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Enquiries to Judith Downing

My reference STG3 – 1208 - JD

Direct Line 01962 846612

Your reference

Date 31 October 2012

E-mail Corporate.complaints.team@hants.gov.uk

Dear Mrs Comber

**Complaint against Hampshire County Council**

Firstly could I apologise for the delay in replying to your earlier letters and emails. I do acknowledge that in my letter to you dated the 2 April I did say that I would reply as soon as possible. The length of time taken to respond is clearly not acceptable and I can only offer my apologies again.

The Ombudsman reached a decision dated 2 May 2012 which addressed eight elements of a complaint made by yourself against the County Council. I do not intend to repeat those elements of your complaint, other than to say that the Ombudsmans decision was that 'the complaint investigation was not initiated'.

However I am aware that some questions remain unanswered and these are now addressed below.

**Why and by whose authority 80 acres of registered common land CL 147 Broxhead Common, have been excluded/removed from the Register?**

The 80 acres of land to which we believe you refer were provisionally registered as Common Land in pursuance to the 1965 Commons Act. This provisional registration was challenged in 1970. On the 18 December 1978 the County Council was instructed by the Commons Commissioner to remove this land from the register following a Court of Appeal Order. This was because the only holder of common rights released his rights of common.

Chief Executive

Andrew Smith OBE MA DPA MBA

The land therefore ceased to be Common Land and therefore not required to be registered on the Commons Register. Copies of the Court of Appeal Order and the Commissioners' direction have previously been sent to you.

**Why no application has ever been made to the Secretary of State for the fencing in of that 80 acres?**

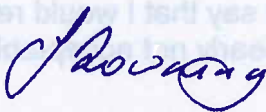
As previously stated the 80 acres has ceased to be registerable Common Land, and therefore the authorisation would be outside the Secretary of States jurisdiction.

**Why they have apparently not ensured an application for the fencing was made as part of their duties concerning the protecting of our common lands?**

As the fencing is not on Common Land there is no requirement for an application to erect fencing.

The County Council has been in correspondence with you for several years regarding Broxhead Common, this has placed heavy demands on officer time and it is now felt that the issues you have raised have been fully answered, either through the complaints process or through the your requests for information (Environmental Information Regulations). As such I have to inform you that if you continue to contact the County Council on issues previously raised and responded to then the County Council may consider your requests to be unreasonable and implement our policy on unreasonable behaviour.

Yours sincerely



Judith Downing  
Head of Information Compliance