

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC RIGHTS OF WAYS AND
GREENS COMMITTEE
HELD ON 24TH JULY 2006 AT 2.00 P.M.**

P Councillor Bolton
A Councillor Cooper
P Councillor Crispin
A Councillor Daniels
A Councillor Davies
P Councillor Jackson
P Councillor Quartley

PROWG

1.7/07 ELECTION OF CHAIR - MUNICIPAL YEAR 2006/07

RESOLVED - that Councillor Jackson be elected Chair of the Public Rights of Way and Greens Committee for the 2006/07 municipal year.

PROWG

2.7/07 ELECTION OF VICE-CHAIR - MUNICIPAL YEAR 2006/07

RESOLVED - that Councillor Quartley be elected Vice-Chair of the Public Rights of Way and Greens Committee for the 2006/07 municipal year.

PROWG

3.7/07 MEMBERSHIP OF THE COMMITTEE

RESOLVED - that the following persons be elected to sit on the Public Rights of Way and Greens Committee for the 2006/07 municipal year:-

**Councillor Bolton
Councillor Cooper
Councillor Crispin
Councillor Daniels
Councillor Davies
Councillor Jackson**

Councillor Quartley

4.7/07 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillors Daniels, Davies and Cooper were not present at the meeting.

PROWG

5.7/07 DECLARATIONS OF INTEREST

None.

PROWG

6.7/07 TERMS OF REFERENCE

RESOLVED - that the terms of reference for the Public Rights of Way and Greens Committee for the 2006/07 municipal year, as agreed by the Council on 16th May 2006, be noted.

PROWG

7.7/07 DATES AND TIMES OF MEETINGS 2006/07

RESOLVED - that the Public Rights of Way and Greens Committee meet on the following dates for the 2006/07 municipal year, with a commencement time of 2.00 p.m.:-

24th July 2006
9th October 2006
15th January 2007
2nd April 2007

PROWG

8.7/07 MINUTES - PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE - 3RD APRIL 2006

RESOLVED - that the minutes of the meeting of the Public Rights of Way and Greens Committee held on 3rd April 2006 be confirmed as a correct record and signed by the Chair.

Matter arising

Minute No.30.04/06 - PROW 464 St Martin's Garden to Imperial Walk

The Director of Planning, Transport and Sustainable Development representative reported that with respect to resolution two –

- 2 (i) advised that he had been informed work had commenced on Monday 24th July 2006, however this had not been checked;
- 2 (ii) the Council were not liable if the walls were to collapse;
- 2 (iii) between £4-5000 were spent on design fees

PROWG

9.7/07 PUBLIC PARTICIPATION - STATEMENTS AND PETITIONS

None.

PROWG

10.7/07 CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005, SECTION 2

The committee considered a report of the Director of Planning, Transport and Sustainable Development (agenda item no. 10) advising of the commencement of the provisions of the Clean Neighbourhoods and Environment Act 2005 (Section 2) in respect of Gating Orders and the related procedure regulations.

Members of the Committee asked a number of questions for clarification and the points clarified are summarised below –

- Officers advised that Gating Orders should not be used a replacement for public path orders to stop or divert routes. If there is a proven problem in relation to facilitating crime there is already separate legislation in existence under the Countryside and Rights of Way Act (s118B and 119b)
- gating orders could not be objected to by members of the public as is currently the case for Public Path Orders. However there was a requirement to consider any representations made by the public resulting from publication of gating proposals;
- if objections were received from the emergency services ie, police, fire service then the Council must hold a public inquiry;

- the Council would be responsible for policing gating orders regarding times of opening and closing however in practical terms it would not be feasible to do this view of the potential number of potential gating orders that could be made;
- as the legislation was new it would be some time before the actual operation of it would allow a clear idea of how effective it would be.

RESOLVED - that the report be noted.

PROWG

11.7/07 OBSTRUCTION OF PUBLIC RIGHT OF WAY NO. 142

The committee considered a report of the Director of Planning, Transport and Sustainable Development (agenda item no. 11) advising on the enforcement action officers were taking to remove a gate which was obstructing access to Public Footpath No. 142 from Dovercourt Road to Brangwyn Grove, Lockleaze.

The Committee were informed that the Council was served with two Notices under Section 130A of the Highways Act 1980 in respect of a large vehicle gate obstructing the footpath and overhanging vegetation at the eastern end of the footpath. It was believed that local residents were responsible for the erection of the gate and there remained significant support for it to remain.

Last autumn a public meeting was held which led to a new pedestrian gate being constructed within the larger vehicle gate but this was never opened to allow pedestrian access as it remained padlocked and welded shut. The Highway Authority is now serving a Notice under Section 143 of the Highways Act 1980 to ensure that the pedestrian gate remains open, on the residents believed to be responsible for its erection.

RESOLVED - that the report be noted and the course of action which officers were following in respect of enforcement action under Section 143 of the Highways Act 1980 to ensure that the pedestrian gate was open and access to Public Footpath No. 142 from Dovercourt Road to Brangwyn Grove was not obstructed. If within one month of the service of the Notice, the obstruction was not removed and the path remained impassable to the public, officers would

instruct a competent contractor to carry out the works and that the reasonable costs of so doing be recovered from the defendants.

PROWG

12.7/07 UPDATE REPORT - RIGHTS OF WAY

The committee considered a joint report of the Director of Planning, Transport and Sustainable Development and the Director of Central Support Services (Head of Legal Services) (agenda item no. 12) reporting for information on the present position with regard to Wildlife and Countryside Act applications; town and village green applications; public inquiries; and miscellaneous rights of way orders, agreements and legal proceedings.

RESOLVED - that the report be noted.

(The meeting ended at 3 pm)

CHAIR