

**MINUTES** of a meeting of the **REGULATORY, LICENSING & APPEALS COMMITTEE** held on **16 JANUARY 2017** at County Hall, Matlock

**PRESENT**

Councillor J G Williams (in the Chair)

Councillors: G Birkin, J Frudd, Janet Hill, J Innes, D McGregor, R A Parkinson, M Stockdale, J S Street and D Taylor.

**01/17      MINUTES RESOLVED** that the minutes of the meeting held on 31 October 2016 be confirmed as a correct record and signed by the Chair.

**02/17      AUTHORISATION TO CARRY OUT ENFORCEMENT RESPONSIBILITIES RESOLVED** (1) to note the proposed update and consolidated authorisations to be considered by Cabinet on 31 January 2017 for nominated officers within the Trading Standards Service to undertake enforcement and administrative duties under the relative provisions of the Acts details in Appendix A to the Strategic Director's report;

(2) to note that the statutory appointment of a Chief Inspector of Weights and Measures was discharged by the Assistant Director of Trading Standards;

(3) to authorise the Assistant Director of Trading Standards to enforce and administer the legislation set out in Appendix B to the Strategic Director's report;

(4) to authorise such officers of the Trading Standards Service, as may be nominated by the Assistant Director of Trading Standards to enforce and administer the legislation set out in Appendix B to the Strategic Director's report;

(5) to authorise the Assistant Director of Trading Standards in connection with matters listed in Appendix B, to Strategic Director's report under Section 223 of the Local Government Act 1972, to consider the facts of a particular case and if expedient for the protection of the inhabitants of the County, to institute, prosecute and appear in legal proceedings on behalf of Derbyshire County Council, before any court of summary jurisdiction and to issue suspension notices, apply for forfeiture or destruction orders on goods, and to effect such other legal procedures as were commensurate with the

discharge of the enforcement or administration of the above mentioned Acts, and of any Rules, Orders or Regulations made thereunder;

(6) to authorise the Assistant Director of Trading Standards, to nominate officers to fulfil the functions detailed in the above recommendation including the power to institute, prosecute and appear in legal proceedings on behalf of Derbyshire County Council, before any court of summary jurisdiction; and

(7) to note that regular reports would be submitted to the Cabinet Member - Health and Communities in order to keep Members informed of those matters which were subject to legal proceedings.

**03/17      PROPOSED TEMPORARY DIVERSION OF PUBLIC BRIDLEWAY NO 6 AND PUBLIC FOOTPATH NO 7-PARISH OF WESTON ON TRENT** Authority was sort for the Director of Legal Services to make a Diversion Order for the temporary diversion of Public Bridleway No 6 and Public Footpath No 7 – Parish of Weston on Trent to enable sand and gravel extraction.

Members were informed that the County Council had received an application from Hanson Quarry Products Europe Limited for the temporary diversion of Public Bridleway No 6 to enable restoration following sand and gravel extraction, in accordance with the Planning Permission. The Land and Bridleway would be restored by 31 December 2020.

The proposed diversions would close approximately 380 metres of the Footpath shown as a bold solid line between points A and B on the Plan appended to the Strategic Director's report and would provide an alternative route shown by a bold dashed line alongside the river between points A, B and D. There would be a "gap" access from Kingsmill Lane at point C. Approximately 265 metres of the bridleway will be closed between points D and E and an alternative route would be provided between points D, F and E, shown as a bold line with cross bars. Both alternative routes would be 5 metres wide with 3 metres cut regularly.

On completion of the restoration, a permanent Public Bridleway was to be dedicated between points C, B and D.

No objections were received to the proposed diversion when informal consultations were carried out in September and October 2016. The local member, Weston on Trent Parish Council and South Derbyshire District Council were consulted and submitted no objections to the proposal.

**RESOLVED** (1) that the Director of Legal Services be authorised to make the necessary Order under Section 257 of the Town & Country Planning Act 1990; and

(2) that should objections be received to the making of the Orders that could not be resolved then the matter be forwarded to the Secretary of State for determination.

**04/17      PROPOSED DIVERSION OF PUBLIC FOOTPATHS NO'S 19 (PART) AND 21 (PART) – PARISH OF TRUSLEY AND FOOTPATH NUMBER 29 (PART) – PARISH OF OSLESTON AND THURVASTON**

Authority was sought from the Director of Legal Services to make a Diversion Order for the permanent diversion of Public Footpaths numbers 19 (Part) and 21(Part) – Parish of Trusley and Footpath Number 29 (Part) Parish of Osleston and Thurvaston, in the interests of the landowners and the public.

Members were informed that the County Council had received an application for the permanent diversion of parts of the above footpaths in the interests of the landowners. In the case of Footpath Number 19 this was to accommodate fences and a pond built on the path-line. In the case of Footpath Number 21 it was to accommodate a ditch and hedge that were installed across the path-line many years ago. In the course of dealing with the application it was discovered that the footbridge on Footpath Number 29 had been installed a few metres off the correct line and to accommodate this, it was proposed to incorporate a short diversion in the public interest.

The parts of the path proposed to be diverted were shown on the plan appended to the Strategic Director's report as bold solid lines, and the proposed alternative routes by bold broken lines. If a proposed diversion took effect it would divert approximately 13 metres as part of Footpath Number 29 between points A and B and the proposed alternative would be approximately 16 metres long between points A and D. Approximately 337 metres of Footpath No 19 along the route D – C – D would be diverted with an alternative route approximately 321 metres long along E – F– G – H – D. Approximately 229 metres of Footpath No 21 along the route J – K would be diverted with an alternative route 198 metres long along J– D.

The alternative routes would have a natural surface and the recorded width of 2 metres. Pedestrian gates to the current British Standard 5709 would be installed at points F, G and B.

No objections were received to the proposed diversions when informal consultations were carried out in April and May 2016. The local Member, Trusley Parish Meeting, Osleston and Thurvaston Parish Council and South

Derbyshire District Council had been consulted and raised no objections to the proposal.

**RESOLVED** (1) that the Director of Legal Services be authorised to make the necessary Diversion Order under the provisions of Section 119 of the Highways Act 1980; and.

(2) that should objections be received to the making of the Orders that could not be resolved then the matter be forwarded to the Secretary of State for determination.

**05/17      SECTION 119 OF THE HIGHWAYS ACT 1980 – PROPOSED DIVERSION OF PUBLIC FOOTPATH NO'S 58 AND 61 (PARTS) – PARISH OF BRAMPTON** Authority was sought from the Director of Legal Services to make a Diversion Order for the permanent diversion of parts of Footpaths Numbers 58 and 61 Parish of Brampton.

Members were informed that the County Council had received an application for a permanent diversion of the above footpaths in the interest of the landowner to facilitate safety and avoid endangering the public in the course of their work. The proposed diversion would move Footpath No 58 Eastward to join the main access track and move Footpath 61 Northward through a woodland.

If the proposed diversion took effect it would divert approximately 176metres of that part of Footpath No 58, shown as a bold solid line between A – B and C on the plan appended to the Strategic Director's report. The proposed alternative would be approximately 172 metres long, shown as a bold broken line between points A – D and E. The route had a stone surface 3 metres wide and some works will be done to fill in potholes. The Order would also divert approximately 70 metres of that part of Footpath No 61 shown as a bold solid line between points F and B. The proposed alternative would be approximately 130 metres long shown as a bold broken line between points F, G, H and C passing alongside the building between F and G. This would have a natural surface, levelled and widened to 1.5 metres.

Informal consultations were carried out in June 2016 which resulted in one indication that an objection would be made to the Order from Brampton Parish Council, but this was later withdrawn. The local Member and North East Derbyshire District Council had been consulted and indicated no objections to the proposal.

**RESOLVED** (1) that the Director of Legal Services be authorised to make the necessary diversion to divert Public Footpath Numbers 58 and 61

(Parts) – Parish of Brampton under the provisions of Section 119 of the Highways Act 1980; and

(2) that should objections be received to the making of the Order that could not be resolved then the matter be forwarded to the Secretary of State for determination.

**06/17      WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD A FOOTPATH FROM SHEFFIELD ROAD TO FOOTPATH NO 4 IN THE PARISH OF ELMTON WITH CRESWELL** Members were informed that an application had been received in December 2012 from Clowne Countryside Access Group to add a footpath to the Definitive Map and Statement from Sheffield Road to Footpath No 4 at Markland Gripps. The application was accompanied by a plan and 12 user evidence forms. A plan showing the claimed route was appended to the Director of Legal Services report.

Consultation was carried out between 15 December 2014 and 19 January 2015. Responses were received both in favour of and in objection to the application which were detailed in the Director of Legal Services report.

The Assistant Director of Legal Services summarised all of the available evidence as detailed in the report and gave her conclusions to the Committee.

**RESOLVED** to authorise the Director of Legal Services to make an Order under Section 53 of the Wildlife and Countryside Act 1981 to amend the Definitive Map and Statement by adding a restricted byway and upgrading to restricted byway Public Footpath No 4 (Part) in Whitwell and Elmtun, as shown between points A - D and D - E respectively on the plan appended to the Director of Legal Services report.

**07/17      THE DERBYSHIRE COUNTY COUNCIL (FOOTPATH FROM GLOSSOP ROAD (A626) TO PUBLIC BRIDLEWAY NO.109 AT BANKWOOD GATE – PARISH OF CHARLESWORTH) MODIFICATION ORDER 2010** Members were asked to note the submission of this Order to the Secretary of State and to determine the stance to be taken by the Council regarding the confirmation of the Order.

A copy of the Order Plan showing the location of the route was appended to the Director of Legal Services report.

In March 2001 a report was submitted to the Committee seeking the determination of an application under the Wildlife and Countryside Act as detailed above. The recommendation was to make an Order to add a footpath

from Glossop Road to Long Lane, Bankwood. This recommendation was approved by the Committee.

The Order was made on 16<sup>th</sup> September 2010. Notice of the Order was published on site, in the Buxton Advertiser and Tameside Reporter. Copies of the Notice of the Order were sent to the Statutory Consultees. Three objections and one representation were received to the making of the Order. In cases where objections are received to an Order the matter may only be determined by the Secretary of State.

The Planning Inspector, who administered these matters required the Council on submission of the Order to state whether it supported the confirmation of the Order. The matter may thereafter be dealt with by way of written representations, hearing or a local public inquiry. The Committee was therefore requested to determine what stance the County Council should take in this matter. Three options were available, either to support the confirmation of the Order, to oppose it, or to take a neutral stance.

The Director of Legal Services summarised all of the available evidence as detailed in the report and recommended the adoption of a neutral stance in this matter.

**RESOLVED** (1) to note the submission of the Derbyshire County Council (Footpath from Glossop Road (A626) to Bridleway Number 119 at Bankwood Gate – Parish of Charlesworth) Modification Order 2010 to the Secretary of State for determination; and

(2) to approve the adoption of a neutral stance with regard to the confirmation of the Order.