

Regulatory Committee

Meeting to be held on 21 October 2015

Electoral Division affected: Lancaster Central

Wildlife and Countryside Act 1981
Definitive Map Modification Order Investigation
Addition of Public Footpath from Five Ashes Lane to Scotforth Road (A6),
Scotforth, Lancaster City
File No. 804-524
(Annex 'A' refers)

Contact for further information:

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Executive Summary

Application for addition of a public footpath to the Definitive Map and Statement from Five Ashes Lane to Scotforth Road (A6), Scotforth, Lancaster City, in accordance with file no. 804-524.

Recommendation

That the application for a public footpath from Five Ashes Lane to Scotforth Road (A6), Scotforth, to be added to the Definitive Map and Statement of Public Rights of Way, in accordance with file no. 804-524 be not accepted.

Background

An application under Schedule 14 of the Wildlife and Countryside Act 1981 has been received for the addition of a public footpath from Five Ashes Lane to Scotforth Road (A6), a distance of approximately 13 metres and shown on the Committee plan between point A and point B on the Definitive Map and Statement of Public Rights of Way.

The County Council is required by law to investigate the evidence and make a decision based on that evidence as to whether a public right of way exists, and if so its status. Section 53(3)(b) and (c) of the Wildlife and Countryside Act 1981 set out the tests that need to be met when reaching a decision; also current Case Law needs to be applied.

An order will only be made to add a public right of way to the Definitive Map and Statement if the evidence shows that:

- A right of way “subsists” or is “reasonably alleged to subsist”

An order for adding a way to or upgrading a way shown on the Definitive Map and Statement will be made if the evidence shows that:

- “the expiration... of any period such that the enjoyment by the public...raises a presumption that the way has been dedicated as a public path or restricted byway”

When considering evidence, if it is shown that a highway existed then highway rights continue to exist (“once a highway, always a highway”) even if a route has since become disused or obstructed unless a legal order stopping up or diverting the rights has been made. Section 53 of the Wildlife and Countryside Act 1981 (as explained in Planning Inspectorate’s Advice Note No. 7) makes it clear that considerations such as suitability, the security of properties and the wishes of adjacent landowners cannot be considered. The Planning Inspectorate’s website also gives guidance about the interpretation of evidence.

The County Council’s decision will be based on the interpretation of the evidence discovered by officers and documents and other evidence supplied by the applicant, landowners, consultees and other interested parties produced to the County Council before the date of the decision. Each piece of evidence will be tested and the evidence overall weighed on the balance of probabilities. It is possible that the Council’s decision may be different from the status given in any original application. The decision may be that the routes have public rights as a footpath, bridleway, restricted byway or byway open to all traffic, or that no such right of way exists. The decision may also be that the routes to be added or deleted vary in length or location from those that were originally considered.

Consultations

Lancaster City Council has been consulted, but no response has been received it is assumed they have no comment to make.

Scotforth Parish Council has responded to the consultation regarding health and safety with the busy trunk road situated close by. They mention that the potential of an injury or incident could be increased on such a steep area and ask if Lancashire County Council would be liable. They recommend that it remains as an informal snicket as it is used by only a small number of people and they access it at their own risk.

Applicant/Landowners/Supporters/Objectors

The evidence submitted by the applicant/landowners/supporters/objectors and observations on those comments are included in Advice – Head of Service – Legal and Democratic Services Observations.

Advice

Head of Service – Planning and Environment

Points annotated on the attached Committee plan.

Point	Grid Reference (SD)	Description
A	4803 5744	Open junction with Five Ashes Lane
B	4804 5745	Open junction with Preston - Lancaster Road (A6)

Description of Route

A site inspection was carried out on 29 August 2015.

The total length of the route is approximately 13 metres.

From point A the route under investigation leaves Five Ashes Lane at an unmarked point on the unfenced verge of Five Ashes Lane. From point A it extends in a generally north easterly direction down a steep slope overgrown with bushes and undergrowth to an unmarked point at the junction with the footway adjacent to Scotforth Road (A6) immediately north of a bus stop and marked on the Committee plan as point B.

At the time that the route was inspected no signs were evident at any point along it indicating whether or not it was public or private.

There was no indication that the route was being used or that it existed as a worn track on the ground. The route was overgrown and it was not possible to walk between point A and point B. It was noted that cars were being parked on a regular basis in a layby close to point A on Five Ashes Lane and that the route, if it had been accessible, would provide direct access onto Scotforth Road and to a bus stop.

As well as being overgrown it did appear that tree branches had been cut and deposited in the area crossed by the route although these deposits did not look to be recent.

Map and Documentary Evidence

Document Title	Date	Brief Description of Document & Nature of Evidence
Yates' Map of Lancashire	1786	Small scale commercial map. Such maps were on sale to the public and hence to be of use to their customers the routes shown had to be available for the public to use. However, they were privately produced without a known system of consultation or checking. Limitations of scale also limited the routes that could be shown.
Observations		The route under investigation is not shown on Yates' Map.
Investigating Officer's Comments		It is unlikely that a claimed public footpath of such a short length would have been shown on a map

		of this scale. The route under investigation did not exist as a major route at the time although it may have existed as a minor route which would not have been shown due to the limitations of scale so no inference can be drawn in this respect.
Greenwood's Map of Lancashire	1818	Small scale commercial map. In contrast to other map makers of the era Greenwood stated in the legend that this map showed private as well as public roads and the two were not differentiated between within the key panel.
Observations		The route under investigation is not shown on Greenwoods' map.
Investigating Officer's Comments		The route under investigation did not exist as a major route at that time. It may have existed as a minor route but due to the limitations of scale would not have been shown on the map so no inference can be drawn in this respect.
Hennet's Map of Lancashire	1830	A further small scale commercial map. In 1830 Henry Teesdale of London published George Hennet's Map of Lancashire surveyed in 1828-1829 at a scale of 7½ inches to 1 mile. Hennet's finer hachuring was no more successful than Greenwood's in portraying Lancashire's hills and valleys but his mapping of the county's communications network was generally considered to be the clearest and most helpful that had yet been achieved.
Observations		The route under investigation is not shown on Greenwoods' map.
Investigating Officer's Comments		The route under investigation did not exist as a major route at that time. It may have existed as a minor route but due to the limitations of scale would not have been shown on the map so no inference can be drawn in this respect.
Canal and Railway Acts		Canals and railways were the vital infrastructure for a modernising economy and hence, like motorways and high speed rail links today, legislation enabled these to be built by compulsion where agreement couldn't be reached. It was important to get the details right by making provision for any public rights of way to avoid objections but not to provide expensive crossings unless they really were public rights of way. This information is also often available for proposed canals and railways which were never built.
Observations		The route under investigation is just to the east of the London Midland and Scottish Railway (now part of the West Coast mainline) but does not cross it. Plans from the construction of the railway

		have not been inspected as there is no evidence that the route existed as a worn track at the time that the railway was constructed.
Investigating Officer's Comments		No inference can be drawn.
Tithe Map and Tithe Award or Apportionment	1841	Maps and other documents were produced under the Tithe Commutation Act of 1836 to record land capable of producing a crop and what each landowner should pay in lieu of tithes to the church. The maps are usually detailed large scale maps of a parish and while they were not produced specifically to show roads or public rights of way, the maps do show roads quite accurately and can provide useful supporting evidence (in conjunction with the written tithe award) and additional information from which the status of ways may be inferred.

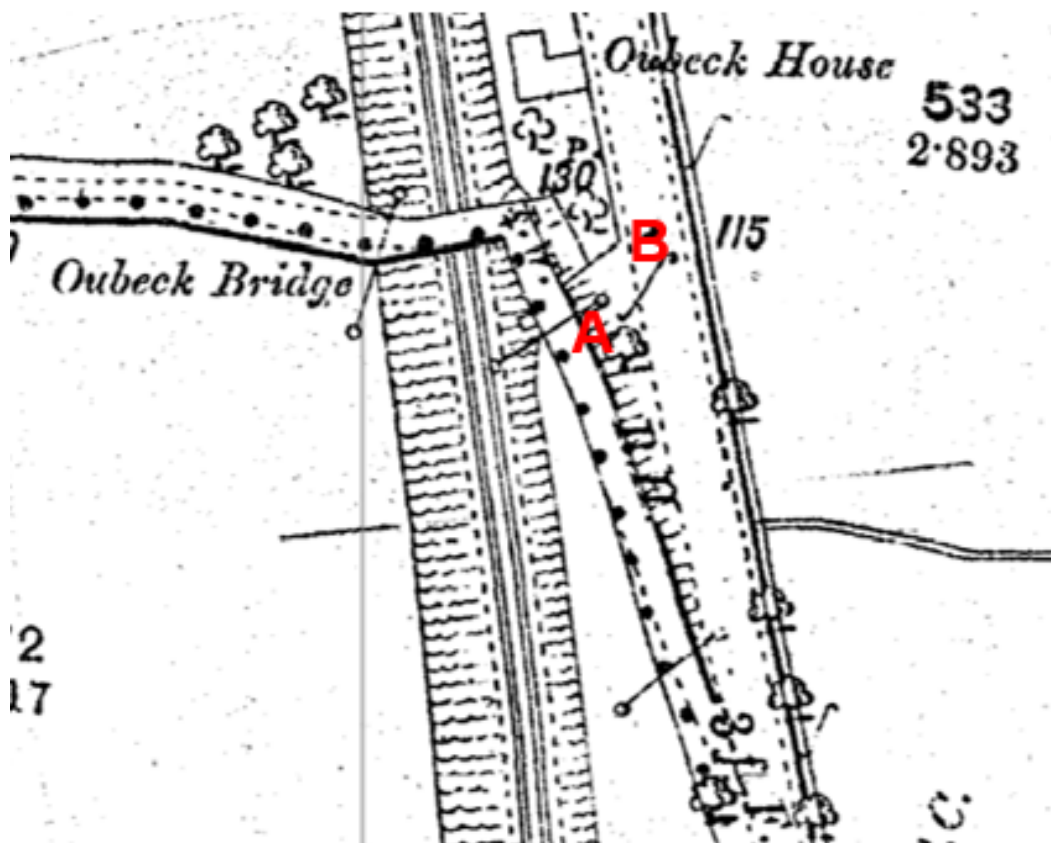


Observations		A copy of the Tithe Map for Scotforth was inspected in the County Records Office. Five Ashes Road and Scotforth Road (A6) are shown but the route under investigation is not. The land crossed is not allocated a number on the Tithe Map.
Investigating Officer's Comments		The route under investigation did not exist in 1841. The land crossed by the route under investigation was not allocated a number on the Tithe Map suggesting that tithes were not payable and that it was possibly seen to be a small area of unproductive land between the two highways

		(Five Ashes Lane and Scotforth Road) or part of the highway waste.
Inclosure Act Award and Maps		Inclosure Awards are legal documents made under private acts of Parliament or general acts (post 1801) for reforming medieval farming practices, and also enabled new rights of way layouts in a parish to be made. They can provide conclusive evidence of status.
Observations		There is no Inclosure Award for Scotforth in the County Records Office.
Investigating Officer's Comments		No inference can be drawn.
6 Inch Ordnance Survey (OS) Map	1848	The earliest Ordnance Survey 6 inch map for this area surveyed in 1844-45 and published in 1848. ¹
Observations		Five Ashes Road and Scotforth Road (A6) are shown but the route under investigation is not shown. The land crossed by the route under investigation between point A and point B is

¹ The Ordnance Survey (OS) has produced topographic maps at different scales (historically one inch to one mile, six inches to one mile and 1:2500 scale which is approximately 25 inches to one mile). Ordnance Survey mapping began in Lancashire in the late 1830s with the 6-inch maps being published in the 1840s. The large scale 25-inch maps which were first published in the 1890s provide good evidence of the position of routes at the time of survey and of the position of buildings and other structures. They generally do not provide evidence of the legal status of routes, and carry a disclaimer that the depiction of a path or track is no evidence of the existence of a public right of way.

		shown shaded indicating a slope.
Investigating Officer's Comments		The route under investigation did not exist in 1848.
25 Inch OS Map	1895	The earliest OS map at a scale of 25 inch to the mile. Surveyed in 1890 and published in 1891 with a reprint in 1895.

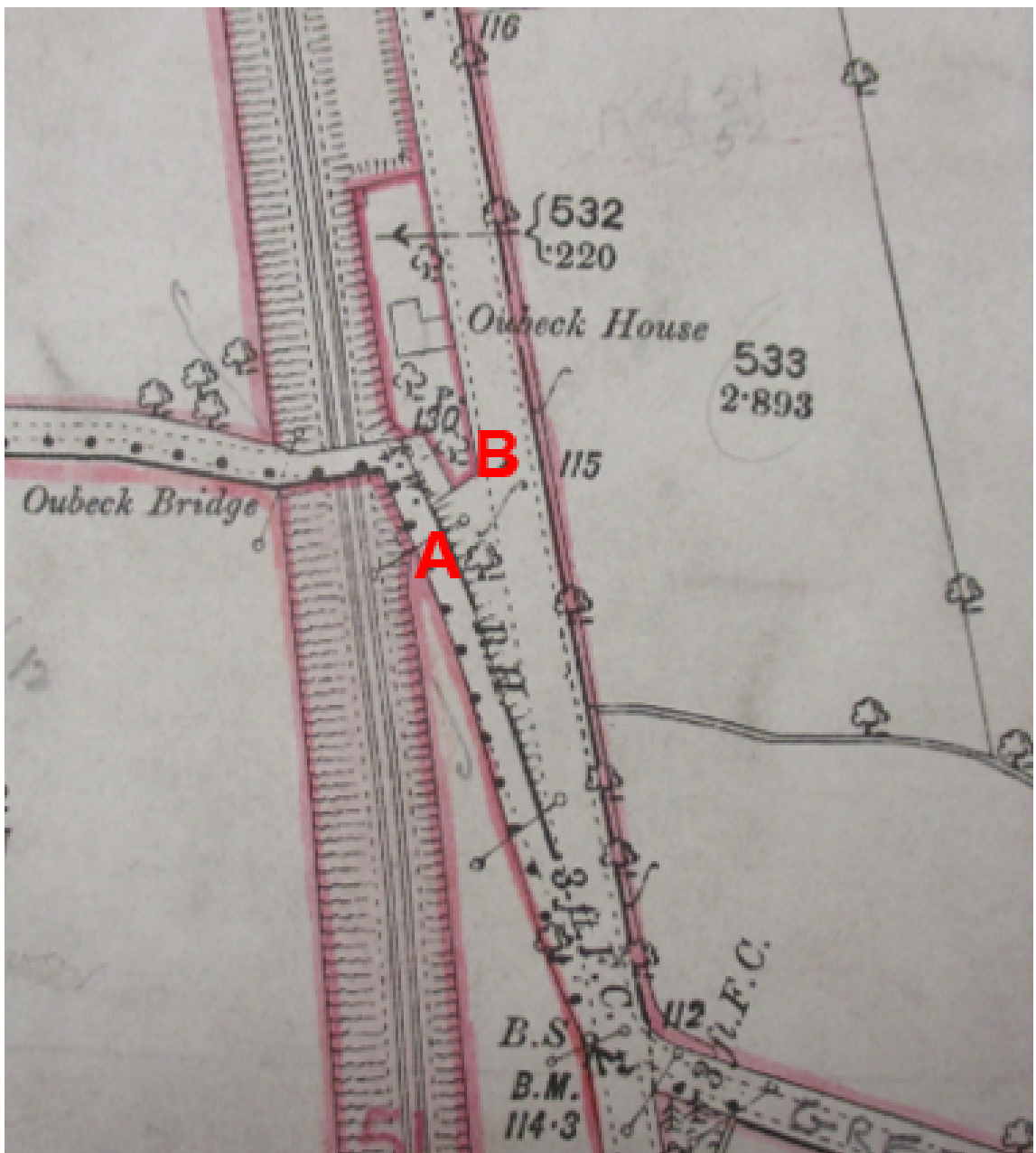


Observations		The route under investigation is not shown. The markings on the map between point A and point B indicates the existence of a steep slope from point A which separated the two parallel roads.
Investigating Officer's Comments		The route under investigation did not exist in 1895.
25 inch OS Map	1913	Further edition of the 25 inch map surveyed in 1890, revised in 1910 and published in 1913.



Observations		The route under investigation is not shown. The markings on the map indicate the existence of a steep slope from point A.
Investigating Officer's Comments		The route under investigation did not exist in 1913.
Finance Act 1910 Map	1910	<p>The comprehensive survey carried out for the Finance Act 1910, later repealed, was for the purposes of land valuation not recording public rights of way but can often provide very good evidence. Making a false claim for a deduction was an offence although a deduction did not have to be claimed so although there was a financial incentive a public right of way did not have to be admitted.</p> <p>Maps, valuation books and field books produced under the requirements of the 1910 Finance Act have been examined. The Act required all land in private ownership to be recorded so that it could be valued and the owner taxed on any incremental value if the land was subsequently sold. The maps show land divided into parcels on which tax was levied, and accompanying valuation books provide details of the value of each parcel of land, along with the name of the owner and tenant (where applicable).</p> <p>An owner of land could claim a reduction in tax if</p>

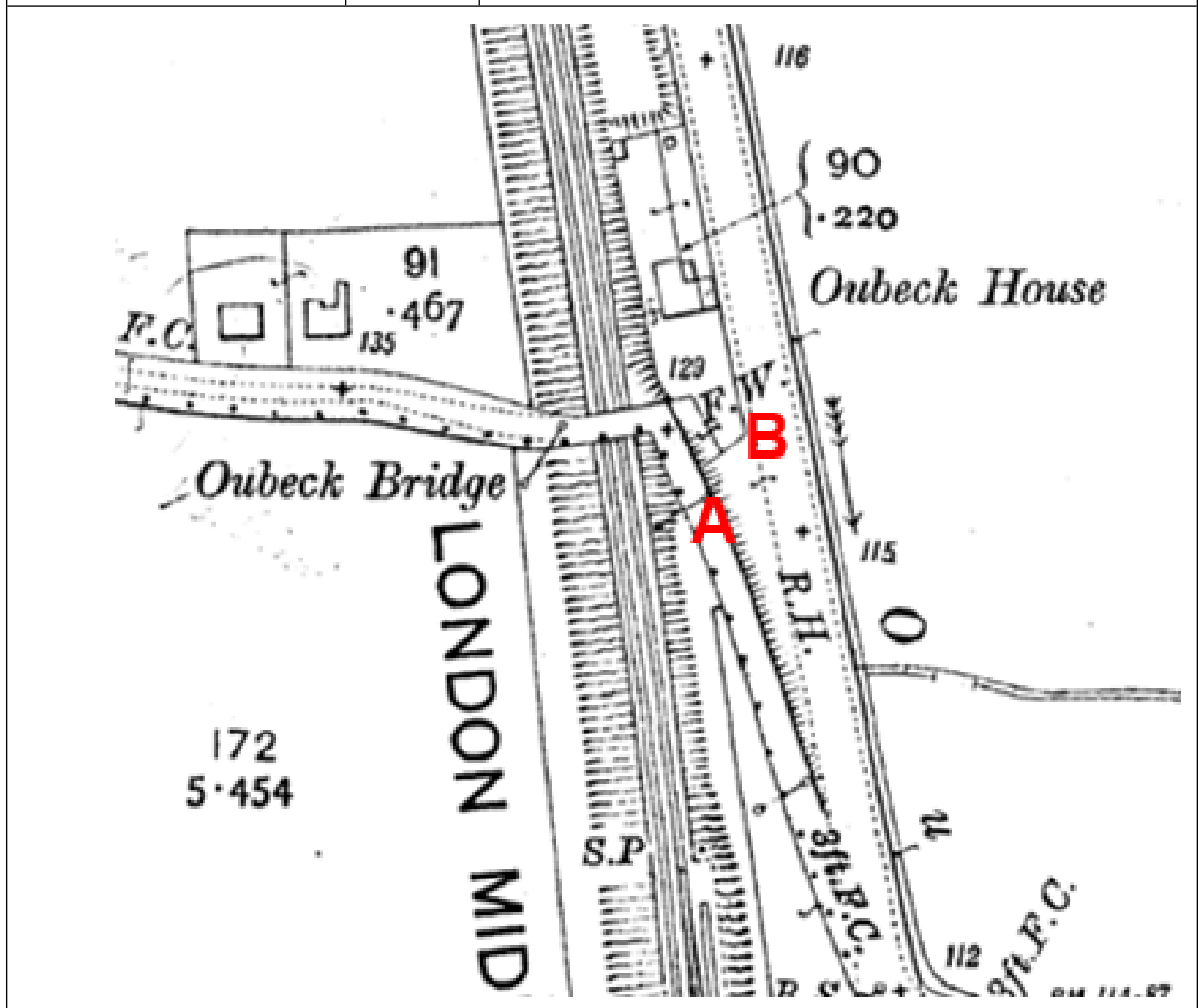
his land was crossed by a public right of way and this can be found in the relevant valuation book. However, the exact route of the right of way was not recorded in the book or on the accompanying map. Where only one path was shown by the Ordnance Survey through the landholding, it is likely that the path shown is the one referred to, but we cannot be certain. In the case where many paths are shown, it is not possible to know which path or paths the valuation book entry refers to. It should also be noted that if no reduction was claimed this does not necessarily mean that no right of way existed.



Observations

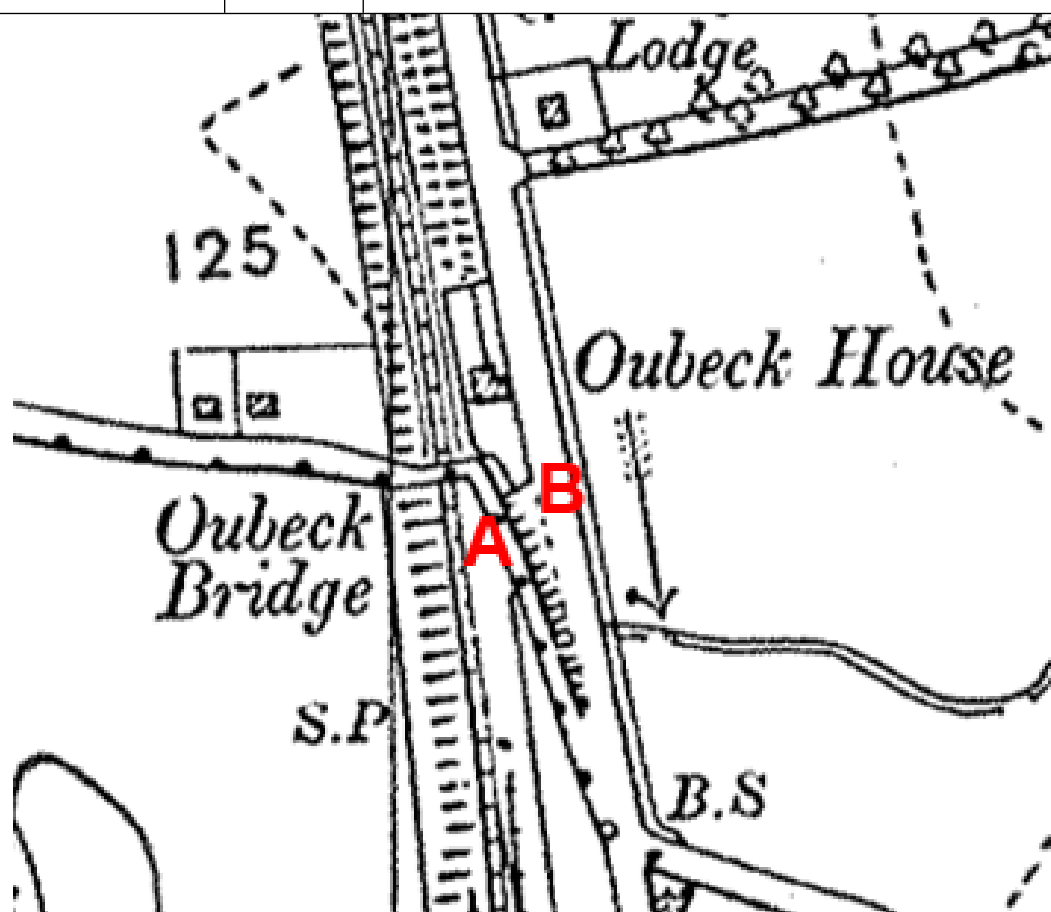
The Finance Act records held by the County

		Records Office have been inspected. The route under investigation is not shown on the Ordnance Survey 25 inch base map used to draw the Finance Act map. However, the area of land crossed by the route is shown to be included within the area of land that has been excluded from the numbered hereditaments as Scotforth Road and Five Ashes Lane.
Investigating Officer's Comments		The fact that a route is excluded from the numbered hereditaments is usually considered to be good evidence of, but not conclusive of, public carriageway rights. Scotforth Road and Five Ashes Lane are public vehicular roads which have both been excluded and the area of land between them – over which the route under investigation passes – may have been considered to be within the boundaries of the highway verge.
25 Inch OS Map	1932	Further edition of 25 inch map (surveyed 1890, revised in 1931 and published in 1932).



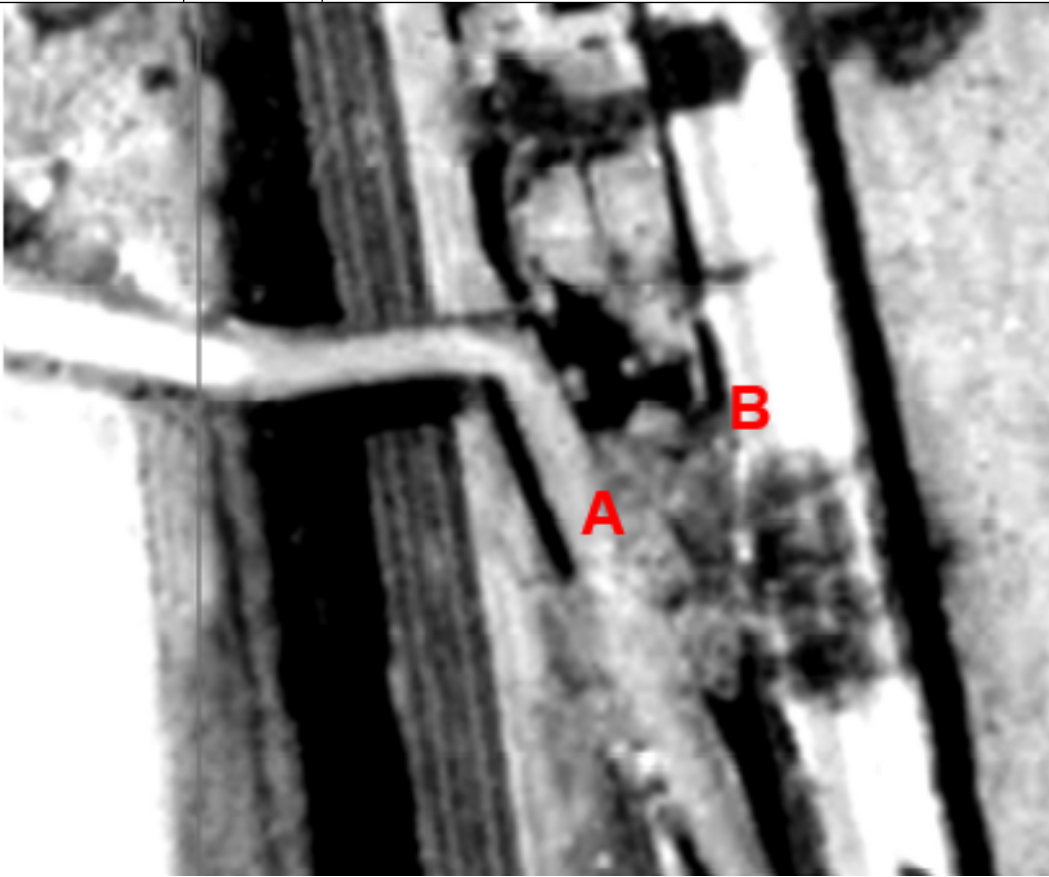
Observations		The route under investigation is not shown. A
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		steep slope is indicated to exist at point A.
Investigating Officer's Comments		The route under investigation did not exist in 1932.
Aerial Photograph²	1940s	The earliest set of aerial photographs available was taken just after the Second World War in the 1940s and can be viewed on GIS. The clarity is generally very variable.
Observations		No aerial photograph was available to view covering the area crossed by the route under investigation.
Investigating Officer's Comments		No inference can be drawn.
6 Inch OS Map	1955	The OS base map for the Definitive Map, First Review, was published in 1955 at a scale of 6 inches to 1 mile (1:10,560). This map was revised before 1930 and is probably based on the same survey as the 1930s 25-inch map.



Observations		The route under investigation is not shown. The
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² Aerial photographs can show the existence of paths and tracks, especially across open areas, and changes to buildings and field boundaries for example. Sometimes it is not possible to enlarge the photos and retain their clarity, and there can also be problems with trees and shadows obscuring relevant features.

		land crossed by the route is shown in the same way as it had been on earlier editions of the Ordnance Survey mapping.
Investigating Officer's Comments		The route under investigation did not exist when the Ordnance Survey carried out their survey in the 1930s.
1:2500 OS Map	C1970	Further edition of 25 inch map reconstituted from former county series and published as national grid series.
Observations		No map was available in the County Council or County Records Office records. An online copy was inspected and the route under investigation is not shown.
Investigating Officer's Comments		The route under investigation did not exist in the early 1970s.
Aerial photograph	1960s	The black and white aerial photograph taken in the 1960s and available to view on GIS.
		
Observations		The land between point A and point B appears to be vegetated and there is no worn track visible on the photograph.
Investigating Officer's Comments		The route under investigation did not appear to exist in the 1960s.
Aerial Photograph	1988	Aerial photograph available to view at Lancashire

		County Records Office and LCC Offices at Cuerden.
Observations		It was only possible to view a paper copy of the photograph which could not be enlarged successfully. The area between point A and point B appeared to be vegetated and no route could be seen to exist.
Investigating Officer's Comments		The route under investigation probably did not exist in the 1980s.
Aerial Photograph	2000	Aerial photograph available to view on GIS.
		
Observations		It is not possible to see a worn track between point A and point B but the vegetation appears less dense along the alignment of the route under investigation.
Investigating Officer's Comments		The route under investigation may have been accessible between point A and point B but if use was being made of the route it appears to very light as no worn track is visible.
Aerial Photograph	2006	Aerial photograph available to view on GIS.



Observations		It is not possible to see whether the route under investigation existed on the ground due to tree cover.
Investigating Officer's Comments		No inference can be drawn.
Definitive Map Records		<p>The National Parks and Access to the Countryside Act 1949 required the County Council to prepare a Definitive Map and Statement of Public Rights of Way.</p> <p>Records were searched in the Lancashire Records Office to find any correspondence concerning the preparation of the Definitive Map in the early 1950s.</p>
Parish Survey Map	1950-1952	<p>The initial survey of public rights of way was carried out by the parish council in those areas formerly comprising a rural district council area and by an urban district or municipal borough council in their respective areas. Following completion of the survey the maps and schedules were submitted to the County Council. In the case of municipal boroughs and urban districts the map and schedule produced, was used, without alteration, as the Draft Map and Statement. In the case of parish council survey maps, the information contained therein was reproduced by the County Council on maps covering the whole of a rural district council area. Survey cards, often containing considerable detail exist for most</p>

		parishes but not for unparished areas.
Observations		The parish survey map and cards were drawn up by Scotforth parish council. The route under investigation is not shown on the parish survey map or documented in the parish survey cards.
Draft Map		<p>The parish survey map and cards for Scotforth were handed to Lancashire County Council who then considered the information and prepared the Draft Map and Statement.</p> <p>The Draft Maps were given a “relevant date” (1st January 1953) and notice was published that the draft map for Lancashire had been prepared. The draft map was placed on deposit for a minimum period of 4 months on 1st January 1955 for the public, including landowners, to inspect them and report any omissions or other mistakes. Hearings were held into these objections, and recommendations made to accept or reject them on the evidence presented.</p>
Observations		The route under investigation was not shown on the Draft Map of Public Rights of Way and there were no objections to the omission of the path.
Provisional Map		Once all representations relating to the publication of the draft map were resolved, the amended Draft Map became the Provisional Map which was published in 1960, and was available for 28 days for inspection. At this stage, only landowners, lessees and tenants could apply for amendments to the map, but the public could not. Objections by this stage had to be made to the Crown Court.
Observations		The route under investigation was not shown on the Provisional Map and there were no formal objections or other comments about its omission.
The First Definitive Map and Statement		The Provisional Map, as amended, was published as the Definitive Map in 1962.
Observations		The route under investigation was not shown on the First Definitive Map and Statement.
Revised Definitive Map of Public Rights of Way (First Review)		Legislation required that the Definitive Map be reviewed, and legal changes such as diversion orders, extinguishment orders and creation orders be incorporated into a Definitive Map First Review. On 25 th April 1975 (except in small areas of the County) the Revised Definitive Map of Public Rights of Way (First Review) was published with a relevant date of 1 st September 1966. No

		further reviews of the Definitive Map have been carried out. However, since the coming into operation of the Wildlife and Countryside Act 1981, the Definitive Map has been subject to a continuous review process.
Observations		The route under investigation is not shown on the Revised Definitive Map and Statement of Public Rights of Way (First Review).
Investigating Officer's Comments		From 1953 through to 1966 there is no indication that the route was considered to be public by the Surveying Authority, Parish Council and public at large due to the extensive consultation process that lasted until 1975 when the Definitive Map of Public Rights of Way (First Review) was actually published.
Highway Adoption Records including maps derived from the '1929 Handover Maps'	1929 to present day	<p>In 1929 the responsibility for district highways passed from district and borough councils to the County Council. For the purposes of the transfer, public highway 'handover' maps were drawn up to identify all of the public highways within the county. These were based on existing Ordnance Survey maps and edited to mark public. However, they suffered from several flaws – most particularly, if a right of way was not surfaced it was often not recorded.</p> <p>A right of way marked on the map is good evidence but many public highways that existed both before and after the handover are not marked. In addition, the handover maps did not have the benefit of any sort of public consultation or scrutiny which may have picked up mistakes or omissions.</p> <p>The County Council is now required to maintain, under section 31 of the Highways Act 1980, an up to date List of Streets showing which 'streets' are maintained at the public's expense. Whether a road is maintainable at public expense or not does not determine whether it is a highway or not.</p>
Observations		The route under investigation is not recorded as being publicly maintainable in the records originally derived from the 1929 Handover Maps and now held by the County Council.
Investigating Officer's Comments		The fact that the route under investigation is not recorded as a publicly maintainable highway in the List of Streets does not mean that it is not a public right of way.
Statutory deposit and declaration		The owner of land may at any time deposit with the County Council a map and statement

<p>made under section 31(6) Highways Act 1980</p>		<p>indicating what (if any) ways over the land he admits to having been dedicated as highways. A statutory declaration may then be made by that landowner or by his successors in title within ten years from the date of the deposit (or within ten years from the date on which any previous declaration was last lodged) affording protection to a landowner against a claim being made for a public right of way on the basis of future use (always provided that there is no other evidence of an intention to dedicate a public right of way).</p> <p>Depositing a map, statement and declaration does not take away any rights which have already been established through past use. However, depositing the documents will immediately fix a point at which any unacknowledged rights are brought into question. The onus will then be on anyone claiming that a right of way exists to demonstrate that it has already been established. Under deemed statutory dedication the 20 year period would thus be counted back from the date of the declaration (or from any earlier act that effectively brought the status of the route into question).</p>
<p>Observations</p>		<p>No Highways Act 1980 Section 31(6) deposits have been lodged with the County Council for the area over which the application routes run.</p>
<p>Investigating Officer's Comments</p>		<p>There is no indication by a landowner under this provision of non-intention to dedicate public rights of way over their land.</p>

The affected land is not designated as access land under the Countryside and Rights of Way Act 2000 and is not registered common land.

Landownership

This route is unregistered.

Summary

None of the map or documentary evidence examined shows the route under existence existing as a worn track that was recorded on Ordnance Survey maps, other maps or plans or which showed up on aerial photographs from the 1800s to the current day.

Site evidence in 2015 did not indicate current use of the route as it was overgrown although it did appear that tree branches had been cut and deposited in the area crossed by the route which may have affected any use that had previously been made. It also appeared that cars were being parked on a regular basis in a layby

close to point A and that the route, if it did exist, would provide direct access onto Scotforth Road and a bus stop.

The Tithe Map dated 1841 and the 1910 Finance Act records both appear to show the land crossed by the route under investigation as possibly forming part of highway land between Scotforth Road and Five Ashes Lane. .

Legal and Democratic Services Observations

Information from the Applicant

The applicant has submitted 2 user forms in connection with the application, the evidence of these forms is set out below:

The users have known the route for the past 34 and 60 years, they have both used it on foot, 1 between the years of 1942-1962 and one between the years of 1978-2012.

The main places the users were going to and from include the bus stop, shops, university, chemist, laundrette and the library, one of the user used the route to get the bus to Galgate or to school. The route was used 5 times a week during school term time when the user was at school and the other user uses the route about 50 times a year.

The users have never used the route by any other means and one of the users has seen others using this route. Both the users agree it has always run along the same line and that there are no stiles / gates / fences along the route and have never been prevented access.

Both users have never worked for a landowner of which the route crosses nor have they ever been tenant, they have never been stopped when using the route or have ever heard of anyone else being stopped.

1 user agrees that they have never been told by anyone that the route they were taking was not a Public Right of Way and 1 user states "a belligerent bloke when I tried to approach him about the tree cuttings he was strewing over the path, did state that he owned the land".

Both users have never seen any signs when using the route and they have never asked permission to use the route.

After completing the user forms, users are asked to provide any further information they feel is relevant, this information is set out below:

- This route has been a short cut over years to save walking round a few hundred yards
- Blockage of the path would force people to walk along the A6 where there is no separate footway

Information from Others

Scotforth Parish Councillor Stuart Wilson states that as a child he used it as a shortcut to get the bus to school and believes that the piece of land belonged to the railway. He then states it is situated on a steep banking which can be very

dangerous to walk down as the bottom of it leads you straight onto the main A6 road. He then goes on to state that it is overgrown and to his knowledge only a handful of people use it on a regular basis, and can't see the benefit of making it a public right of way because of the reasons he has mentioned.

Information from adjoining Landowners

The owners of Outbeck Cottage have objected to this application stating that to their knowledge this has never been a public footpath, it is very steep and dangerous due to entering to the A road on a blind corner by the bridge. The footpath becomes very slippery when it rains therefore there is a health and safety risk, they also state that people appear to use this a garbage dump, sharp objects such as glass are noticeable.

Assessment of the Evidence

The Law - See Annex 'A'

In Support of the Claim

User forms

Against Accepting the Claim

Hennet's Map of Lancashire 1830
Tithe Map 1841
Finance Act 1910 Map

Conclusion

The claim is that the route A – B is an existing public footpath and should be recorded on the Definitive Map and Statement of Public Rights of Way.

Considering first of all whether highway rights could exist on the claimed route looking first at the history of the junction of Five Ashes and Scotforth Road. Hennet's Map of Lancashire published 1830 tells us that the junction was a T-junction at that time. On the Tithe Map 1841 a railway is part built and the claimed route sits within unnumbered land. The Tithe Map also shows the Five Ashes and Scotforth Road junction has been altered from the T-junction by the part construction of the railway with Five Ashes Lane being moved onto the Oubeck Bridge to allow for the provision for the continuation of the line of the railway on the ground. Without further investigation we cannot be sure of what the status of the land crossed by the claimed route to be but we do know that it will either run on existing vehicular highway of Five Ashes Lane (1) or Scotforth Road (2). A third possibility is that the unnumbered land crossed by the claimed route shown on the Tithe Map may have been stopped up (3) as a result of the railway company acquiring the land as part of moving the highway over Oubeck bridge. Without further investigation to identify the status of land crossed by the claimed route, it is necessary that all three possibilities are considered.

Where the line of the claimed route runs on the old vehicular highway of Scotforth Road (1) or on the railway company's repositioned vehicular highway of Five Ashes Lane (2), the claimed route A to B must be rejected for the land crossed by the claimed route is already a vehicular highway.

The third possibility is if the land crossed by the claimed route has been stopped up (3) and therefore rights on foot could have begun to build up. In this case, the Committee should consider, on balance, whether there is sufficient evidence from which to have its dedication inferred at common law from all the circumstances or for the criteria in section 31 Highways Act 1980 for a deemed dedication to be satisfied based on sufficient twenty years "as of right" use to have taken place ending with this use being called into question. It is noted that there are two user evidence forms that have been submitted and whilst it is accepted the evidence provided is cogent it is considered that the sufficiency test to show that the claimed route was used by 'the public' has not been satisfied. Further, the presumption of dedication in section 31 arises from the owner's acquiescence in the use claimed and it is doubtful whether there has been enough use for there to have been a continuous right to have been asserted. For this same reason, dedication cannot too be inferred at common law.

Taking all the evidence into account, the Committee on balance may consider that the provisions of s31 Highways and inferring dedication at common law cannot be satisfied.

Consideration has been given to the risk management implications associated with this claim. The Committee is advised that the decision taken must be based solely on the evidence contained within the report, and on the guidance contained both in the report and within Annex A included in the Agenda Papers. Provided any decision is taken strictly in accordance with the above then there is no significant risks associated with the decision making process.

Alternative options to be considered - N/A

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Directorate/Tel
All documents on File Ref: 804-524	Various	Megan Brindle, Legal and Democratic Services, 01772 535604

Reason for inclusion in Part II, if appropriate

N/A