

# Bristol City Council

## Minutes of the Public Rights of Way and Greens Committee



22 January 2024 at 2.00 pm

### Members Present:-

**Councillors:** Jos Clark, Tessa Fitzjohn (Chair), Jude English, John Goulandris, Richard Eddy, Chris Jackson, Tim Rippington and Christine Townsend

### Officers in Attendance:-

Anne Nugent (Legal Officer), Tom Dunsdon (Solicitor) and Duncan Venison (Network Operations Manager)

## 1 Welcome, Introductions and Safety Information

- a) The Chair welcomed all parties to the meeting and gave a warm welcome to Charles Steele a new PROW Officer to the team.
- b) Members noted recent changes to the membership of the Committee, Councillor Jos Clark had replaced Councillor Andrew Varney and Councillor Christine Townsend had filled the remaining vacant position.

## 2 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Jon Hucker who was substituted by Councillor Richard Eddy, and Councillor Philippa Hulme.

## 3 Declarations of Interest

There were no Declarations of Interest.

## 4 Minutes of Previous Meeting



**Resolved – That the Minutes of PROWG Committee held on 11 September 2023 be approved as a correct record.**

## **5 Public Forum**

Members of the Committee received Public Forum Statements in advance of the meeting.

Due to the large volume of Public Forum statements addressing Stoke Lodge TVG, the Chair made some changes to the agenda order, namely -

### **Town and Village Greens (amended order)**

#### **Ridgehill TVG application – agenda item 7**

The public forum statement that related to the Ridgehill TVG application to be heard prior to consideration of the report and decision.

#### **Stoke Lodge Playing Fields TVG public forum – agenda item 8**

All public forum statements that related to the Stoke Lodge playing fields TVG.

## **6 Current Claims, Inquiries and Miscellaneous Rights of Way matters**

The Network Operations Manager introduced the report and highlighted key points regarding some of the items listed in Appendix A - Applications for Definitive Map Modification Orders, Appendix B – Miscellaneous rights of way orders, Appendix C – Enforcement actions and Appendix D – PROW improvement programme.

Points highlighted were –

- Due to staff shortages and training of a new member work progress had slowed however since then work progress was now back on track.
- Investigations regarding the claimed footpaths at South Hayes and Argyle Place, Cliftonwood were underway with South Hayes being sent to legal services at the end of the week and Argyle Place being sent next week, an update on both claims would be reported to the next PROWG meeting on 15 April 2024.



- A Deed of Dedication had been prepared by PROW team, to be reviewed by the Parks team, in respect of DMO 13. It was anticipated that the footpath would be established much quicker using a DoD.
- A consultant would be employed to assist with the DMMO backlog, a tender was out for this and would be closed by the end of the month. It was likely that priority would be given to Stoke Lodge playing fields DMMO even though fourth on the list as was a more complex case. The third priority, Ridgehill, would be managed in house.
- Scheme costs had been circulated to members. Funding not spent in the current financial year would be transferred to the next financial year, there would be no loss of spend.
- The capital improvement boardwalk scheme at Sea Mills had now been completed.
- Surfacing work to footpaths at south of Nibley Road Shirehampton would be starting soon and Lamb Hill would be completed by the end of year.
- A member raised a request for the PROW team to look at PROW EC/487 between Highridge Green and Cutler Road in Bishopworth at the northern edge which had been affected by flooding and asking for this to be addressed. The Network Operations Manager agreed to investigate this.
- The Network Operation Manager assured members that enforcement work was being actioned as quickly as possible with priority being given to DMMOs and other Public Path Order work.

Members welcomed the update and were encouraged to raise any issues about outstanding footpath claims or unauthorised obstructions so that any reprioritisation could be accommodated.

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

## 7 Current TVG Applications

Members noted that the Commons Registration Authority (CRA) had one current application at land at Ridgehill Henleaze.

The report set out the CRA's recommendations on next steps in the Ridgehill TVG application under the Commons Act 2006 and the Council's outline procedure for TVGs.

Having regard to the comments made in the public forum statement the legal services officer explained that the recommendation to appoint an Inspector related to risk of costs, appointing an Inspector could work out cheaper than a potential judicial review, however it was for members to decide the best course of action.

After further discussion some members expressed concern that the report did not contain enough detailed information to allow an informed decision to be made. It was understood that some of the



background information had not been included as the recommendation was to appoint an Inspector on behalf of the CRA, the Inspector would have access to all the relevant information.

Notwithstanding this some members felt that the PROWG Committee should consider the application first as, should it be deemed appropriate to approve the application within the committee's powers, public money would be saved by not appointing an Inspector.

It was therefore moved by Councillor Townsend that a decision be deferred pending more information, this was seconded by Councillor Goulandris.

On being put to the vote it was unanimously –

**RESOLVED – that a decision on the Ridgehill TVG application be deferred pending further information to enable an informed consideration of all the facts pertaining to the application.**

## **8 Stoke Lodge Playing Fields TVG - public forum**

Councillor John Goulandris gave the committee and residents a brief overview to assist all present in understanding the historic context of the Stoke Lodge playing fields TVG.

Public forum statements were then heard, there were eight speakers at the meeting out of a total of eighty-eight written statements received. All statements were duly considered and noted by members of the committee.

The primary tenet of the submissions was that Bristol City Council had allegedly decided to remain neutral in relation to a challenge to the decision of the PROWG Committee, in its capacity as the Commons Registration Authority, to register the land known as Stoke Lodge Playing Fields as a Town and Village Green (TVG). A preliminary court hearing to consider the case was scheduled for 24 January 2024.

Members then debated the issues raised in the public forum session. The committee was disappointed to learn about the approach being taken by the Council and strongly felt that the decision of the PROWG Committee should be fully supported and upheld.

Legal advice was then sought and was as follows –

The decision of PROWG in respect of Stoke Lodge had been challenged in the courts. The legal proceedings were two-fold, firstly there was a Judicial review of the decision. It was the right of a party aggrieved by a Council decision to challenge that decision by Judicial review, the Committee would be aware of this as this is not the first time a PROWG decision has been challenged through the Courts. The



review was currently on hold pending a section 14 application which had been launched by Cotham school. It was the right of a party affected by a decision to register land as a TVG to bring legal proceedings under section 14 to challenge the registration if they considered that the land had been wrongly registered. In the latter case the matter was now before His Honour Judge Matthews, and he would be considering some preliminary issues on 24 January 2024, this would not include the merits of the case. The legal proceedings would be open for anyone to attend. As the matter was now before the court it would not be appropriate for the litigation to be dealt with in a public forum such as a PROWG Committee meeting.

Members raised concerns about why the Council had taken a neutral stance on this and asked for clarification of its position. The legal services officer asserted that it was not appropriate to discuss the litigation case in a public forum given court proceedings were pending and opposing parties were present at the meeting. The matter was now before the Judge and therefore further public discussion would not be appropriate.

It was then unanimously agreed by members to move into exempt session to allow for further discussion and consider the issues further.

It was also agreed that the public in attendance would be invited back to hear the outcome of the discussion during the exempt session.

**RESOLVED – that the press and public be excluded from the meeting on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 5 (respectively) of Part 1 of schedule 12A of the Act.**

On completion of the discussion in exempt session, the public returned to the meeting room. The Chair read out a brief statement outlining the findings of the discussion as follows –

1. We note that the CRA has registered the land at Stoke Lodge as a T&VG.
2. We express our concern that the Council as landowner is seeking to become a claimant alongside Cotham school and have instructed Ms Nugent to investigate that decision making and report back to us as soon as possible.

**RESOLVED – that the present position regarding Stoke Lodge Town or Village Green (TVG) registration, and proposed action as set out above, be noted.**



Meeting ended at 3.50 pm

**CHAIR** \_\_\_\_\_

