

LICENSING PANEL MINUTES

30 MAY 2012

Chairman: * Councillor Mrinal Choudhury

Councillors: * Ajay Maru * John Nickolay

In attendance: Sue Anderson Minute 26
(Councillors)

* Denotes Member present

122. Appointment of Chairman

RESOLVED: That Councillor Mrinal Choudhury be appointed as Chairman for this Licensing Panel Hearing.

123. Declarations of Interest

RESOLVED: To note that there were no declarations of interests made.

124. Minutes

(See Note at conclusion of these minutes).

125. Public Questions and Petitions

RESOLVED: To note that no public questions were put, or petitions received at this meeting.

RESOLVED ITEM

126. Harrow School: Public Footpaths Application

In attendance:

Legal Adviser: Sian Webb

Service Manager, Traffic &
Highway Network Management David Eaglesham

In attendance: Gaynor Lloyd (Harrow resident living in
property adjoining Harrow School)

Keith Perrin (Harrow resident living in
property adjoining Harrow School)

Graham Wright (Ramblers' Association)

Democratic Services Officer: Manize Talukdar

The Panel considered a report of the Divisional Director, Environmental Services, which set out an application from Harrow School to divert existing public footpaths 57 and 58 and create a new footpath located on the school playing fields and create a new footpath.

The Panel was requested to give authority to officers to commence the statutory process for the proposed diversion of footpaths 57 and 58 ("the Diversion Orders") and the creation of the proposed new footpath ("the Creation Order").

In attendance were Gaynor Lloyd, Keith Perrin and Graham Wright, all of whom regularly used the footpaths in question.

The Service Manager, Traffic & Highway Network Management stated that Harrow School had been granted planning permission to construct new sports facilities on the school playing fields in 2001. These new facilities had encroached upon the current line of footpath 57, which ran between two all weather pitches and crossed the tennis courts. The line of footpath 58 also crossed several of the grass sports pitches. As no formal diversion of the footpaths was undertaken, this created a conflict between the public's use of these footpaths and the School's use of its sports facilities.

In 2003, a permissive footpath agreement was entered into by the Council and the School, which permitted the public to use some alternative routes around the sports facilities. However, this agreement did not remove the public's right to use the existing right of way and the School began locking the gates to the enclosure around the all weather pitches, thus denying public access to a section of footpath 57. Following protests from the Ramblers' Association and requests from Harrow Council, the School agreed to open the gates on an unconditional basis.

However, as the area of dispute remained unresolved, and in order to avoid sporting activities conflicting with those using the footpaths, Harrow School submitted a formal application to the Council under Sections 26 and 119 of the Highways Act 1980, to divert footpaths 57 and 58 and create a new public footpath.

The Chairman of the Panel emphasised that the Panel was being requested to give consent to officers to commence the statutory process for the proposed Diversion Orders and Creation Order and was not making a decision about the Orders themselves, which would be subject to the outcome of the informal and formal consultation process.

A back benching Member stated that she was keen to ensure that both the formal and informal consultation included all relevant key interest groups and requested that they be kept updated of any developments with regard to the proposal.

The Service Manager, Traffic & Highway Network Management explained that the informal consultation would be an opportunity for relevant interest groups to suggest modifications to the proposal, but it would be up to the School whether it accepted these modifications.

The legal adviser added that the informal consultation would seek the views of a smaller group, and that she would be willing to consider a list of relevant interest groups provided by the Ramblers' Association. She added that Schedule 6 of the Highways Act 1980 set out the formal consultation process and specified who should be consulted. Notices relating to the Diversion Orders and Creation order would be posted in a prominent position at the end of the parts of footpaths to be diverted and created, published in the London Gazette, in local newspapers, at Harrow Civic Centre and any other place that the Council considers appropriate. She added that Harrow School had agreed to pay Harrow Council's reasonable legal costs during the consultation stage of the process.

Following comments from the users of the footpaths about poor signage in the area of the footpaths an officer stated that signage would be reviewed in areas not affected by the application. The areas in dispute would be looked into once the issue of the footpaths had been resolved. In addition the recently opened gates have been altered by the school so that they close shut at either end of the enclosure, which were then difficult to open, and an officer undertook to investigate this and forward comments about the new gates to the School if considered necessary.

Following consideration of the report, and representations made, the Panel

RESOLVED: That

- (1) Committee Procedure Rule 16 relating to deputations be suspended for the duration of this meeting and that the three footpath users in attendance be granted permission to address the Panel;

- (2) the application from Harrow School be noted;
- (3) the Director of Legal and Governance Services, in consultation with the Divisional Director of Environmental Services be authorised to:
 - (a) carry out an informal consultation with key interest groups on the proposed diversion of footpaths 57 and 58 (“the Diversion Orders”) and the creation of the new footpath (“the Creation Order”) shown on Appendix 2 to the report;
 - (b) make the Diversion Orders and the Creation Order subject to consideration of any representations received during the informal consultation exercise;
 - (c) carry out a minimum four week formal public consultation on the Diversion Orders and the Creation Orders when the Orders are made;
 - (d) confirm the Diversion Orders and the Creation Order if no objections are received to the Orders (or if objections received are withdrawn) following the formal public consultation;
 - (e) submit the Diversion Orders and the Creation Order to the Secretary of State if objections are made to the Orders which are not withdrawn following the formal public consultation.

(Note: The meeting, having commenced at 6.30 pm, closed at 7.25 pm).

(Signed) COUNCILLOR MRINAL CHOUDHURY
Chairman

[Note: Licensing Panel minutes are:-

- (1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chairman for that meeting;
- (2) not submitted to the next panel meeting for approval.

Reasons: The Licensing Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chairman and Members who took no part in the previous meeting’s proceedings. The process referred to at (1) above provides appropriate approval scrutiny].