

Dear Paula, thank you for the letter.

I can confirm a meeting of an Ad Hoc Community & Social Affairs Committee has been arranged for 5.30pm Wednesday 12th July 2017, your letter will form part of the papers for members consideration.

This will be a single item meeting solely dealing with the review, looking through your letter and other papers it is our intention to hold the meeting in public session, this will allow you or your clients to attend and other members of the public to attend, however, only you or your clients will be able to address the committee if needed.

On your specific points

Point 2 (1) failure to provide a copy of the nominating group's nomination form – we do send all relevant papers when we contact the asset owner to make them aware that a nomination has been received by the council. This process has worked well for a number of years and would argue that for our records we would have sent relevant paperwork to go with the letter..

We are conscious in our role as the Local Authority and recognise that we must:-

take all practicable steps to inform the following that it is considering listing the land:

- A parish council (if any of the land is in the council's area).
- The owner of the land and, where the owner is not the freeholder, the holder of the freehold estate in the land and the holder of any leasehold estate in the land (other than the owner).
- Any lawful occupant of the land.

In this case The Owner is DAVID JAMES RUTT and KIRSTEN LOUISE RUTT as per the land registry. I note an owner, in relation to land, is one of the following:

- The person in whom the freehold estate in the land is vested, unless there is a qualifying leasehold estate in the land (that is, a leasehold estate for a term which, when granted, had at least 25 years left to run).
- Where there is one qualifying leasehold estate in the land, the person in whom that estate is vested.
- Where there are two or more qualifying leasehold estates in the same land, the person in whom the most distant (from the freehold estate) qualifying leasehold estate is vested.

Therefore your argument in respect of owner would seem to fail as there is no leasehold estate over 25 years and therefore MBC correct to notify the freehold owners.

Your argument about service on an employee is equally not applicable due to the definition of owner above.

The issue in respect of the wrong legislation I agree needs to be rectified as I cited section 88(2) whereas this was determined under 88(1) re current use. This was an administrative error and apologise for any confusion caused to confirm the correct provisions were used for the determination.

In regards to Part 14

If the plan provided for registration is incorrect it will need to be rectified.

Pending decision of the review a new plan should be provided depicting the correct areas for registration, therefore negate the requirement for legal representation, however, this is you and your client's final decision.

I hope this helps

Regards

Harry

Harrinder Rai
Head of Communities & Neighbourhoods
Melton Borough Council
01664502502
hrai@melton.gov.uk