

**MINUTES** of a meeting of the **REGULATORY – LICENSING AND APPEALS COMMITTEE** held on 2 November 2015 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 and J S Street.

Apologies for absence were submitted on behalf of M Stockdale and D Taylor.

**38/15      DECLARATIONS OF INTEREST** Councillor J Street declared a personal interest in relation to Item 5c as she knew the landowners around whose property the proposed diversion would take effect.

**39/15      MINUTES      **RESOLVED**** that the minutes of the meeting held on 14 September 2015 be confirmed as a correct record and signed by the Chair.

**40/15      CHESTERFIELD FOOTBALL CLUB GENERAL SAFETY CERTIFICATE AND UPDATE ON REGULATED STANDS/SMALLER GROUNDS INSPECTIONS** The Director or Legal Services updated Members on the General Safety Certificate granted to Chesterfield Football Club on 21 June 2010 and with regard to grounds with regulated stands and non-regulated grounds. The Safety of Sports Grounds Advisory Group chaired by the Assistant Director of Legal Services was responsible for ensuring that the contents of the certificate were observed by the club. The terms of reference and policy objectives of the Group were agreed at a previous meeting of this committee.

The Group co-ordinated the work of the various agencies involved; Police, Fire, Ambulance, Building Control and Environmental Health as well as DCC Emergency Planning and Structures and the Contract Management Section of the Highways Division. Match day inspections were conducted by a member of the Advisory Group on a regular basis.

The most significant development this year considering the review the clubs site operating manual. Chesterfield FC moved into their new stadium, now known as the “Proact Stadium” in July 2010. The Council issued a General Safety Certificate under new guidance from a Sports Ground Safety Authority. The new recommended approach was known as Light Touch Certification with the emphasis moving away from the Authority issuing and

monitoring a prescriptive certificate and more to the club developing a risk based 'Site Operating Manual'.

Safety Group representatives met with the Safety Officer of the club on 27 May 2015 and agreed that a thorough review of the site operating manual should be undertaken to ensure that it remained current and also took account of any emerging risk to spectator safety. The review had been concluded and details were summarised in the Director of Legal Services report.

As required by the Act, consultation had taken place with partner agencies and no substantial concerns or proposed amendments to the certificate had been raised by any of the consultees and it was agreed at the Advisory Group meeting that the club should continue to be assessed as having a Physical Condition factor of 1 and a Safety Management factor of 1, in both cases the maximum allowable. The capacity of the ground would therefore remain as previously agreed by the committee. All necessary certificates and inspection reports would be provided by the club prior to the start of the season.

There were currently three places of sport in the County where there was a regulated stand. Regulated stands were stands which were capable of accommodating a least 500 people undercover these were, Buxton Football Club, Silver Lands (2 stands) Buxton Raceway, Dale Head Road and Ilkeston Football Clubs, New Manor Ground. In addition to the regulated stands at these grounds there were other non-regulated stands and facilities that did not fall within the certification for the regulated stands but for which the County Council retained responsibility in the extent of identifying whether they might pose a serious risk to spectators.

The frequency of inspection of these grounds depended on the degree of risk which had been identified in the nature of any matters that were likely to be played at the grounds. FA Cup matches were a particular potential issue and a regular programme of pre-season ground inspections meant that the Council was well placed to advise any club, which was for example, fortunate enough to enjoy a good cup run.

**RESOLVED** that the report be noted.

**41/15      SECTION 118 OF THE HIGHWAYS ACT 1980 – PROPOSED EXTINGUISHMENT OF PUBLIC FOOTPATH NO. 122 (PART) AND PUBLIC FOOTPATH NO. 123 – PARISH OF ECKINGTON** Members noted that the County Council had been informed by local residents of security concerns about the 2 footpaths, which formed a single pathway between the back gardens of properties on the housing estate and Eckington School.

The path was boarded both sides by high fencing and only provided a route from the end of Aintree Avenue (which was a cul-de-sac) to main road; this had not been used for many years. Alternative routes existed down the footways from the housing estate which were open and regularly used therefore the footpath was not needed for public use.

If a proposed extinguishment took effect it would close the whole length of Public Footpath No.123 (approximately 88 metres), shown as a bold solid line between points A – B on the plan attached to the Strategic Directors report. Plus its continuation as Public Footpath No.122 (approximately 122 metres) shown as a bold solid line between points B – C on the aforementioned plan.

One objection was received to the proposal when informal consultation was carried out in July 2015. However, this was on the grounds that the “fortress surrounding the school” denied access to the school grounds and referred to the closure of a footpath connecting to the northern end of Public Footpath No. 123. However, this was closed a number of years ago and was not a Public Footpath recorded on the Definitive Map and Statement and was therefore not relevant under Section 118 of the Highways Act 1980. The Local Elected Members, Eckington Parish Council and North East Derbyshire District Council had been consulted and had no objections to the proposal.

**RESOLVED** (1) that the Director of Legal Services be authorised to make the necessary order under Section 118 of the Highways Act 1980 to extinguish Public Footpath No. 122 (part) and Public Footpath No. 123 in the Parish of Eckington; and

(2) that if an order was made and any objection was received that could not be resolved then the matter be forwarded to the Secretary of State for determination.

**42/15      SECTION 119 OF THE HIGHWAYS ACT 1980 – PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 122 (PART) PARISH OF ECKINGTON**

Members were informed that it had come to the attention of the County Council that the Eckington School buildings and security fencing obstructed part of the Right of Way. Derbyshire County Council was now seeking to divert the path to avoid the buildings and fencing, which were substantial and, at this stage, would be costly and impractical to remove.

The proposed alternative route would take the path outside the school grounds also improving safety and security. If a proposed diversion took effect then it would divert approximately 178 metres of that part of the footpath

shown as a bold solid line between points A – B on the plan appended to the Strategic Director's report. The proposed alternative would be approximately 57 metres in length, shown as a bold broken line between points A – C. The alternative route had a concrete surface and would have a recorded width of 1.5 metres.

One objection was received to the proposal when informal consultations were carried out in July 2015. However this was on the grounds that "the fortress surrounding the school" denied access to the school grounds and this was not relevant under Section 119 of the Highways Act 1980. The Local Elected Members, Eckington Parish Council and North East Derbyshire District Council had been consulted and had no objections to the proposal.

**RESOLVED** (1) that the Director of Legal Services be authorised to make the necessary order under Section 119 of the Highways Act 1980 to divert Public Footpath No.122 (part) in the Parish of Eckington; and

(2) that if an order was made and any objection was received that could not be resolved, then the matter be forwarded to the Secretary for State for determination.

**43/15      SECTION 119 OF THE HIGHWAYS ACT 1980 – PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 27 (PARISH OF HATHERSAGE)**

Members were informed that the County Council had received an application for the permanent diversion of Public Footpath No.27, Parish of Hathersage in the interest of the land owner to improve privacy by taking the path further away from buildings and off the lawn. The proposed diversion would take the path along the stone surfaced access road.

If the proposed diversion was to take effect, it would divert approximately 83 metres of that part of the footpath, shown as a bold solid line between points A – B – C on the plan appended to the Strategic Director's report. The proposed alternative would be approximately 65 metres long shown as a bold broken line between points A – C. The alternative route had a surface of stone chippings and a recorded width of 4.2 metres.

No objections were received to the proposed diversion when informal consultations were carried out in June and July 2015. The Local Elected Member, Hathersage Parish Council, Derbyshire Dales District Council and the Peak District National Park Authority had been consulted and had not indicated any objections to the proposal.

**RESOLVED** (1) that the Director of Legal Services be authorised to make the necessary order to divert Footpath No.27, in the Parish of Hathersage, under 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.

**44/15      SECTION 26 OF THE HIGHWAYS ACT 1980 – PROPOSED CREATION OF PUBLIC FOOTPATH LINKING GREGG AVENUE WITH HUNT AVENUE, HEANOR** Members were informed that a tarmacadam footpath from Gregg Avenue to Hunt Avenue, at Heanor was installed by the developer when the housing estate was built many years ago. However, this was not a Public Footpath recorded on the Definitive Map and Statement and it was therefore the intention of the County Council to make a Creation Order to do so.

The effect of the order would be to create a Public Footpath between Gregg Avenue and Hunt Avenue, as shown as a bold broken line between points A and B on the plan appended to the Strategic Director's report. The created path would be approximately 52 metres in length with tarmacadam surface and recorded width varying between 1.4 metres and 2.5 metres.

The path was in regular use by the public but was not publicly maintainable and was falling into disrepair. The company that owned the land had been dissolved so there now appeared to be no land owner although the Crown Estate was deemed to have an interest in it. To protect the route for the future and ensure it was properly maintained it was proposed to recognise it formally as a public footpath. It was considered that the most expedient way of doing this was to make a public path creation order under Section 26 of the Highways Act 1980.

No objections were received to the proposed creation order when an informal consultation was carried out in June 2015. The Local Elected Member had expressed her support for the proposal, as had the Peak and Northern Footpath's Society, Heanor and Loscoe Town Council, Amber Valley Borough Council and the Crown Estate had been consulted and had not indicated any objections to the proposal.

**RESOLVED** (1) that the Director of Legal Services be authorised to make the necessary order to create a Public Footpath between Gregg Avenue and Hunt Avenue, Heanor, under Section 26 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.

**45/15      PROPOSED DIVERSION OF PUBLIC FOOTPATH No. 56 (PART) – PARISH OF ALFRETON (NOW IN THE PARISH OF SOMERCOTES)** Members were informed that Committee at its meeting on 8 September 2014 had previously resolved to provide authority for the Director of Legal Services to make an order.

However, since then, the applicant had requested that a slight alteration be made to the alternative route. This would include entering onto the land within the ownership of Derbyshire County Council at the southern end of the diversion as well as the northern end as previously agreed. This was shown marked with a dotted line and from point C on the plan appended to the Strategic Directors report. The change to the alignment of the alternative path was minimal and the alteration would have no effect on available usage of the land. Gaps would be provided at the boundaries.

**RESOLVED** (1) that the Director of Legal Services be authorised to make the necessary order under Section 119 of the Highways Act 1980 to divert part of Public Footpath No. 56 Alfreton (now in the Parish of Somercotes) upon the amended alignment;

(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.

**46/15      WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD A FOOTPATH BETWEEN TANNERS LANE AND FOOTPATH NO. 33 – PARISH OF REPTON** Members were informed that an application had been received in June 2012 to add a Public Footpath to the Definitive Map and Statement in the Parish of Repton. The application was accompanied by 26 user evidence forms and the plans showing the claimed route was appended to the Director of Legal Services report.

Consultation was carried out in December 2014 and January 2015 and notices were placed on the route and letters were sent to the statutory consultees, land owners and the Local Elected Member. Details of the consultation responses were given in the Director of Legal Services report.

The Director of Legal Services summarised all of the available evidence as detailed in the report and gave his conclusions to the committee.

**RESOLVED** to reject the application to make an order under Section 53 of the Wildlife and Countryside Act 1981 to amend the Definitive Map and Statement by adding a Public Footpath in the Parish of Repton from point A to point D on the plan appended to the report.

**47/15      WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD A FOOTPATH FROM THE ROCK TO PUBLIC FOOTPATH NO.25 IN BAKEWELL TO THE DEFINITIVE MAP AND STATEMENT** Members were informed that an application was received by Bakewell and District Civic Society on 4 March 2008 to add a footpath to the Definitive Map and Statement from the Rock to Public Footpath between Stanedge Road to Deepdale in Bakewell. The application form was supported by four user evidence forms and a map showing the claimed route. The plan appended to the Director of Legal Services report showed the route depicted as A- B. The additional linked footpath 25 (B-C) was not shown.

Consultation was carried out in October 2013 and Derbyshire Dales District Council, Peak District National Park Authority and Bakewell Town Council had no objections. A letter was received from a District Councillor stating that they had used the route accompanied by a user evidence form which had been considered.

Councillor J Twigg, Local member, attended the meeting and outlined her support for the recommendation.

The Director of Legal Services summarised all of the available evidence as detailed in the report and gave his conclusions to the committee.

**RESOLVED** to reject the application made under Section 53 of the Wildlife and Countryside Act 1981 to add a footpath from Public Footpath 25 to the Rock in Bakewell as shown on the plan attached to the Director of Legal Services report to the Definitive Map and Statement.

**48/15      WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD A FOOTPATH FROM STANEDGE ROAD TO ENDCLIFF WOOD IN BAKEWELL TO THE DEFINITIVE MAP AND STATEMENT** Members were informed that an application had been received in December 2011 to add a footpath to the Definitive Map and Statement from Stanedge Road to Endcliff Wood. The Plan accompanying the application showed the route depicted as A – B and was detailed at Appendix 1 to the Director of Legal Services report. No evidence was submitted in support of the application, however the applicant had stated that “the evidence was in the power, knowledge or control of the Council”. Consultation was carried out in October 2013 with Derbyshire Dales District Council, Peak District National Park Authority and

Bakewell Town Council. A response was received from Bakewell Town Council recommending that the path be re-routed down the adjacent field edge in order to safeguard the boundary of the school.

Councillor J Twigg, Local member, attended the meeting and outlined her support for the recommendation.

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

**RESOLVED** that the Committee resolved to reject the applications under Section 53 of the Wildlife and Countryside Act 1981 to add a footpath from Stanedge Road to Endcliff Wood in Bakewell, as shown on the plan attached to the Strategic Directors report.