

**BRISTOL CITY COUNCIL**

**MINUTES OF THE ANNUAL GENERAL MEETING OF THE  
PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE  
HELD ON 25<sup>TH</sup> JUNE 2012 AT 2PM**

- P Councillor Abraham
- A Councillor Blythe
- P Councillor Comer (substituting for Councillor  
Davies)
- A Councillor Davies
- A Councillor Harrison
- P Councillor Havvock (substituting for Councillor  
Harrison)
- P Councillor Jackson
- P Councillor Morgan (substituting for Councillor  
Blythe)
- P Councillor Pickup
- P Councillor Quartley

**PROWG  
1.6/12**

**ELECTION OF CHAIR - MUNICIPAL YEAR 2012/13**

**RESOLVED - that Councillor Abraham be elected  
Chair of the Public Rights of Way and  
Greens Committee for the 2012/13  
municipal year.**

**PROWG  
2.6/12**

**ELECTION OF VICE-CHAIR - MUNICIPAL YEAR 2012/13**

**RESOLVED - that Councillor Pickup be elected Vice-  
Chair of the Public Rights of Way and  
Greens Committee for the 2012/13  
municipal year.**

**PROWG  
3.6/12**

**MEMBERSHIP OF THE COMMITTEE**

**RESOLVED - that membership of the Public Rights of Way and Greens Committee for the 2012/13 municipal year be as follows:-**

**Councillor Abraham  
Councillor Blythe  
Councillor Davies  
Councillor Harrison  
Councillor Jackson  
Councillor Pickup  
Councillor Quartley  
Vacancy**

**PROWG  
4.6/12**

**APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Blythe, Davies and Harrison. Councillors Comer, Havvock and Morgan substituted.

**PROWG  
5.6/12**

**DECLARATIONS OF INTEREST**

Councillor Havvock declared that he had an interest in respect of agenda item no. 12 because he had been involved with the campaign for the Town or Village Green (TVG) for Higham Street, Totterdown. However, this interest did not prevent him from participating in the discussion of the item because he was coming to the debate with an open mind and would not make a decision until he had carefully considered all of the points raised.

**PROWG  
6.6/12**

**TERMS OF REFERENCE**

**RESOLVED - that the terms of reference of the Public Rights of Way and Greens Committee for the 2012/13 municipal year, as agreed by Full Council on 15<sup>th</sup> May 2012, be noted.**

**PROWG  
7.6/12**

**DATES AND TIMES OF MEETINGS 2012/13**

**RESOLVED - that the Public Rights of Way and Greens Committee meet on the following dates and times for the remainder of the 2012/13 municipal year;**

**2pm on Monday 17<sup>th</sup> September 2012  
2pm on Monday 14<sup>th</sup> January 2013  
2pm on Monday 8<sup>th</sup> April 2013**

**PROWG  
8.6/12**

**MINUTES - PUBLIC RIGHTS OF WAY AND GREENS  
COMMITTEE - 2<sup>ND</sup> APRIL 2012**

**RESOLVED - that the minutes of the meeting of the Public Rights of Way and Greens Committee held on 2<sup>nd</sup> April 2012 be confirmed as a correct record and signed by the Chair.**

**PROWG  
9.6/12**

**PUBLIC PARTICIPATION - QUESTIONS, STATEMENTS AND  
PETITIONS**

Public forum business was circulated to the Committee in advance of the meeting and a copy placed in the minute book. The Chair agreed to accept three late statements in respect of the Wellington Hill TVG application (agenda item no. 10) and also a brief verbal address from a member of the public with regard to the Okebourne Open Space TVG application (agenda item no. 11).

**PROWG  
10.6/12**

**APPLICATION FOR LAND KNOWN AS WELLINGTON HILL  
PLAYING FIELD TO BE REGISTERED AS TOWN OR VILLAGE  
GREEN BRISTOL MADE UNDER THE COMMONS ACT 2006**

The Committee considered a report of the Commons Registration Authority (agenda item no. 10) deciding whether an independent

inspector should be appointed to consider representations on the preliminary issues.

The representative of the Head of Legal Services introduced the report and asked Members to carefully consider the issue in relation to the presence, or otherwise, of signs at the site advising that trespass was not permitted. The matter had become more contentious as many of the public forum statements submitted for consideration at the meeting stated that the signs had never been in situ.

Members went on to consider the information provided both in the report and verbally at the meeting, asking for additional information from officers as appropriate. After some consideration there was a general consensus that the Committee should honour the policy in respect of TVG applications on land owned by the City Council and seek guidance from an independent inspector. They also agreed that the facts of the case needed more detailed examination so the inspector would also be asked to look at whether the land had been used 'by right' or 'as of right.' On being put to the vote there was unanimous support. It was therefore;

**RESOLVED - that before arriving at a final determination of the application to register the land known as Wellington Hill Playing Field, Bristol as a town or village green, that an independent inspector be appointed to consider representations on the interpretation and legal effect of evidence in relation to signage and as to whether the land had been used 'by right' or 'as of right.'**

**PROWG  
11.6/12**

**APPLICATION FOR LAND KNOWN AS OKEBOURNE OPEN SPACE, BRENTRY, BRISTOL TO BE REGISTERED AS A TOWN AND VILLAGE GREEN MADE UNDER THE COMMONS ACT 2006**

The Committee considered a report of the Commons Registration Authority (agenda item no. 11) deciding whether an independent inspector should be appointed to consider recommendations on the preliminary issues. Members agreed that they should uphold their policy in respect of TVG applications on land owned by BCC and appoint the independent inspector. On being put to there was unanimous support. It was therefore;

**RESOLVED - that before arriving at a final determination of the application to register the land known as Okebourne Open Space, Brentry, Bristol as a town or village green, an independent inspector be appointed to consider representations on the interpretation and legal effect of the objector's evidence.**

**PROWG  
12.6/12**

**APPLICATION TO REGISTER LAND KNOWN S HIGHAM STREET GREEN, TOTTERDOWN, BRISTOL AS A TOWN OR VILLAGE GREEN PURSUANT TO SECTION 15(1) OF THE COMMONS ACT 2006**

The Committee considered a report of the Commons Registration Authority (agenda item no. 12) deciding whether an independent inspector should be appointed to consider representations on the preliminary issues.

Members agreed that they should uphold their policy in respect of TVG applications on land owned by BCC and appoint the independent inspector to consider the matter further. On being put to there was unanimous support. It was therefore;

**RESOLVED - that before arriving at a final determination of the application to register the land known as Higham Street Green, Totterdown, Bristol as a town and village green an independent**

**inspector be appointed to consider representations on the interpretation and legal effect of the objector's evidence.**

**PROWG  
13.6/12**

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

The Committee considered a report of the Commons Registration Authority (agenda item no. 13) regarding the revised TVG outline procedure. The procedure was approved unchanged with unanimous support. It was therefore;

**RESOLVED - that the revised outline procedure be approved.**

**PROWG  
14.6/12**

**CURRENT CLAIMS, INQUIRIES AND MISCELLANEOUS RIGHTS OF WAY**

The Committee considered a report of the Director of City Development (agenda item no. 14) reporting 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.

It was agreed that Members would be provided with an update in relation to Old Sneed Park, Sneyd Park, Bristol, particularly regarding the projected timescale for completion.

**RESOLVED - that the report be noted.**

**PROWG  
15.6/12**

**CURRENT APPLICATIONS FOR REGISTRATION OF LAND AS TOWN OR VILLAGE GREENS**

The Committee considered a report of the Commons Registration Authority (agenda item no. 15) noting the present position with regard to Town or Village Green applications.

The Chair advised the Committee of recent developments in respect of the TVG application at Ashton Vale, stating that;

‘On 13th June the parties to the judicial review signed a consent order agreeing to remit the unregistered part of the Ashton Vale application land back to the Council. The Court has notified the parties informally that such an order will be made.

Once the decision has been formally quashed, then the Council is under a statutory duty to reconsider the application. The parties will be invited to make submissions after which the Council will take a decision as to the further determination of the remainder of the application.’

The updates contained within the report were noted alongside the verbal comments as follows;

**Bracey Drive** - The independent inspector had recently confirmed that he was in agreement with officers’ assessment of the evidence so had invited the applicant to make further representations if required.

**Easter Garden** – The applicants had responded to the statement of objections by the deadline of 1<sup>st</sup> June 2012. The details had been sent to the objectors’ solicitors.

Members were then referred to appendix (15) C which provided details of the City Council’s TVG expenditure within the 2011/12 financial year. It was noted BCC had previously been exceeding the statutory requirements in relation to advertising TVG applications in the newspaper, so would now advertise once per case. This could save between £400 and £500 each time.

The Committee went on to have a general discussion about the TVG application process. It was suggested that the costs to the City Council in processing TVG applications relating to land owned by BCC should be carefully considered before deciding whether to automatically challenge. However, the legal advisor to the Committee advised that when TVG applications were received BCC as Commons Registration Authority (rather than landowner) had a statutory duty to process the application in accordance with the prescribed procedure.

**RESOLVED - that the updates be noted.**

**PROWG**

**16.6/12**

**DATE OF THE NEXT MEETING**

**RESOLVED - that the next meeting of the Public Rights of Way and Greens Committee be held on Monday 17<sup>th</sup> September 2012 at 2pm.**

(The meeting ended at 3pm)

CHAIR