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## Chief Executive's Office

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Date: 26 May 2006

**Chief Executive:** Donna Hall

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**Chorley**  
Borough Council

Town Hall  
Market Street  
Chorley  
Lancashire  
PR7 1DP

Dear Councillor

## GENERAL PURPOSES COMMITTEE - WEDNESDAY, 7TH JUNE 2006

You are invited to attend a meeting of the General Purposes Committee to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 7th June 2006 commencing at 5.00 pm.

### AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members of the Committee are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the Council Chamber and not seek to influence a decision on the matter.

3. **Minutes (Pages 1 - 2)**

To confirm as a correct record the minutes of the meeting of the General Purposes Committee held on 8 March 2006

4. **Highways Act 1980 - Section 119 Proposed Diversion of Footpath No.6 Mawdesley, Chorley Borough (Pages 3 - 6)**

Report of Deputy Director of Legal Services (enclosed)

5. **Wildlife and Countryside Act 1981 - Part 111 Claim for Definitive Map Modification Order Application No. 804/439(Limbrick) (Pages 7 - 10)**

Report of Deputy Director of Legal Services (enclosed)

6. **Wildlife and Countryside Act 1982 - Part 111 Claim for Definitive Map Modification Order Application No.804/430 (Chorley) (Pages 11 - 16)**

Report of Deputy Director of Legal Services (enclosed)

Continued....

7. **Interim PO Grading Structure**  
Report of Director of Human Resources (to follow)
8. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Chief Executive

### **Distribution**

1. Agenda and reports to all Members of the General Purposes Committee (Councillor Peter Goldsworthy (Chair), Councillor Mrs Pat Case (Vice-Chair), Councillors Peter Baker, Kenneth Ball, Thomas Bedford, Magda Cullens, Dennis Edgerley, Catherine Hoyle, Hasina Khan, Margaret Lees, Marion Lowe, Peter Malpas, Michael Muncaster, Mark Perks, Edward Smith, Ralph Snape and John Wilson) for attendance.
2. Agenda and reports to Donna Hall (Chief Executive), Colin Campbell (Executive Director - Environment and Community (Deputy Chief Executive)), Paul Morris (Executive Director - Corporate and Customer (Deputy Chief Executive)), Angela Wolstencroft (Director Human Resources), Gordon Bankes (Democratic Services Officer) and Claire Hallwood (Deputy Director of Legal Services) for attendance.

**This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.**

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823

کیجئے:

**General Purposes Committee****Wednesday, 8 March 2006**

**Present:** Councillor J Wilson (Chair), Councillor D Edgerley (Vice Chair) and Councillors T Bedford, E Bell, Mrs P Case, P Goldsworthy, C Hoyle, M Lees, A Lowe, M Lowe, T McGowan, E Smith, Mrs J Snape, Mrs S Walsh and M Wilson

**06.GP.19 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Ball, A Gee, Parr and Russell.

**06.GP.20 DECLARATIONS OF ANY INTERESTS**

No Member disclosed any interest in relation to matters under consideration at the meeting.

**06.GP.21 MINUTES**

**RESOLVED - That the Minutes of the meeting of the General Purposes Committee held on 16 November 2005 be confirmed as a correct record and signed by the Chairman.**

**06.GP.22 ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES CRIMINAL JUSTICE AND POLICE ACT 2001**

Further to Minute 05.GP.18, 16 November 2005 the Committee received a report of the Head of Corporate and Policy Services setting out the findings of the research and assessment of the implementation of a designation order.

An assessment and an analysis had been made by the Multi-Agency Problem Solving Team of the problem of nuisance and annoyance to the public associated with public drinking in not just the specified area of Astley Village and Whittle-le-Woods but other areas in the Borough with a similar problem.

The Committee expressed concern at the inconsistency throughout the Borough of enforcement by the Police of the current legislation as well as the constant changing of area police officers.

**RESOLVED - 1) That the existing legislation be utilised more fully than previously and Police officers be informed of the powers; the situation continues to be monitored and fully assessed after six months and if evidence suggests there are issues with adults only drinking then a report be prepared for this Committee concerning the making of a designation order(s).**

**2) That the issue of monitoring throughout the Borough of enforcement by the Police of the current legislation, as well as the constant changing of area officers be raised at the Community Safety Partnership and the Chief Executive write to the Chair of the Police Authority.**

**06.GP.23 EXCLUSION OF THE PUBLIC AND PRESS**

That the press and public be excluded from the meeting for the following items of business on the ground that they include the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

**06.GP.24 MANAGEMENT STRUCTURE GRADING OF NEW AND EXISTING POSTS**

The Committee received a report of the Head of Human Resources to agree in principle, subject to Executive Cabinet approval on 30 March 2006 the proposed grades, remuneration and redesignation of posts contained within the report that was submitted to the Executive Cabinet on 23 February 2006.

**RESOLVED - That the report be accepted and the proposed changes to the establishment be approved, in principle, pending the decision of the Executive Cabinet.**

Chair

# Report

Report of	Meeting	Date
Deputy Director of Legal Services	General Purposes Committee	07/06/06

## **HIGHWAYS ACT 1980 – SECTION 119 PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH NO. 6 MAWDESLEY, CHORLEY BOROUGH**

### **PURPOSE OF REPORT**

1. To consider a proposal submitted to Lancashire County Council for the diversion of a length of Public Footpath No. 6, Mawdesley, at Cedar House Farm.

### **CORPORATE PRIORITIES**

2. The report does not affect any corporate priorities.

### **RISK ISSUES**

3. The report contains no risk issues for consideration by Members.

### **BACKGROUND**

4. Public Footpath No. 6 Mawdesley forms a link between Old Lane and Back Lane. The existing route of the footpath follows a straight line running north-west from Old Lane and through the middle of the various buildings comprising Cedar House Farm, to the western boundary of that site, whence the route turns 90° to follow a line running north through to Back Lane. The existing route is marked by the bold black line A – B on the map attached, a distance of 203 metres.
5. The various out-buildings comprising Cedar House Farm are being developed into a craft centre. As shown on the map, the route of the footpath runs through the middle of what will be the complex of buildings forming the centre. The application for the diversion of the footpath, submitted by the owners of Cedar House Farm, calls for the footpath to be diverted onto route skirting around the southern and western boundaries of the site. The proposed diversion, i.e. what would be the new route, is marked by the broken black lines A – C (a distance also of 203 metres) and A – D (a distance of 27 metres) on the map attached.
6. This application represents one of the commonest reasons for seeking a footpath diversion, namely to take the route of a footpath out of the middle of what is residential and/or working site, which is being either expanded in extent and/or changed in character. The application is therefore in keeping with most other diversions that have been pursued in recent years. The diversion following a route around the periphery of the Cedar House

Continued....



Farm site is only slightly longer than that of the existing route, i.e. by 27 metres, and bed of the proposed new path will be brought up to a standard fit for public usage.

**COMMENTS OF THE DIRECTOR OF FINANCE**

7.<sub>next no</sub> There are no comments by the Director of Finance

**COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

8.<sub>next no</sub> There are no comments by the Director of Human Resources.

**RECOMMENDATIONS**

9.<sub>ext no</sub> That no objections be raised to the making by Lancashire County Council of a Public Path Diversion Order under Section 119 of the Highways Act 1980, for the purpose of diverting a 203-metre length of Public Footpath No. 6, Mawdesley, as indicated on the map attached to the report, as it runs north-westwards from Old Lane through the middle of the Cedar Farm Craft Centre onto a new lining running parallel to the existing route but along a line that skirts the southern and western boundaries of the said site.

**REASONS FOR RECOMMENDATION**

10. The reason for the diversion represents one of the commonest put forward, i.e. the desire to take a right of way out of the middle of residential / working buildings and re-route it around the periphery of such a site. The Council has, however, no direct information on public usage of the footpath nor of land ownerships in the area. The Council, whilst not averse to the proposed diversion, is not seeking to promote the proposal and would have no evidence to offer should the proposal result in the calling of a public local inquiry. In the circumstances, the decision to raise no objection to the proposed diversion does not detract from the merits of that proposal or commit the Council to support a proposal about which it has no information.

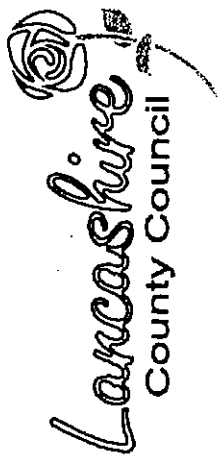
**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

11. The other alternative available would have been to oppose the proposed diversion, for which course of action the Council has no apparent reason.

C HALLWOOD  
DEPUTY DIRECTOR OF LEGAL SERVICES

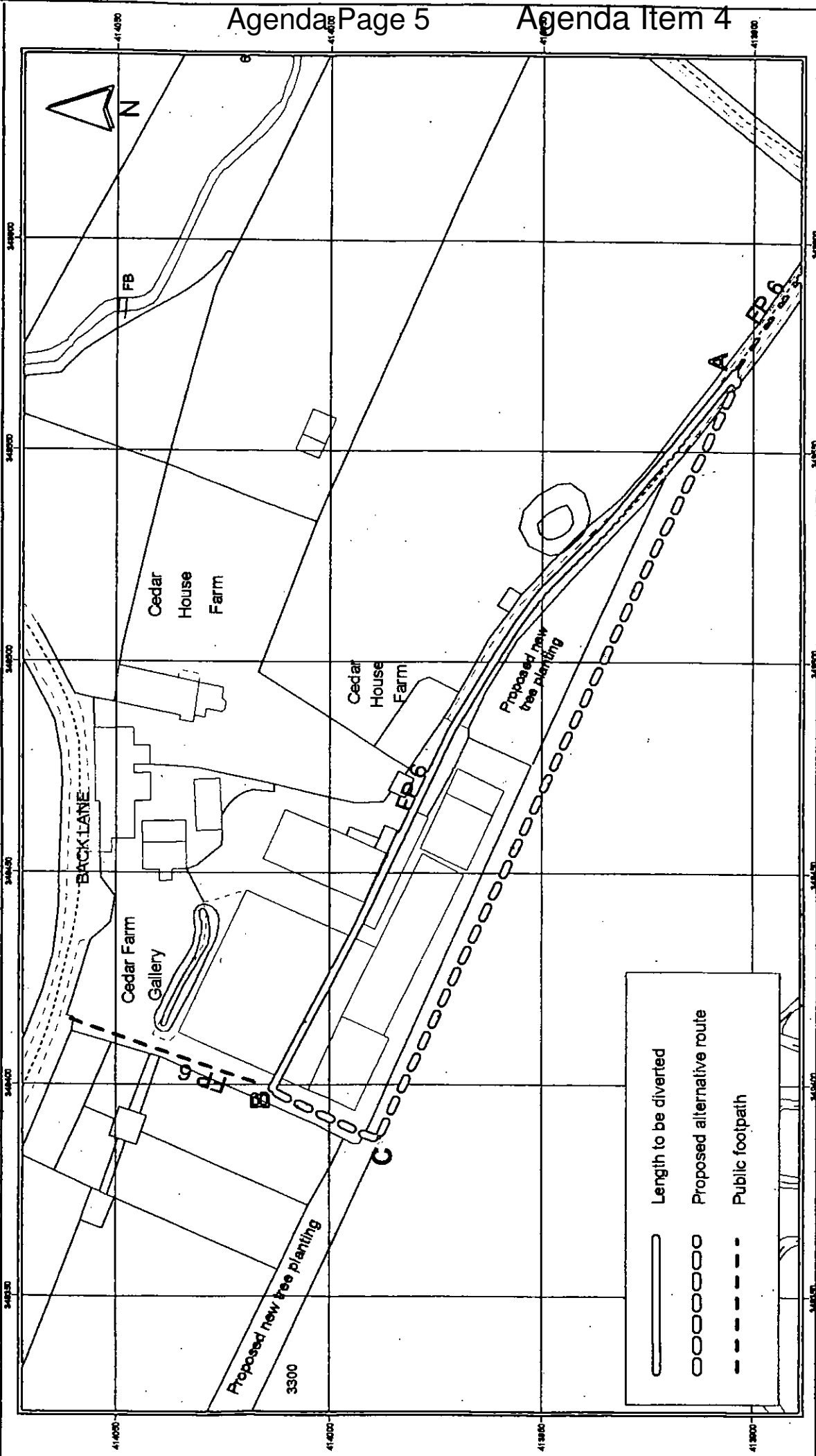
<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Letters from Legal Services Group, Lancashire County Council	5 April 2006 3 May 2006	862	Legal Services Unit, Town Hall, Chorley

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
G Fong	5169	16 May 2006	NEWREP



Highways Act 1980, Section 119.  
Proposed diversion of part of Public Footpath  
No. 6, Mawdesley, Chorley Borough.

G. Harding B Eng, FICE, FIHT, MIMgt, Director, Environment Directorate,  
P.O. Box 9, Guild House, Cross Street, Preston, PR1 8RD



	Length to be diverted
	Proposed alternative route
	Public footpath

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# Report

Report of	Meeting	Date
Deputy Director of Legal Services	General Purposes Committee	07/06/06

## **WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER APPLICATION NO. 804/439 (LIMBRICK)**

### **PURPOSE OF REPORT**

1. To consider a claim submitted to Lancashire County Council for the status of public footpath to be conferred on a path at Limbrick, Heath Charnock, running from Back Lane, along the north bank of the river Yarrow through to Long Lane.

### **CORPORATE PRIORITIES**

2. The report does not affect any corporate priorities.

### **RISK ISSUES**

3. The report contains no risk issues for consideration by Members.

### **BACKGROUND**

4. The path forming the subject of the “claim,” runs westward from Back Lane, at Limbrick (in the vicinity of Brookside Cottage), and follows a route running along the north bank of the river Yarrow to come out at the junction of Back Lane with Long Lane and Cowling Lane (in the vicinity of Linesman Cottage). (See plan attached).
5. A claim has been lodged with Lancashire County Council under Part III of the Wildlife and Countryside Act 1981 for public right of way status to be conferred on the above footpath on the basis that the “claimed” footpath has been used for more than 20 years without interruption by the public at large. In accordance with paragraph 3 of Schedule 14 of the Wildlife and Countryside Act 1981, the County Council are obliged to investigate the claim and to consult with every local authority in whose area the claimed path is situated. Accordingly, the County Council is requesting the Borough Council’s views of the above.
6. The claimed footpath, running along the north bank of the river Yarrow, forms an obvious route in the area, and in doing so facilitates the public being able to take a route by a river side as well as providing a shorter alternative to having to proceed by way of Back Lane. The evidence submitted to Lancashire County Council in support of the claim includes 24 evidence of use forms indicating knowledge and use of the route for up to 60 years. Thus claim probably reflects a long-standing public usage of the route concerned.

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**COMMENTS OF THE DIRECTOR OF FINANCE**

7.<sub>next no</sub> There are no comments by the Director of Finance

**COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

8.<sub>next no</sub> There are no comments by the Director of Human Resources.

**RECOMMENDATIONS**

9.<sub>ext no</sub> That no objection be made to the claim for the grant of public right of way status on the footpath running westwards from Back Lane along the north side of the River Yarrow through to Long Lane at Limbrick, Heath Charnock.

**REASONS FOR RECOMMENDATION**

10. Conferring public right of way status on the claimed path would provide a formal footpath route between Back Lane and Long Lane at Limbrick. The Council has, however, no direct information on public usage of the path nor of land ownerships in the area. The Council, whilst not averse to the conferral of public right of way status on the path concerned, is not seeking to promote the claim and would have no evidence to offer should the claim result in the calling of a public local inquiry. In the circumstances, the decision to raise no objection to the claim does not detract from the merits of that claim or commit the Council to support a claim about which it has no information.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

11. The other alternatives available would have been to endorse the claim, for which the Council has no evidence, or to oppose it, for which course of action the Council has no apparent reason.

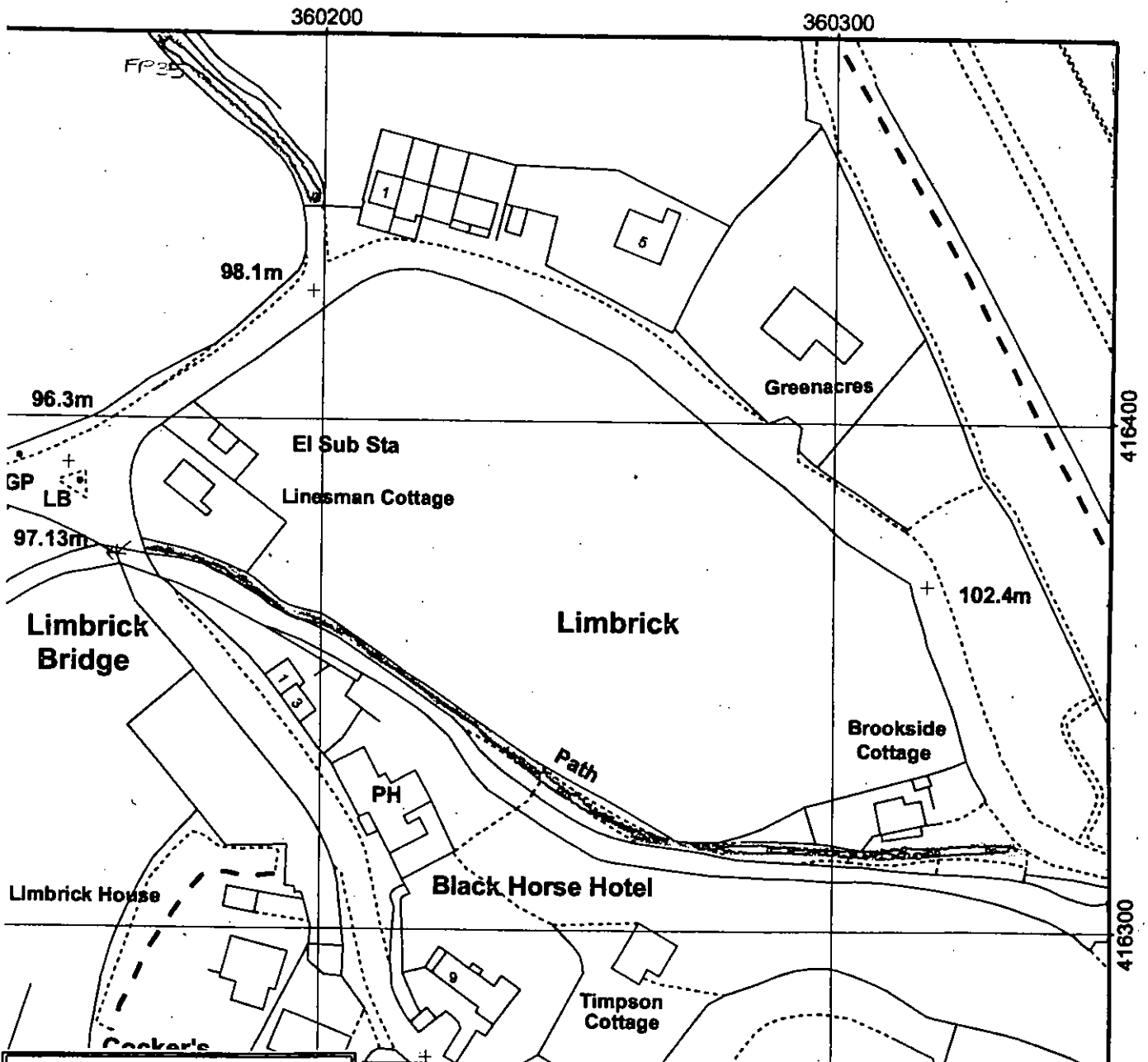
C HALLWOOD  
DEPUTY DIRECTOR OF LEGAL SERVICES

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Letters from Legal Services Group, Lancashire County Council	8 March 2006	862	Legal Services Unit, Town Hall, Chorley

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
G Fong	5169	22 May 2006	NEWREP

G. Harding B Eng, C Eng, FICE, FIHT, MIMgt. Director, Environment Directorate.  
P.O. Box 9, Guild House, Cross Street, Preston. PR1 8RD.



**KEY**

Claimed route     

Public footpath     



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# Report

Report of	Meeting	Date
Deputy Director of Legal Services	General Purposes Committee	07/06/06

## **WILDLIFE AND COUNTRYSIDE ACT 1981 – PART III CLAIM FOR DEFINITIVE MAP MODIFICATION ORDER APPLICATION NO. 804/430 (CHORLEY)**

### **PURPOSE OF REPORT**

1. To consider a claim submitted to Lancashire County Council for the status of public footpath to be conferred on a small path linking Public Footpath No. 16 (west) to Public Footpath No. 16 (east), Chorley, and on a “spur” running around the western and northern boundary of a reservoir.

### **CORPORATE PRIORITIES**

2. The report does not affect any corporate priorities.

### **RISK ISSUES**

3. The report contains no risk issues for consideration by Members.

### **BACKGROUND**

4. Public Footpath No. 16 (west) runs along a north-south line east of (and parallel) to the M.61 Motorway to the site of the former Healey Works. Immediately to the north-east of the said site Footpath No. 16 (west) runs between two reservoirs, which were formerly associated with serving the Healey Works. Footpath no. 16 (east) runs along an east-west line, running due west from Healey Nab, towards the eastern reservoir, whence it turns southwards heading towards the site of the former Healey Works. It is at the site of the former Healey Works (to the south of the two reservoirs) that Footpaths Nos. 16 (west) and 16 (east) link up.
5. A claim has been lodged with Lancashire County Council under Part III of the Wildlife and Countryside Act 1981 for public right of way status to be conferred on the a short, “informal” section of footpath linking the two above public footpaths on the basis that the “claimed” footpath has been used for more than 20 years without interruption by the public at large. In accordance with paragraph 3 of Schedule 14 of the Wildlife and Countryside Act 1981, the County Council are obliged to investigate the claim and to consult with every local authority in whose area the claimed path is situated. Accordingly, the County Council is requesting the Borough Council’s views of the above.
6. The claimed footpath, running along the south side of the eastern reservoir, forms an obvious link between two sets of rights of way in question, i.e. Footpath No. 16 (west) and Footpath No. 16 (east), and, in doing so, facilitates the public being able to make the

Continued....



shortest and most direct connection between the two footpaths, assuming that someone is proceeding south along Footpath No. 16 (west) and thence wishes to proceed eastwards along Footpath No. 16 (east), and vice versa – see plan attached. The evidence submitted to Lancashire County Council in support of the claim includes 15 evidence of use forms indicating knowledge and use of the route for up to 60 years. The claim thus probably reflects a long-standing public usage of a route between the two public footpaths.

7. In addition to the above claim, a further claim has also been lodged for the conferral of public right of way status on a “spur” path leading north from the “claimed” path and along the western and northern sides of the eastern reservoir. This claim presumably also reflects public usage of the said route in relation to a water feature, which may have some scenic value. It is, however, normally the case that a public right of way should end in a connection with another right of way or an adopted highway, rather than simply form a cul-de-sac.

#### **COMMENTS OF THE DIRECTOR OF FINANCE**

- 8.<sup>next n</sup> There are no comments by the Director of Finance

#### **COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

- 9.<sup>next no</sup> There are any comments by the Director of Human Resources.

#### **RECOMMENDATIONS**

- 10.<sup>ext no</sup> That no objection be made to the claim for the grant of public right of way status on the footpath linking Public Footpath Nos. 16 (west) and 16 (east), Chorley as detailed above, or to the grant of public right of way status on the “spur” path leading north from the “claimed” path along the western and northern sides of the eastern reservoir.

#### **REASONS FOR RECOMMENDATION**

11. Conferring public right of way status on the claimed path would join up the public footpath system in the area. The Council has, however, no direct information on public usage of the path nor of land ownerships in the area. The Council, whilst not averse to the conferral of public right of way status on the path concerned, is not seeking to promote the claim and would have no evidence to offer should the claim result in the calling of a public local inquiry. In the circumstances, the decision to raise no objection to the claim does not detract from the merits of that claim or commit the Council to support a claim about which it has no information.

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

12. The other alternatives available would have been to endorse the claim, for which the Council has no evidence, or to oppose it, for which course of action the Council has no apparent reason.

C HALLWOOD  
DEPUTY DIRECTOR OF LEGAL SERVICES

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Letters from Legal Services Group, Lancashire County Council	6 January 2006	862	Legal Services Unit, Town Hall, Chorley

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
G Fong	5169	22 May 2006	NEWREP

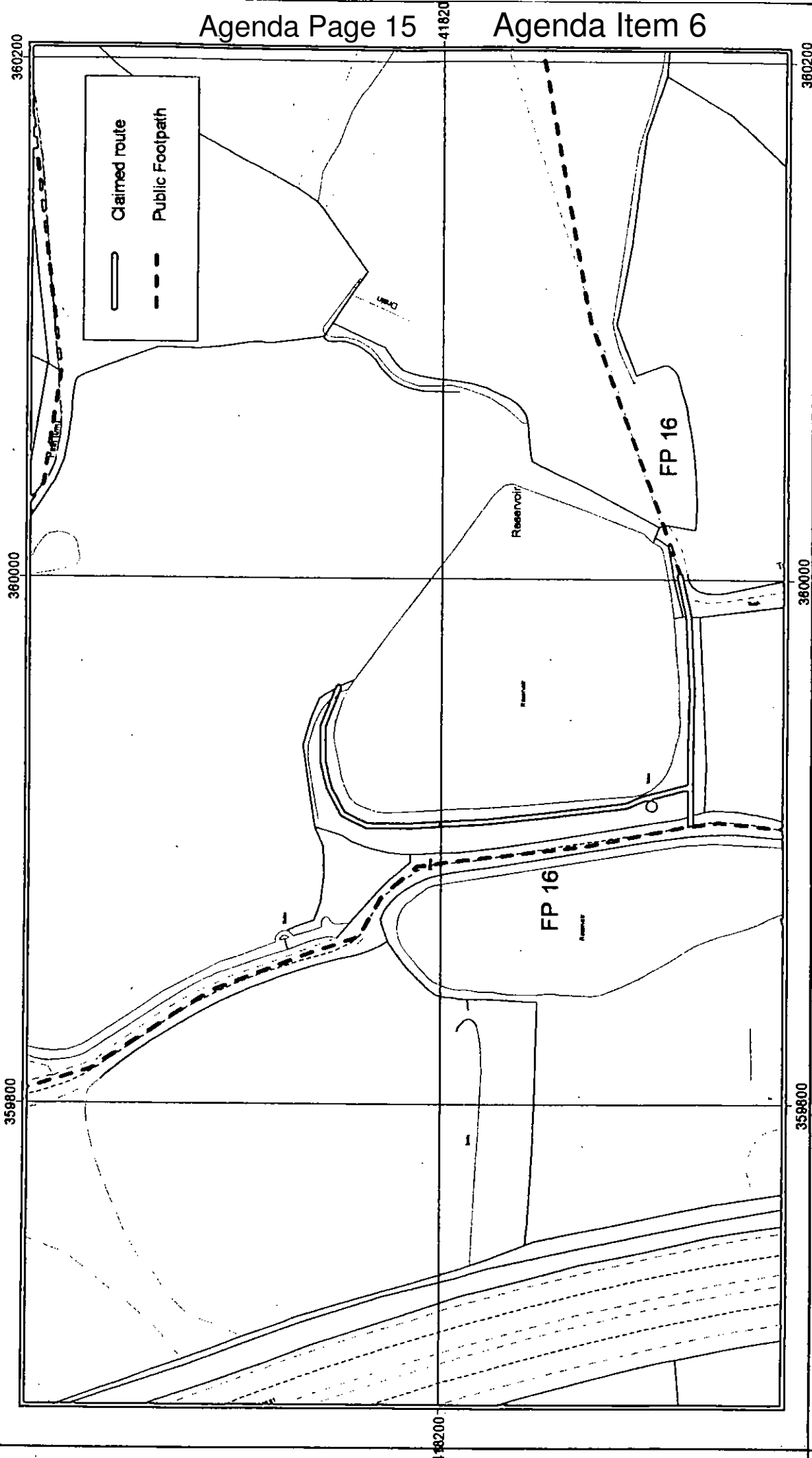
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Wildlife and Countryside Act 1981  
Claimed public footpath from Public Footpath no. 16 Chorley to rejoin Public Footpath no. 16  
Chorley, Chorley Borough  
Claim No. 804/430

G. Harding B Eng, FICE, FIHT, MIMgt, Director, Environment Directorate.  
P.O. Box 9, Guild House, Cross Street, Preston. PR1 8RD



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