



**TO: MEMBERS OF THE
PUBLIC RIGHTS OF WAY
AND GREENS COMMITTEE**

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Date: 23rd September 2011

Councillor Peter Abraham (C)
Councillor Trevor Blythe (LD)
Councillor Chris Davies (LD)
Councillor Neil Harrison (LD)
Councillor Peter Main (LD)
Councillor Christopher Jackson (L)
Councillor Derek Pickup (L)
Councillor Kevin Quartley (C)

(L = Labour, LD = Liberal Democrat, C = Conservative)

Dear Councillor

Public Rights of Way and Greens Committee – Monday 3rd October 2011

You are invited to attend a meeting of the aforementioned committee to be held on **Monday 3rd October 2011 at 2pm** in a committee room at the Council House, College Green, Bristol, BS1 5TR.

The agenda for the meeting is set out overleaf and the supporting documents are attached.

Yours sincerely

Lucy Fleming
Democratic Services Officer

Legal Services
PO Box 2156, The Council House,
Bristol BS99 7PH DX7827 Bristol

Will Godfrey
Strategic Director of Corporate
Services

Website
www.bristol.gov.uk

PUBLIC INFORMATION SHEET

The attention of the public is drawn to the sheet at the back of the agenda giving information on the emergency evacuation procedures, attending meetings and inspecting reports and background papers.

A G E N D A

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To note any apologies for absence and substitutions.

2. DECLARATIONS OF INTEREST

To receive any declarations of interest.

3. MINUTES – PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE – 16TH JUNE 2011.

To be confirmed as a correct record.

4. PUBLIC PARTICIPATION – QUESTIONS, STATEMENTS AND PETITIONS

Any member of the public or councillor may participate in public forum. The detailed arrangements for doing so are described in the public information sheet at the back of this agenda.

Please note that the following deadlines will apply in relation to this meeting:

Questions:

Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your submission must be received by 5pm on Tuesday 27th September 2011..

Petitions and statements:

Petitions and statements must be received by noon on the working day prior to the meeting. For this meeting, this means that your submission must be received by 12pm on Friday 30th September 2011.

Notification of your public forum business should be addressed to the Head of Legal Services, c/o Democratic Services Section, Room 220, the Council House, College Green, Bristol BS1 5TR, and marked for the attention of Lucy Fleming. If sending by email, please use the following address: democratic.services@bristol.gov.uk

5. APPLICATION TO REGISTER LAND AT WHITCHURCH AS A TOWN AND VILLAGE GREEN UNDER THE COMMONS ACT 2006, SECTION 15 (2)

To consider the recommendation to register part of the application land as a Town and Village Green in pursuance of the Commons Act 2006.

(Report of Strategic Director of Corporate Services)

6. DEFRA CONSULTATION ON THE REGISTRATION OF NEW TOWN OR VILLAGE GREENS

To note the consultation document published on the DEFRA website.

(Report of Strategic Director of Corporate Services)

7. CURRENT CLAIMS, INQUIRIES AND MISCELLANEOUS RIGHTS OF WAY

To report for information on the present position with regard to Wildlife and Countryside Act applications; public inquiries; and miscellaneous rights of way orders, agreements and legal proceedings.

(Report of the Director of City Development)

8. CURRENT APPLICATIONS FOR REGISTRATION OF LAND AS TOWN OR VILLAGE GREENS

To note the present position with regard to Town or Village Green applications.

(Report of the Commons Registration Authority)

9. URGENT BUSINESS

Any item of business which the Chair is of the opinion should be considered at the meeting as a matter of urgency by reason of special circumstances (to be specified) under Section 100B(4)(b) of the Local Government (Access to Information) Act 1985.

10. DATE OF THE NEXT MEETING

The next meeting is currently scheduled to take place at 2pm on Monday 5th December 2011.

Appendix A – Terms of Reference

PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE

Terms of Reference

Functions

Full Council has delegated to the Public Rights of Way and Greens Committee all functions relating to public rights of way and greens are as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

List A – Non-Executive Functions Delegated to the Corporate Services Directorate

1. Functions relating to the registration of common land and town or village greens (part 1 Commons Act 2006 and the Commons Registration (England) Regulations 2008);
2. Power to register variation of rights of common (Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471));
3. Power to apply for an enforcement order against unlawful works on common land (Section 41 Commons Act 2006);
4. Power to protect unclaimed common land and unclaimed town or village greens against unlawful interference (Section 45(2)(a) Commons Act 2006); and
5. Power to institute proceedings for offences in respect of unclaimed registered common land or unclaimed town or village greens (Section 45(2)(b) of the Commons Act 2006).

List B – Non-Executive Functions Delegated to the City Development Directorate

6. Power to grant a street works license (section 50 of the New Roads and Street Works Act 1991 (c. 22)).
7. Power to permit deposit of builder's skip on highway (section 139 of the Highways Act 1980 (c.66)("the Act")).
8. Duty to publish notice in respect of proposal to grant permission under section 115E of the Act (section 115E of the Act).
9. Power to license planting, retention and maintenance of trees etc. in part of highway (Section 142 of the Act).
10. Power to authorise erection of stiles etc. on footpaths or bridleways (section 147 of the Act).
11. Power to license works in relation to buildings etc. which obstruct the highway (Section 169 of the Act).

12. Power to consent to temporary deposits or excavations in streets (section 171 of the Act).
13. Power to dispense with obligation to erect hoarding or fence (section 172 of the Act).
14. Power to restrict the placing of rails, beams etc over highways (section 178 of the Act).
15. Power to consent to construction of cellars etc. under street (section 179 of the Act).
16. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators (section 180 of the Act).
17. Power to create footpath, bridleway or restricted byway by agreement (section 25 of the Act (c.66)).
18. Power to create footpaths, bridleways and restricted byways (section 26 of the Act).
19. Duty to keep register of information with respect to maps, statements and declarations (section 31A of the Act).
20. Power to stop up footpaths, bridleways and restricted byways (section 118 of the Act).
21. Power to determine application for public path extinguishment order (sections 118ZA and 118C(2) of the Act).
22. Power to make a rail crossing extinguishment order (section 118A of the Act).
23. Power to make a special extinguishment order (section 118B of the Act).
24. Power to divert footpaths, bridleways and restricted byways (section 119 of the Act).
25. Power to make a public path diversion order (sections 119ZA and 119C(4) of the Act).
26. Power to make a rail crossing diversion order (section 119A of the Act).
27. Power to make a special diversion order (section 119B of the Act).
28. Power to require applicant for order to enter into agreement (section 119C(3) of the Act).
29. Power to make an SSSI diversion order (section 119D of the Act).
30. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA & 119C of the Act (section 121B of the Act).
31. Power to decline to determine certain applications (section 121C of the Act).
32. Duty to assert and protect the rights of the public to use and enjoyment of highways (section 130 of the Act).
33. Duty to serve notice of proposed action in relation to obstruction (section 115E of the Act).

34. Power to apply for variation of order under section 130B of the Act (section 130B(7) of the Act).
35. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway (section 135 of the Act).
36. Power temporarily to divert footpath, bridleway or restricted byway (section 135A of the Act).
37. Functions relating to the making good of damage and the removal of obstructions (section 135B of the Act).
38. Powers relating to the removal of things so deposited on highways as to be a nuisance (section 149 of the Act).
39. Power to extinguish certain public rights of way (section 32 of the Acquisition of Land Act 1981 (c.67)).
40. Duty to keep definitive map and statement under review (section 53 of the Wildlife and Countryside Act 1981 (c.69)).
41. Power to include modifications in other orders (section 53A of the Wildlife and Countryside Act 1981).
42. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981 (section 53B of the Wildlife and Countryside Act 1981).
43. Power to prepare map and statement by way of consolidation of definitive map and statement (section 57A of the Wildlife and Countryside Act 1981).
44. Power to designate footpath as cycle track (section 3 of the Cycle Tracks Act 1984 (c.38)).
45. Power to extinguish public right of way over land acquired for clearance (section 294 of the Housing Act 1981 (c. 68)).
46. Power to enter into agreements with respect to means of access (section 35 of the Countryside and Rights of Way Act 2000 (c. 37)).
47. Power to provide access to absence of agreement (section 37 of the Countryside and Rights of Way Act 2000).
48. Power to make limestone pavement order (section 34(2) of the Wildlife and Countryside Act 1981 (c.69)).

Public Information Sheet

Emergency Evacuation Procedure

- (i) In the event of a **fire** you will hear a **continuous alarm**.
- (ii) Do not panic - members, officers and the public should leave the building promptly and in a quiet and orderly fashion using the nearest available escape routes and assemble at the **Norman Arch, adjacent to Central Library**.

Lifts must not be used under any circumstances.

Please note: alarms are tested every Monday at 9.30am (for approx. 30 seconds). These arrangements apply to meetings held in the Council House, College Green. Where the meeting is held elsewhere, local arrangements will apply.

Public Access Information

Please contact the Democratic Services Officer named on the agenda if you require further information regarding the following:

Attendance at Meetings - Local Government (Access to Information Act 1985)

Committee meetings are open to the public and a limited amount of seating is available in each meeting room. You may however be asked to leave the meeting if any "exempt" (private) business is considered. This will normally be shown on the agenda.

Inspection of Papers - Local Government (Access to Information) Act 1985

If you wish to inspect the minutes or reports (other than those which are exempt) relating to any item on this agenda please contact either the Democratic Services Officer (phone number at the top of the agenda sheet) or the Modern Records Office (tel: 0117 9222376). The background papers listed in a report may also be inspected. Please notify the Democratic Services Officer if you wish to see these. He/she will arrange with the report author for papers to be made available to you at a mutually convenient time.

We can also arrange for copies of individual reports or minutes to be supplied to you or for an annual subscription to the papers for any meeting. A charge will be made for this service. Alternatively, all meeting information may be inspected on the council's internet website at: www.bristol.gov.uk

Other formats and languages and assistance for those with hearing impairment

Committee papers can be provided in other formats (e.g. large print, audio tape, braille etc) or in community languages, upon request. Please contact the Democratic Services Officer if you would like such papers giving as much notice as possible. It should be noted that re-formatting or translation of papers before the date of a particular meeting cannot be guaranteed.

Committee rooms in the Council House are fitted with infra-red induction loops to assist people with hearing impairment. These can be used with either a neck loop (for hearing aid users) or with a handset. The Democratic Services Officer will be able to provide you with these. Hearing aid users need to switch the hearing aid to the "T" position.

Public Forum

Members of the public may make a **statement** or present a **petition** to any committee meeting, provided that:-

- (i) written notice is given to us, including the subject matter of your statement or petition no later than **12.00 noon on the working day before the meeting starts*** and
- (ii) the statement or petition concerns a matter which is the

responsibility of the committee concerned.

(* NB: if the meeting is on a Monday then your submission will need to be with us by 12.00 noon latest on the preceding Friday).

You may also ask a **question** of the chair at a committee meeting. This must be submitted to us in writing not less than 3 clear working days before the date of the meeting. A written response will be available 1 hour before the meeting which will be circulated to all who are present and will be included subsequently, with the minutes of that meeting.

Statements and petitions which relate to specific items on the agenda will be taken into account by the meeting when it considers the item concerned.

Statements and petitions that do not relate to an item on the agenda for the meeting at which they are presented are discouraged. They may still be submitted but will not be discussed. The committee meeting will decide how these should be dealt with (eg by correspondence or by a future report etc).

The Chair of the meeting has discretion to take statements, petitions and questions in an appropriate order (ie not necessarily in order of receipt). The meeting may enter a dialogue with members of the public **during the public forum** if appropriate. The public forum session may last for up to 30 minutes, although the Chair, with the consent of the meeting, can extend this timescale.

Please note that by participating in public forum business, it will be assumed that your consent is given to the recording in the minutes of the meeting of your name and the details of your submission. A copy of your full written submission will also be included with the agenda papers for the meeting which are placed in the official minute book (the public record) and will also be included on the Council's web site with the other documents for the meeting concerned.

Process during and after the meeting:

Public forum items are normally the first substantive item of business on the agenda and are usually taken in the order in which they have been received. The Chair will call each submission in turn. When invited to speak, if making a statement you should ensure that your presentation is

short and concise and focuses on the key issues that you would like members to consider. This will have the greatest impact. Please avoid reading out a lengthy text from a piece of paper. Remember that your time allocation may have to be strictly limited if there are a lot of submissions before the meeting.

You do not have to speak or even attend the meeting at which your public forum submission is being taken. However, you should be aware if you do not present it, then it will **not be read out** unless the Chair specifically asks for this to happen. It will nevertheless be noted by members.

As most people who participate in public forum remain present for the debate on the agenda item in which they are interested, and because minutes of the meeting are normally published on the Council's website in 5 clear working days, it is not our normal practice to write to individuals afterwards. However, if you would like to receive an official response as to what happened to your submission at the meeting, please advise the Democratic Services Officer named on the agenda, and ensure that they have your full address or e-mail details. We will then contact you within 7 working days. Alternatively you may phone them (see contact number on front of agenda) to confirm the outcome.

Please contact the Democratic Services Officer named on the agenda if you require any further information regarding the above.

Register of Interests

To ensure an accountable, open and transparent local democracy, a Register of Interests for councillors and co-opted members is available for public inspection. Please contact the Democratic Services Officer named on the agenda if you wish to view the Register.