
BURTON UPON STATHER PARISH COUNCIL

**MEETING OF THE COMMITTEE TO DISCUSS
PUBLIC RIGHTS OF WAY AND FOOTPATHS
HELD IN THE VILLAGE HALL, TODDS LANE, BURTON UPON STATHER
ON MONDAY 17 MARCH 2014**

PRESENT:	Parish Councillors:	Cllr C Allison Cllr DJ Faulks Cllr W Johnston Cllr M Peace
	North Lincolnshire Council:	Mr D Sanderson, Public Rights of Way Officer
	Local Access Forum:	Mr Edward Anderson
	Parish Clerk:	Mrs J Harrison
	Members of the Public:	2
APOLOGIES:	Ward Councillor:	Mrs E Marper

In the absence of Cllr Allison the committee nominated Cllr DJ Faulks to open the meeting.

8. Attendance Register

The register was signed by all councillors in attendance.

9. Apologies

As stated above.

10. Declaration of Interest – Code of Conduct adopted by this council

(a) To record declarations of interest by any member of the council in respect of the agenda items listed below. Members declaring interests should identify the agenda item and type of interest being declared.

(b) To note dispensations given to any member of the council in respect of the agenda items listed below.

Personal interest as a member of Burton Stather Heritage Group: Cllr C Allison,
Cllr W Johnston

Personal interest as a member of the Local Access Forum: Mr Edward Anderson

Cllr Allison apologised for his late arrival which was due to work commitments. He took his seat as Chairman.

11. To discuss Health and Safety of Footpaths, Public Rights of Way and Bridleways.

Mr Sanderson advised there is often confusion with the different types of footpath and described the public right of way, the bridleway and the permissive footpath. He advised that North Lincolnshire Council (NLC) was responsible for public rights of way and bridleways within Burton Upon Stather Parish. These are shown on the definitive map maintained and updated by the unitary authority. Any concerns or queries should be reported to NLC. They are legally responsible for maintaining the surface of the path, including bridges, and keeping it free from overgrowth.

However landowners must provide and maintain stiles and gates; may plough the footpath or bridleway but must make good the surface of the path; return the surface to the minimum width - PRoWs 1 metre, bridleways 2 metre and use signs to show the route.

12. To discuss landowner's rights, responsibilities and obligations towards Footpaths, Public Rights of Way and Bridleways.

Landowners may let members of the public have access to their land for walking, cycling or horse riding and this is known as permissive access. Visitors may take their dogs on permissive access land but they must be kept on a short fixed lead at all times. The permission may cease at any time.

Councils and landowners must extend a 'Common Duty of Care to all lawful and unlawful visitors. The Occupiers' Liability Act 1957 covers the duty of care owed to visitors by the occupier. Trespassers may be prosecuted.

13. To discuss current legislation affecting Footpaths, Public Rights of Way and Bridleways

The Rights of Way Act 1932 came into effect on 1 January 1934 and decreed that the public could claim a path, not shown on the definitive map, after 20 years uninterrupted use. Current legislation states these footpaths can be claimed until 2026.

Applications reclaiming footpaths should include the declaration that it is being exercised without force, secrecy or permission.

14. To discuss the future of Footpaths not designated as Public Rights of Way or Bridleways within Burton Upon Stather Parish

Members of the committee discussed footpaths within the parish that they wished to be included in the definitive map as Public Rights of Way for Burton Upon Stather Parish.

RESOLVED: Mr Anderson and Cllr Allison agreed to highlight footpaths used by members/visitors of the parish, not included on the definitive map, for further discussion.

The meeting terminated at 8.30 pm.