

AT A MEETING of the REGULATORY COMMITTEE of HAMPSHIRE COUNTY  
COUNCIL held in the Council Chamber at The Castle, Winchester on  
Wednesday 22 October 2014

**PRESENT:**

Chairman:  
p Councillor R.C. McIntosh

Vice-Chairman:  
p Councillor G Hockley

Councillors:

|   |             |   |           |
|---|-------------|---|-----------|
| a | C Carter    | p | R Huxstep |
| p | C Choudhary | a | P Latham  |
| p | M Cooper    | p | F Pearce  |
| p | J Frankum   | p | R Price   |
| p | C Greenwood | p | T Rolt    |
| p | K House     | p | D Simpson |
| a | R Humby     | p | S Wheale  |
| p | A. Joy (d)  |   |           |

The Chairman announced that the press and members of the public were permitted to film and broadcast the meeting. Those remaining at the meeting were consenting to being filmed and recorded, and to the possible use of those images and recording for broadcasting purposes.

***The order of the agenda at this meeting was as follows:  
Items 1-6, 9, 8, 7 and 10-12***

**138. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Chairman, Councillor McIntosh (therefore, the Vice Chairman Councillor Hockley assumed chair), and Councillor F Pearce.

**139. DISCLOSURES OF INTEREST**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary Interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether

it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

#### **140. MINUTES**

It was noted that Cllr Pearce had given apologies for the previous meeting held on 17 September 2014. It was also confirmed that on Page 3 of the minutes – “undertake” should read “undertaken”. The minutes of the meeting held on 17 September 2014 were agreed as a correct record and signed by the Chairman.

#### **141. CHAIRMAN’S ANNOUNCEMENTS**

The Chairman confirmed that a Members tour had been arranged for Monday 3 November 2014 and that details on the itinerary would be sent to Members in due course.

#### **142. DEPUTATIONS**

The Committee was advised that no deputations had been received for this meeting.

#### **143. APPLICATION TO RECORD A FOOTPATH FROM BOUNDARY ROAD TO ST. PAUL’S CHURCH CAR PARK, IN THE PARISH OF BURSLEDON, ON THE DEFINITIVE MAP**

The Committee considered a report from the Director of Culture, Communities and Business Services (Item 6 in the minute book) regarding an application to record a footpath in the Parish of Bursledon.

The officer summarised the report explaining that a path over the strip of land had historically been used by residents for access to garages and no signs or other indications had been witnessed to suggest that people could not use the land. Only a small number of witness forms had been put forward, with no more forthcoming, leading officers to take the view that the type of volume of use was not sufficient to come to the notice of a reasonable landowner.. Therefore, it was concluded that the Section 31 and Common Law tests had not been met and that the application should be refused.

#### **RESOLVED:**

The application to record on the Definitive Map a public footpath from Boundary Road to St. Paul’s Church car park, in the Parish of Bursledon, was refused.

#### Voting:

Favour: 13

Opposed: 0

Abstain: 1 (*Cllr House arrived during the item and therefore did not vote*)

#### **144. APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO RECORD A PUBLIC FOOTPATH BETWEEN LATIMER STREET AND MARKET PLACE, ROMSEY**

The Committee considered a report from the Director of Culture, Communities and Business Services (Item 7 in the minute book) regarding an application for a definitive map modification order to record a public footpath in Romsey.

The path claimed runs around the premises of the White Horse Hotel in the centre of Romsey. The officer explained that the application had initially been supported by 15 users in 2005, but now had evidence forms from 50 witnesses. There was anecdotal evidence of annual closures during the 20-year period during which the public must demonstrate unchallenged use, but no corroborating evidence had been provided by the previous owners of the Hotel. Because of this, it was felt that the tests set out in section 31 of the Highways Act 1980 had been met. Alternatively, there was a period between 2001 and 2005 when there is no evidence at all of closures, where a common law dedication of public footpath rights on the route could have taken place. The recommendation was that the application be accepted. Councillor Cooper was aware of the views of the constituents and agreed that the application was a good idea.

**RESOLVED:**

It was agreed that a Definitive Map Modification Order be made to record a public footpath with a variable width of between 1.8 metres and 5 metres, as shown by green shading between points A – B on the Committee Plan.

Voting:

Favour: 14 (unanimous)

**145. MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 8 in the minute book), which provided Committee with an update on sites that had been monitored over the previous six months.

On page 3 of the report, it was confirmed that the waste on site at Rushmoor had been removed and now the rest of clearing was being managed by the local Authority.

It was noted that the Hollybush application was likely to return to Committee in the New Year, following an appeal.

**RESOLVED**

The report was noted by the Committee.

Voting:

Favour: 14 (unanimous)

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Councillor R McIntosh  
Chairman  
19 November 2014