



**Nottinghamshire  
County Council**

## **minutes**

Meeting    **RIGHTS OF WAY COMMITTEE**

Date        Wednesday 16 October 2013 (commencing at 2.00 pm)

**membership**

Persons absent are marked with 'A'

### **COUNCILLORS**

Pam Skelding (Chairman)  
Rachel Madden (Vice-Chairman)

Steve Calvert	Kevin Greaves
John Cottee	Darren Langton
Richard Butler	Tony Roberts MBE
Jim Creamer	Gail Turner
A      Sybil Fielding	

### **OFFICERS IN ATTENDANCE**

David Forster	- Democratic Services Officer
Steven Eastwood, Snr	- Principal Legal Officer, Legal Services
Dr Tim Hart	- Definitive Map Officer/Commons and Village Greens Officer
Neil Lewis	- Team Manager Countryside Access
Tony Shardlow	- Community Safety Officer

### **MINUTES**

The minutes of the meetings held on 16 October 2013 were taken as read and were confirmed and signed by the Chairman.

### **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Sybil Fielding.

### **DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS**

There were no declarations of interest

## **DECLARATIONS OF LOBBYING BY MEMBERS**

Councillor John Cottée informed members that he had been in discussions with local residents with regard to agenda item 6.

## **AN UPDATE ON THE ALLEYWAY CONNECTING CEDERLAND CRESCENT AND NOTTINGHAM ROAD NUTHALL**

Mr Shardlow updated members regarding the current situation regarding the alleyway based on the latest crime figures

### **RESOLVED 2013/14**

That the alleyway between Cederland Crescent and Nottingham Road remain open based on there being no evidence that it is intrinsic contributor to any crime and disorder.

Councillor Gail Turner requested that under Standing Order 44 her vote against this recommendation be recorded.

## **CONSIDERATION OF AN APPLICATION UNDER SECTION 53(2) OF THE WILDLIFE AND COUNTRYSIDE ACT TO ADD A FOOTPATH TO THE DEFINITIVE MAP AND STATEMENT IN THE PARISH OF STANTON ON THE WOLDS**

Dr Hart introduced the report and informed members that he had received a late submission from Mr J Morrell the previous owner of 141 Browns Lane Stanton on the Wolds which confirmed the regular use of the footpath in question.

Following the opening comments by Dr Hart a number of public speakers were given the opportunity to speak and a brief summary of those speeches are set out below:-

Mrs J Spillane a local resident spoke in favour of the path being added to the definitive map and highlighted the fact she has walked the route regularly over the years. She informed members that the route is particularly picturesque and it is also a safe route which keeps walkers away from both traffic and livestock.

There were no questions.

Mr R Whitby a local resident spoke in favour of the path being added to the definitive map and highlighted the fact the path was regularly used and enjoyed by ramblers and villagers alike. He also informed members that the current owner had erected razor wire to stop people using the path and it means ramblers are redirected through a field which contains livestock.

There were no questions.

Mr M Danielson local resident spoke in favour of the path being added to the definitive map and highlighted the fact he had walked the path for many years until

the current owner had erected razor wire across the entrance of the path. He also highlighted that this is and should be kept for others to enjoy and that the owners British Rail had never restricted the paths use.

There were no questions.

After a brief discussion by members and on a motion by the Chairman and duly seconded it was:-

**RESOLVED 2013/015**

That a Modification Order be made to register the footpath as a public footpath for the reasons as set out in the report.

**URGENT ITEM**

**GREASLEY FOOTPATHS NO 32 AND 40**

The Chair of the meeting agreed that this item, although not included on the agenda, should be considered as a matter of urgency in accordance with Section 100(b)(4)(b) of the Local Government Act 1972, to enable the appropriate legal action to be undertaken by the County Council at the most appropriate time.

N Lewis introduced the urgent item and informed members that the item is being taken through the courts currently and it was necessary to seek committee approval for the proposed course of action despite the very short timescale set by the Court..

Following a brief discussion by members and on a motion by the Chairman and duly seconded it was:-

**RESOLVED 2013/016**

1. That the current enforcement proceedings be noted.
2. That the continuing involvement of officers in the Declaration proceedings before the court seeking to demonstrate to the Court the true definitive legal line of the two obstructed footpaths be endorsed and
3. That the appropriate officers be authorised to undertake the proposed course of action as set out in the exempt appendix.

**EXCLUSION OF THE PUBLIC**

**RESOLVED: 2013/017**

That the public be excluded from the remainder of the meeting on the grounds that discussions were likely to involve the disclosure of exempt information described in paragraph 3 of the Local Government (Access to Information) (Variation) Order 2006

and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

**EXEMPT INFORMATION ITEM**

**EXEMPT APPENDIX GREASLEY FOOTPATHS NO 32 AND 40**

**RESOLVED: 2013/018**

That the exempt appendix be noted

The meeting closed at 15.00 pm

**CHAIRMAN**