

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
HELD ON 18TH APRIL 2011 AT 2.00 P.M.**

P Councillor Blythe (in the Chair)
P Councillor Cole
A Councillor Harrison
P Councillor Jackson
A Councillor Main
P Councillor Quartley
P Jenny Smith

**PROWG
20.4/11**

APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Harrison.

**PROWG
21.4/11**

DECLARATIONS OF INTEREST

The following non-prejudicial interests were declared in relation to agenda item no. 7 (Current Claims, Inquiries and Miscellaneous Rights of Way/Town and Village Green Matters);

- Councillor Christopher Jackson declared that Filwood Park Open Space was located in his ward (Filwood Ward).
- Jenny Smith declared that Elderberry Walk was located in her ward (Southmead Ward).

**PROWG
22.4/11**

**MINUTES - PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
- 18TH OCTOBER 2010**

The minutes were agreed to be a correct record.

RESOLVED - that the minutes of the meeting of the Public Rights of Way and Greens Committee held on 18th October 2010 be confirmed as a correct record and signed by the Chair.

PROWG

23.4/11

PUBLIC PARTICIPATION - QUESTIONS, STATEMENTS AND PETITIONS

Public forum business was circulated to the Commission and a copy placed in the minute book.

PROWG

24.4/11

REVISED PROCEDURE FOR DETERMINATION OF APPLICATIONS FOR REGISTRATION OF NEW TOWN AND VILLAGE GREENS IN PURSUANCE OF THE COMMONS ACT 2006, SECTION 15

The Committee considered a report of the Commons Registration Authority (agenda item no. 5) recommending the formal adoption of a procedure for determination of applications for registration of new Town or Village Greens and the establishment of a Sub-committee to hear such applications.

Councillor Quartley stated that despite Councillor Alexander commenting that the Conservative group had 'strong objections' to the proposed procedure (in her public forum statement), he would not form a view until he'd listened to all the points raised during the debate.

During the introduction and in response to questions from Members, the Head of Legal Services commented that;

- The City Council had a duty to ensure that all decisions were fair, lawful and objective.
- Lancashire Council had been operating a similar system to the proposal before Members for several years, but most other local authorities still used Inspectors to determine Town or Village Green (TVG) applications. The cost of hiring an Inspector varied, but the inquiry relating to the Ashton Vale Town Green application amounted to around £35K.
- The Committee could lawfully make the decision to revise the TVG procedure without public consultation, but if Members wished to seek the views of local residents then relevant arrangements would be made.
- The report specified that 'most cases' (see paragraph 4) wouldn't be referred to external Counsel, but this statement was untrue because it was for Members to decide whether expert legal guidance was necessary.

- The suggestion from the Open Spaces Society that timescales be provided when dealing with TVG applications was helpful and could be incorporated into the proposed revised procedure.

Members went on to to discuss the proposal, commenting that;

- Bristol City Council currently had more TVG applications pending than any other local authority, so it would be useful if the Sub-Committee could identify those that didn't meet the essential criteria before expensive legal costs were incurred. All Sub-committee meetings would be held in public to maintain transparency in decision making.
- The principle of enabling a Sub-Committee to deal with straight forward TVG applications seemed sensible, but the vast majority of cases heard to date had been very complex, so external Counsel was likely to be necessary in many instances.
- It could be argued that it was unreasonable to make changes to the TVG application procedure without seeking residents' views beforehand, so the decision should be deferred until the outcome of any such consultation was available.
- It might be appropriate to refer the final decision regarding revised procedures relating to TVG applications to Full Council.

Councillor Blythe moved that;

(1) the proposed change of procedure be the subject of consultation with the public; and

(2) that the nature of the formal consultation be the decision of the Head of Legal Services in consultation with the Chair; and

(3) that a further report be brought to the Committee in the next Municipal Year.

He was seconded by Councillor Quartley. On being put to the vote, all 5 Members were in favour. It was therefore;

RESOLVED -

(1) that the proposed change of procedure be the subject of consultation with the public; and

(2) that the nature of the formal consultation be the decision of the Head of Legal Services in consultation with the Chair; and

(3) that a further report be brought to the Committee in the next Municipal Year.

**PROWG
25.4/11**

CONSOLIDATION OF THE DEFINITIVE MAP AND STATEMENT PROCEDURE AND REQUIREMENTS UNDER S.53 AND S.57

The Committee considered a report of the Strategic Director of City Development (agenda item no. 6) regarding consolidation of the Definitive Map and Statement.

After a brief introduction from the representative of the Strategic Director of City Development, Members commented on the information provided and asked for additional details in a number of areas. A summary of the discussion was as follows;

- The Definitive Map (DM) was last updated in 1966, but subsequent changes had been recorded on the 'working copy' .
- The City Council currently didn't have the resources available to update the DM because to do so would take one full time officer around 2.5 years.
- It would be very difficult to keep the DM fully up to date at all times, since each time a new claim was approved the DM would become out of date. Only 3 local authorities had fully updated DMs.
- It was hoped that eventually the DM could be digitised, which would be of great benefit in terms of presenting current information.
- Recent changes to legislation made it possible for local authorities to process combined orders, which would make it easier to keep abreast of changes to the DM.

RESOLVED - that the report be noted.

**PROWG
26.4/11**

CURRENT CLAIMS, INQUIRIES AND MISCELLANEOUS RIGHTS OF WAY/TOWN AND VILLAGE GREEN MATTERS

The Committee considered a report of the Director of City Development (agenda item no. 7) reporting for information on the present position with regard to Wildlife and Countryside Act applications; town or village green applications; public inquiries; and miscellaneous rights of way orders, agreements and legal proceedings, and considering the request to resolve to make and advertise a Definitive Map Modification Order in respect of South Purdown.

In addition to the information provided with the report, the representative of the Strategic Director of City Development advised Members that;

- Items 2, 3, 4, 7 and 8 in the accompanying report (Item 7, relating to footpaths 223, 236, 553/555, 41 and 5) would be resolved once the Legal Event Orders had been provided, so no further action need be taken by the Rights of Way team.
- The application for modification of the DM in respect of Old Sneed Park (see Appendix (7) A) had progressed because an alternative route had been identified and agreed by both parties. Local residents had been invited to comment on the proposal and the matter should be before the Committee for decision in autumn 2011.
- Officers would establish the situation regarding the status of the land at Argyle Place (see Appendix (7) A) and report the findings to Members.

The Committee noted the updates provided in Appendix (7) B, relating to current Town or Village Green applications. Members were concerned that the report didn't contain the most up to date information, so requested that an update be circulated, including a site map for each application, prior to the next meeting.

Members agreed to make and advertise the Definitive Map Modification Order in respect of route G-H-I in South Purdown.

RESOLVED - that the update be noted and that a Definitive Map Modification Order be made and advertised in respect of Item 1, route G-H-I in South Purdown.

**PROWG
27.4/11**

DATE OF THE NEXT MEETING

RESOLVED - that the next meeting of the Public Rights of Way and Greens Committee be held on Monday 18th July 2011 at 2.00 pm

(The meeting ended at 3.30pm)

CHAIR