

**MINUTES of the meeting of Regulatory Committee held at Council Chamber, Brockington on Tuesday, 16th March, 2004 at 2.00 p.m.**

**Present:** Councillor R.I. Matthews (Chairman)  
Councillor Brig. P. Jones CBE (Vice Chairman)

Councillors: Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope, T.W. Hunt, G. Lucas, J.W. Newman, R. Preece, D.C. Taylor and P.G. Turpin

**In attendance:** Councillors J.H.R. Goodwin and P.E. Harling

**48. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

**49. NAMED SUBSTITUTES (IF ANY)**

There were no substitutions made

**50. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**51. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 3 February 2004 be approved as a correct record and signed by the Chairman

**52. LICENSING ACT 2003.**

The Legal Practice Manager said that preparation of the transfer of liquor and other such licenses from the Magistrates Court to the Council was continuing and a series of training events had been held in February and March for Members and officers. The draft policies had recently been discussed with the Police and the next stage was for the views of other interested parties to be sought. He said that indications were that the new arrangements could be introduced by the Government from October 2004 and he would arrange for refresher training to be held nearer the time.

**53. FOOTPATHS ED5 (PART) & ED6 (PART) IN THE PARISH OF EARDISLAND - PROPOSED PATH RESTORATION FOLLOWING RIVER EROSION**

The Chairman said that following the previous meeting of the Committee, a site inspection had been undertaken for Members to familiarise themselves with the route of the footpaths. He said that Members had been able to see the sections of footpath which had been lost to river erosion and what was needed for the footpaths to be restored or alternative routes provided. He also said that Members had received a number of letters from landowners and interested parties in respect of the footpaths.

The [Director of Environment](#) provided the Committee with further details about the

footpaths and outlined the discussions that had taken place with local landowners and interested parties. He said that although it would be possible to provide an alternative route, this could prove to be financially unviable and that it was also likely that continuing erosion would eventually lead to the loss of the alternative in future years. Another alternative would be for the route used by walkers at the present to be connected to the sections of footpath left after erosion. The Committee decided to consider the legal and financial implications and that the press and public should be excluded during these considerations.

#### **EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12 (A) of the Act as likely to reveal Counsel's Opinion and possible expenditure**

The Committee considered a report about the potential amount of compensation payable to landowners if it was decided to create new sections of public footpaths ED5 and ED6 in the parish of Eardisland. The Committee was also advised of Counsel's legal opinion on the matter.

The public and press were then re-admitted to the meeting. The Chairman said that all the points raised by landowners and interested parties had been carefully taken into consideration but that the Committee did not feel that it would be viable or practical to provide a replacement for the sections of the footpaths which had been lost to erosion.

**RESOLVED: That no further action be taken to implement the creation and extinguishment proposals for public footpaths ED5 and ED6 on the grounds that the revised route would not be sustainable or economically viable.**

#### **54. PLLEASURE BOAT LICENCES**

The Acting Licensing Manager presented a report of the Head of Environmental Health and Trading Standards suggesting the introduction of revised licensing conditions and fees for pleasure boat licenses. She outlined the legislation under which the Council was empowered to license the operation of pleasure boats to be let for hire by members of the public, or to be used for carrying passengers for hire and the conditions that could be attached to such licenses. She explained that since 1998 the Council had used the licensing conditions from each of the predecessor authorities, she proposed that these be replaced by new conditions which were a combination of those used previously, best practice and advice contained within legislation and regulations. She proposed the replacement of the existing annual boat proprietors' license with an annual boatman license and an annual pleasure boat license. She said that the pleasure boat license would consist of the following 6 categories:

- (a) Rowing boats/Rowing Dinghies/Canadian Canoes
- (b) Mechanically Propelled Boats

- (c) Single Canoes/Kayaks
- (d) Sea Cycles/Water bikes/Similar Craft
- (e) Sail Boards
- (f) Sailing Dinghies

She provided the Committee with details of the conditions that could be attached to each category and said that the categories would be stipulated on the license. No pleasure boat license could be obtained without a current boatman license. She proposed that the fees be set as follows:

Fee for Boatman Licence                      £85

Fee for Pleasure Boat Licence              £10 per passenger

Having considered the proposals the Committee decided that the revised fees and conditions should be introduced subject to a minor amendment.

**RESOLVED: That**

- (I) **the proposed boatman and pleasure boat license conditions and fees set out in the report of the Head of Environmental Health and Trading Standards be adopted, subject to the replacement of the wording “mechanically propelled boats or vessels (motor boats) let for hire” with “mechanically propelled boats or vessels (motor boats) let for hire or used to carry passengers;**
- (II) **the Head of Environmental Health and Trading Standards be authorised to update the license conditions as and when necessary in accordance with appropriate legislation and regulations.**

**55. FOOTPATHS ED5 (PART) & ED6 (PART) IN THE PARISH OF EARDISLAND - PROPOSED PATH RESTORATION FOLLOWING RIVER EROSION**

See minute 53 above

The meeting ended at Time Not Specified

**CHAIRMAN**