

MINUTES of a meeting of the **REGULATORY, LICENSING & APPEALS COMMITTEE** held on **30 OCTOBER 2017** at County Hall, Matlock

PRESENT

Councillor R A Parkinson (in the Chair)

Councillors: R Ashton, C Dale, J Innes, P Makin, J Perkins, C Short, D Taylor and M Wall.

Apologies for absence were submitted on behalf of J Frudd.

Councillor R A Parkinson declared a non-pecuniary interest in relation to Agenda Items 7 & 10 as a member of the British Horse Society

25/17 **MINUTES RESOLVED** that the minutes of the meeting held on 11 September 2017 be confirmed as a correct record and signed by the Chairman.

26/17 **APPEALS PANEL - DELEGATION OF FUNCTIONS** The Director of Legal Services invited the Committee to agree the delegation of the employment appeals function to Strategic Directors.

Under the terms of the Council's personnel procedures (disciplinary, grievance etc.) appeals were currently heard by an Appeals Panel of Members drawn from this Committee. This was reflected in the terms of reference of the Committee.

It was proposed that in future this function would be delegated to Strategic Directors and such members of their senior management teams as they may consider it appropriate to delegate the function to. A report would be made annually to this Committee with statistical information as to appeals considered in the previous 12 months and drawing attention to any organisational issues that may have arisen.

The relevant policies and guidance would be amended so as to reflect this proposed delegation. Appeals that had been lodged with the Council prior to the date the new arrangements take effect would be heard in accordance with the previous arrangements.

The trade unions were notified of the change at the meeting of the CJC on the 6th July 2017.

It was noted that in the case of certain of the Council's most senior officers it would be necessary for different procedures to apply as required by the Local Authorities (Standing Orders) Regulations 1993 and 2001.

Councillors Dale, Innes and Wall, made a number of observations raising their concerns about the proposal and were not able to offer their support to the officers recommendation.

RESOLVED to approve the delegation of appeals to Strategic Directors, and members of their senior management teams to whom they may delegate the functions, with effect from the 1st January 2018.

27/17 THE WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD A FOOTPATH FROM HATHERN CLOSE AND FOOTPATH ADJACENT TO FIELDS FARM ROAD – LONG EATON Members were informed that an application had been received in June 2010 to add a footpath to the Definitive Map and Statement from Hathern Close to footpath adjacent to Fields Farm Road in Long Eaton. The application was supported by a plan showing the claimed route and 24 User Evidence Forms. A plan showing the claimed route A-B was appended to the Director of Legal Services report. It was considered that the installation of a gate across the Hathern Road end of the path (Point A) with threats by the landowner of the installation of a gate at the Fields Farm Road (Point B) end of the path, with both gates then to be fitted with locks in 2010 brought the status of the route into question for the purposes of Section 31(2) of the Highways Act 1980. Only evidence and events prior to this date have been considered in assessing the claim.

An informal consultation exercise was carried out between 09 June 2014 and 14 July 2014. Notices were placed at either end of the route at the start of the consultation period. A consultation letter was also sent to the then, local elected member, Councillor Roland Hosker and Erewash Borough Council. Responses were received both in support of and opposition to the application and were detailed 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 that an Order be made under Section 53 of the Wildlife and Countryside Act 1981 to add a footpath from Hathern Close to the path adjacent to Fields Farm Road, in Long Eaton, as shown on the plan attached appended to the Director of Legal Services report, to the Definitive Map and Statement

28/17 WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD A FOOTPATH FROM THE JUNCTION OF THE A623 AND B6465 TO FOOTPATH NO 6 - PARISH OF WARDLOW Members were asked to determine an application to amend the Definitive Map and Statement (DMS) by adding to it a footpath in the Parish of Wardlow.

An application had been received in October 2013 to add a footpath to the Definitive Map and Statement from the junction of the A623 and B6465, through the yard of Brookside Farm (the Farmyard) to Wardlow Footpath No.6 (FP6). The application was accompanied by 20 User Evidence Forms (UEFs), copies of various correspondence relating to the claimed route dating back to 1966, an interpretation of the Finance Act 1910 and extracts from two walking guides. A plan showing the claimed route is attached at Appendix A.

An informal consultation exercise was carried out between 26 January 2015 and 2 March 2015. Notices were placed on the route at the start of the consultation period and letters were sent to the statutory consultees, landowners and the local elected member, Cllr Judith Twigg. Responses were received both in support of and opposition to the application and were detailed in the Director of Legal Services report. The landowners submitted several letters and a bundle of paperwork to support their objection.

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 amend the Definitive Map and Statement by adding a footpath in the Parish of Wardlow, as shown between Points A and C on the plan appended to the Director of Legal Services report.

29/17 WILDLIFE AND COUNTRYSIDE ACT 1981 - CLAIM TO UPGRADE TO BRIDLEWAY PUBLIC FOOTPATH NOS. 7, 8 (PART), AND 9 (PART) IN THE PARISH OF LANGWITH Members were asked to determine an application to amend the Definitive Map and Statement by upgrading to bridleway, public footpath nos. 7, 8 (Part), and 9 (Part) in the Parish of Langwith.

The Council had received an application in October 2013 to upgrade FP Nos. 7, 8 (Part), and 9 (Part) in Langwith to bridleway. The footpaths were all connected and while the sections of FP8 and FP9 formed a single route running north to south along the County boundary, FP7 ran west to east terminating at FP8 (a footpath continued easterly from FP8 in Nottinghamshire). The applicant had divided the claimed upgrade of FP8 and FP9 into three sections: A-B, B-C and C-D. FP7 was marked between C and

E. The applicant had also claimed connecting routes in Nottinghamshire. The application was supported by 32 user evidence forms. A plan showing the claimed routes was appended to the Director of Legal Services report. Route AB - C-D being the claimed sections of FPs 8 and 9 and Route C-E being FP7. The claimed routes were recorded on the Definitive Map & Statement as footpaths which were publically maintainable. Route A-B-C-D was approximately 1500 metres long with a well-worn surface of stone and natural earth. Route C-E was approximately 720 metres long with well-worn surfaces of natural earth and stone and earth.

An informal consultation exercise was carried out between 24 February 2016 and 30 March 2016. Notices were placed on the routes and letters were sent to the statutory consultees, landowners and the local elected member, Cllr Joan Dixon. A number of responses were received none of which raised an objection to the application and were detailed 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 that approval be given for 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 upgrading to bridleway, Public Footpath Nos. 7, 8 (part) & 9 (part) in Langwith which were shown between Points C-E and A-B-C-D respectively and to add a bridleway from Langwith Drive to Point D, as shown on the plan appended to the Director of legal Services report.

30/17 WILDLIFE AND COUNTRYSIDE ACT 1981 - CLAIM TO ADD A FOOTPATH FROM CHURCH STREET TO PUBLIC FOOTPATH NO. 20 IN THE PARISH OF DENBY This report was withdrawn at the meeting by the Director of Legal Services

31/17 WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD A FOOTPATH FROM PUBLIC FOOTPATH NO 32 TO ECCLES LANE – PARISH OF BRADWELL Members were informed that an application was received from Malcolm Ball on 20 November 2013 to add a footpath from Michlow Lane to Eccles Lane in the Parish of Bradwell to the Definitive Map and Statement. The application was supported by 16 user evidence forms. A plan showing the claimed route A-B-C-D-E-F-G-H was appended to the Director of Legal Services report.

An informal consultation exercise was carried out between 22 April 2015 and 27 May 2015. Notices were placed on either end of the claimed

route at the beginning of the consultation period. A consultation letter was also sent to the local elected Member, Councillor Judith Twigg.

Reponses were received both in support of and opposition to the application and were detailed 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 that approval be given to make an Order under Section 53 of the Wildlife and Countryside Act 1981 to add a footpath from Public Footpath No 32 to Eccles Lane, Parish of Bradwell, as shown on the plan attached to the Director of Legal Services report to the Definitive Map and Statement.

31/17 WILDLIFE AND COUNTRYSIDE ACT 1981 – CLAIM TO ADD A BRIDLEWAY BETWEEN CROMFORD ROAD AND PORTER LANE IN THE PARISH OF WIRKSWORTH AND INVESTIGATION OF ITS REPUTED HISTORIC CONTINUATION BETWEEN PORTER LANE AND CROMFORD HILL IN THE PARISH OF CROMFORD Members were asked to determine an application made under section 53 of the Wildlife and Countryside Act 1981 for an order to show certain routes in Wirksworth from Cromford Road to Porter Lane as bridleways, and what form of order under section 53 to authorise, if any, relating to the route from Porter Lane to Cromford Hill (known as Dark Lane) in Cromford Parish.

This report concerned an application to show certain routes from Cromford Road to Porter Lane, Wirksworth as bridleways on the Definitive Map and Statement. The report also deals with evidence relating to a route in Cromford Parish which may be the historic continuation of the above route, from Porter Lane to Cromford Hill.

A plan showing the routes under investigation was appended to the Director of Legal Services report. Section A – B – C – E – F – G represented what the applicant claimed was the line of an old highway known as Old Lane, which was part of the historic way between Wirksworth and Cromford. Section C – D – E corresponded with parts of Footpaths 2 and 4. Section F – H represented a link from Old Lane to the public bridleway along the High Peak Trail. Section J – K is a route known as Dark Lane, which was not included in the application but which has been included in the investigation. This application was made by the British Horse Society ('the Applicant') in November 2007, and was supported by fifty completed user evidence forms with plans attached showing the route referred to above, together with photographs of the claimed route.

On 5 October 2011 consultation letters were sent out to the owners of the land over which the claimed routes pass. Councillor Garry Purdy as the local member for the County Council, local user groups, and statutory undertakers were also consulted.

A number of responses were received to the consultation and were detailed 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 (1) that approval be given the making of an order under section 53 of the Wildlife and Countryside Act 1981 to record Old Lane (between points A, B, C, E, F and G on the attached plan) and Dark Lane (between points J and K on the attached plan) on the definitive map and statement for the area as Restricted Byways;

(2) to authorise the making of an order under section 53 of the Wildlife and Countryside Act 1981 to record the deviation off Old Lane (between points C, D and E on the attached plan) on the definitive map and statement for the area as a public bridleway; and

(3) to authorise the making of an order under section 53 of the Wildlife and Countryside Act 1981 to record the spur off Old Lane (between points F and H on the attached plan) on the definitive map and statement for the area as a public bridleway.