

**119b Sydney Road
Muswell Hill
London
N10 2ND**

Mr B. Ryan
Monitoring Officer
London Borough Haringey
Civic Centre
High Road
Wood Green
London
N22 8LE

RECORDED DELIVERY

7th February 2012

Dear Mr Ryan,

Re: Commons Act 2006 - The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007

I am writing to you as Monitoring Officer of the Council to put you on notice that the Council is failing in its duty to carry out a statutory function under the above regulations.

I should be grateful if you would ensure that this matter is attended to as soon as possible as it will be discussed during the forthcoming EiP on 22 February relating to the re-designation of Pinkham Way from employment to industrial land. The Inspector is already aware of it.

On the 14th October 2011 I made, by way of a Form 44 Statutory Declaration, an application for the site, currently known as Pinkham Way, to be registered as a Town Green under the above Act and in accordance with the above Regulations. I completed this form with the assistance of The Open Spaces Society, an organisation recognised by DEFRA as very experienced in Town Green matters.

Under Section 4 of the above Regulations a Commons Registration Authority **must**, upon receipt of any or all applications made under the Commons Act 2006, issue to the applicant a duly completed form 6 as prescribed in the said Section 4. To date the Council has failed to fulfil this requirement.

In a letter received by me on 24th November 2011 (copy attached) the Council claimed that my application was invalid for the reasons indicated and that I was required to make a new application.

Because of my limited knowledge I referred that letter to The Open Spaces Society and with their assistance I replied on the 2nd December 2011 (copy and enclosure attached).

The Council's response was to take no notice of the information provided and to maintain its insistence on a new application being made. The Council maintained this position up to Friday 20th January 2012 when I received a phone call from the Council's Officer J. Warren in which she advised me that following "expert legal advice" it would be appropriate for me to attend the Council's offices and amend my Statutory Declaration in line with this advice and then the Council would be able to proceed with my application. I pointed out that I work and would be unable to take time off to do as she requested. Ms Warren then suggested that she returned the form to me for me to amend and return. The form was returned to me on Tuesday 24th January 2012.

I have now received advice from The Open Spaces Society and the Solicitor who witnessed my original declaration and they have told me that had I amended my Statutory Declaration in the manner advocated by the Council it would have rendered it invalid. All or any alterations to a Statutory Declaration must be witnessed in the same manner as the original document.

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Legally there is no requirement to make my application for registration of this site until June 2012 but being very aware of the effect this matter would have on the Council's current deliberations on this site as part of its Core Strategy and also the serious concerns of my community and the public at large over the future of Pinkham Way I took the decision, to submit my application early.

The Council has a duty of fairness to all parties who may have an interest in the registration of this site and I believe the Council has failed in this duty.

The Council have not acted lawfully or fairly in their administration of my application and I would urge that the required form 6 Receipt be issued forthwith and that my Form 44 is validated promptly so that the required process may proceed without any further unnecessary delay.

yours sincerely

C.D. Faulkner