencing the "as of right" requirements.

The report provided details of a Court of Appeal decision on 23 October 2012 (North Yorkshire County Council) which provided guidance on the distinction between the meaning of "by right" and "as of right", in the context of

the enjoyment of land for recreational purposes.

RESOLVED: That the application dated 3 October 2012 be rejected for the reason that the site was originally acquired by the Urban District of Runcorn on 19 December 1945 for the purposes mentioned in the Housing Act 1936. The recreational use of the land was thus granted by statute or "by right" and not "as of right", and as such the application cannot succeed.

Operational  
Director, Legal  
and Democratic  
Services

*Meeting ended at 7.00 p.m.*