

Title of Report:	Vesting of Commoners' Rights on Greenham & Crookham Commons	Item 11
Report to be considered by:	Executive	
Forward Plan Ref:	EX0796	

Corporate Plan Priority:	This item does not relate to a Corporate Plan Priority but ensures the Council considers whether it wishes to exercise a discretionary power, granted by Statute, to residents on the Commons
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Purpose of Report:

To consider whether the Council should vest Commoners' Rights in properties at Greenham and Crookham Commons (pursuant to Section 5(4) of the Greenham and Crookham Commons Act 2002 ("the Act"), in consultation with the Greenham and Crookham Common Commission.

Recommended Action:

To vest Commoners' rights in properties on Greenham and Crookham Commons, in consultation with the Greenham and Crookham Commons Commission, the appropriate method and conditions of sale to be approved by the Countryside and Environment Manager, the Principal Solicitor (Property & Commercial) and the Portfolio Member. (The properties lie within the striped area on the plan attached as Appendix 11.)

Reason for decision to be taken:

- To decide whether the Council should vest Commoners' rights pursuant to Section 5(4) of the Act.

List of other options considered:

- The Council is permitted by the Act to vest Commoners' rights in properties within a specified area on the Commons, for such consideration and on such terms as the Council thinks fit. The Council may vest these rights after consulting with the Greenham and Crookham Commons Commission.
- The Council is not obliged to vest any rights, the power is discretionary.

Key background documentation:

- Report to Full Council – 13th July 1999

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Implications

Policy: The Commission together with the Council has responsibilities under the Act for the Commons consistent with the Community Plan, namely, protecting and enhancing the local environment.

Financial: The Act provides that any proceeds derived from the sale of Commoners' rights be used to reimburse the Council for any costs incurred in promoting the Act. The Council has paid Dreweatt Neate £750 plus VAT for the initial report which has been prepared. If the Council decides to proceed with the vesting of rights, Dreweatt Neate have estimated their costs to be £1,650 plus VAT. The costs will be absorbed by the Countryside and Environment budget.

Legal: Section 5(4) provides that the Council has a discretionary power to vest Commoners' rights which were formally extinguished in properties within the Common, for such consideration and on such terms as the Council considers appropriate. This may be undertaken after consulting the Commission.

Supporting Information

1. Background

- 1.1 When the Greenham and Crookham Commons Bill was promoted as part of the consultation exercise, it was considered appropriate that Commoners' whose rights had been extinguished by the Ministry of Defence in 1991, should be offered the opportunity of buying back those rights.
- 1.2 Most of the provisions of the Act came into force on 1st September 2002 and the Commoners were offered the opportunity to buy back those rights before 1st September 2003 which was the specified date in the Act. One application was received.
- 1.3 Under Section 5(4) of the Act, the Council is authorised to vest those rights which have not been bought back, for such consideration and on such terms as the Council considers appropriate, following consultation with the Commission.
- 1.4 The Act provides that all money received by the Council under this section of the Act should be retained by the Council to reimburse this for the costs incurred in promoting the Act.
- 1.5 An initial assessment of the Commons Register reveals that there are approximately 13 sets of rights which are surplus, principally, the right to take wood for repairs to fences, and the right to take wood for fuel. There are also a few grazing rights.
- 1.6 Dreweatt Neate have been asked to advise us to the best method of sale and the approximate sums the Council would expect to receive, if it decided to vest the rights pursuant to this section of the Act. Once this advice has been received, it is proposed that the method and conditions of sale be approved by relevant officers, the Countryside and Environment Manager, the Principal Solicitor (Property and Commercial) and the Portfolio Member.
 - 1.6.1 Dreweatt Neate have indicated that it is difficult to advise fully on the matter at this juncture, as much will depend upon the level of interest, which in turn will determine the method of sale.
 - 1.6.2 Dreweatt Neate have recommended that a "pre-registration" exercise be undertaken, i.e. those residents who may be interested in acquiring rights, register their interest with the firm. Dreweatt Neate can then advise the Council as to the appropriate method of sale which may be auction, private treaty or sealed bids.
- 1.7 When the Bill was promoted, and it was suggested that surplus rights may be available, Greenham and Crookham Common residents who were not Commoners, were keen to acquire such rights, if possible. As Commoners, they would also be eligible to vote and stand in the next election of Commissioners. (The Commission consists of 20 Commissioners, 10 of whom are elected Commissioners).

Appendices

Appendix 11 – Plan of Greenham and Crookham Common

Consultation Responses

Local Stakeholders: Greenham & Crookham Commons Commission

Officers Consulted: Mr Paul Hendry – Countryside and Environment

Trade Union: N/A