

Springthorpe Village Green: what effect will having no Chair have on public use?

TK2298: ownership of Springthorpe Village Green

Reply

This is a nuanced issue involving **land ownership, governance of parish meetings**, and **what happens when no Chair is elected**. Here's a breakdown of your situation:

1. Parish Meeting Cannot Elect a Chair

Under the Local Government Act 1972:

- **Parish Meetings** (for parishes without a council) must elect a **Chairman annually**.
- If **no one is willing to act**, the **District Council (WLDC in your case)** may become responsible for **administering the affairs** of the parish.

This doesn't mean the parish meeting ceases to exist, but it becomes inactive until a Chair is elected.

2. Village Green Ownership

You said:

"The Chair is named as joint owner (with LCC proper officer) of the Village Green in the Land Registry application."

This likely reflects a **holding arrangement** because **Parish Meetings cannot own property in their own right**. Typically:

- The **Chair of the Parish Meeting** is named as **trustee or custodian** on behalf of the parish.
- Joint ownership with **Lincolnshire County Council's proper officer** may reflect a legal or historical arrangement to ensure continuity.

► If No Chair Is in Post

- **Technically, the existing registered ownership doesn't automatically change** just because the chair post is vacant.
 - However, **legal documents may become harder to execute**, and practical issues (e.g. insuring, managing, or maintaining the Green) could arise.
 - If the Parish Meeting is inactive long-term, **WLDC could apply for transfer or management responsibility**, but that is not automatic and would require formal steps.
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3. Implications for Use of the Village Green

In practice:

- **Day-to-day use of the Green by villagers is unlikely to be affected immediately**, especially if it's been used customarily and peacefully.
 - However, **maintenance, decisions about events, repairs, or enforcing byelaws** may become difficult without a functioning Parish Meeting.
 - If **WLDC takes over administration**, they **could step in to manage or maintain the Green** – but they may not unless prompted.
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4. What Should Be Considered

- **Does the Land Registry show the Chair “as trustee” or “owner”?** If acting as trustee, legal mechanisms exist to transfer that role (e.g. via s.18 of the Charities Act 2011 or Trustee Act 1925).
 - Would WLDC **consider becoming trustee or responsible body**? They might require a resolution or formal request.
 - Consider registering the Green as a **Registered Village Green** under the Commons Act 2006, if not already, to help preserve public access and community rights.
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Next Steps

- Review the **Land Registry title** carefully to understand in what capacity the Chair is named.
- Check if the Green is a **charity, common land, or under any trust arrangements**.
- Consider **legal advice** on how to preserve proper stewardship of the land during a period without a Chair.
- Speak to WLDC early to discuss options and contingency plans.