



## General Purposes Committee

**Tuesday, 29 June 2010 at 7.00 pm**

Committee Room 3, Brent Town Hall, Forty Lane,  
Wembley, HA9 9HD

### Membership:

#### Members

Councillors:

John (Chair)  
Butt (Vice-Chair)  
Beswick  
Brown  
Lorber  
Matthews  
J Moher  
HB Patel  
Thomas  
Long

#### first alternates

Councillors:

McLennan  
Jones  
Arnold  
Beck  
Leaman  
Sneddon  
Chohan  
Colwill  
Van Kalwala  
Adeyeye

#### Second alternates

Councillors:

Mistry  
Kabir  
Mrs Bacchus  
Sneddon  
Castle  
Allie  
S Choudhary  
B M Patel  
Aden  
Al-Ebadi

**For further information contact:** Peter Goss, Democratic Services Manager  
020 8937 1353, [peter.goss@brent.gov.uk](mailto:peter.goss@brent.gov.uk)

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

[www.brent.gov.uk/committees](http://www.brent.gov.uk/committees)

**The press and public are welcome to attend this meeting**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

**Item** **Page**

**1 Declarations of personal and prejudicial interests**

Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

**2 Minutes of the previous meetings - 23 February 2010 and 26 May 2010** 1 - 8

**3 Matters arising (if any)**

**4 Deputations (if any)**

**5 2009/2010 Statement of Accounts** 9 - 12

It is a requirement under the Accounts and Audit Regulations for the Council's Annual Statement of Accounts to be approved by Committee. The accounts are in the process of being finalised and will be circulated before the Committee meeting. This report also presents the legal and accounting requirements for the Accounts.

*The full Statement of Accounts will follow*

**Wards Affected:** All Wards; **Contact Officer:** Duncan McLeod,  
Director of Finance and Corporate Resources

Tel: 020 8937 1424

duncan.mcleod@brent.gov.uk

**6 Barham Park Estate Public Path Diversion Order (No 1) 2010** 13 - 16

In order to allow the construction of the new development on the Barham Park Estate, it is necessary to divert Public Right of Way (PROW) 67. The draft Orders have been published and no objection have been received. The committee is now required to decide whether or not to make the order.

**Wards Affected:** All Wards; **Contact Officer:** Richard Saunders,  
Director of Environment and Culture

Tel: 020 8937 5002

richard.saunders@brent.gov.uk

## 7 Northwick Park - Diversion of Public Rights of Way

17 - 24

This report seeks to consider the representations received by the Council following the publication of the Public Path Diversion Order under the Highways Act 1980.

**Wards Affected:** All Wards; **Contact Officer:** Richard Saunders,  
Director of Environment and Culture

Tel: 020 8937 5002

richard.saunders@brent.gov.uk

## 8 Appointments to Sub-Committees / Outside Bodies (if any)

## 9 Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

## 10 Date of Next Meeting

The next scheduled meeting of the General Purposes Committee is Tuesday 25 January 2011. However, additional meetings of the Committee will be convened if business requires this.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
  - Toilets are available on the second floor.
  - Catering facilities can be found on the first floor near The Paul Daisley Hall.
  - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE GENERAL PURPOSES COMMITTEE Tuesday, 23 February 2010 at 6.00 pm

PRESENT: Councillor John (Chair), Councillor Blackman (Vice-Chair) and Councillors Bessong, Beswick, Butt, Dunwell, Lorber, Sneddon and Wharton

Apologies were received from: Councillors Colwill

#### 1. **Declarations of personal and prejudicial interests**

None.

#### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 26 January 2010 be approved as an accurate record of the meeting.

#### 3. **Matters arising**

None.

#### 4. **Polling places and stations - Elections 2010**

The Electoral Services Manager introduced a report which sought approval for polling places to be used in the forthcoming local elections due to be held on 6 May 2010 and also the parliamentary elections which needed to take place before 4 June 2010. In addition to responding to suggestions made at the November meeting, the report proposed changes in the light of changes to premises since that time. The Electoral Services Manager advised that it had not proved possible to reach an agreement with Transport for London to locate a temporary hut in the bays outside Northwick Park Station for polling district NNP1. It was now proposed to position the hut in nearby Northwick Avenue, which was not on a bus route, and so previously experienced traffic delays while positioning the hut should be avoided.

Members noted that voters from polling districts NFR6 and CWH2 would be voting at Fryent Primary School as alternatives proposed at the November meeting, on investigation, were found to be unsuitable. Members reminded of the need for clear signage to direct voters for the two constituencies. The Electoral Services Manager confirmed that electors voting at the polling stations affected by changes would be notified by letter.

## 5. **Returning Officer Indemnity**

The report from the Interim Borough Solicitor drew members' attention to the potential liability of the Chief Executive, in his capacities as Registration Officer and Returning Officer in relation to local, London, Parliamentary and European elections, for significant costs incurred in proceedings arising from his conduct of those posts and recommended appropriate action.

RESOLVED:-

- (i) that the authority provide an indemnity to cover the legal costs of the Chief Executive in his capacity as Registration Officer and Returning Officer in any proceedings arising from the conduct of these posts, to the extent that liability falls upon him either:
  - (a) because the scope of the authority's own insurance does not extend to cover such liability; or
  - (b) to the extent that such liability falls within the deductible applying to the authority's own insurance;
- (ii) that for this purpose the authority approve the Indemnity Resolution set out in Appendix 1 to the report from the Borough Solicitor;
- (iii) that the decision as to whether to insure any potential liability arising out of the Indemnity Resolution should rest with the Chief Finance Officer.

*(In accordance with standing orders Councillor Dunwell asked that his abstention from the above decision be recorded).*

## 6. **Managing Change Policy and Procedure**

The Assistant Director, Human Resources, introduced the managing change policy and procedure which set out the rationale for the revisions and principal changes proposed. She referred to the key principles that underlay the approach and that the intention was for organisational change to be seen as a normal part of local authority improvement and efficiency activity. Staff redundancies would be kept to a minimum where practical and the focus would be on transferable skills and strengthening redeployment procedures. The Assistant Director referred to the importance of keeping staff informed and for any processes to be seen to be fair. She then outlined the processes for assimilation, ring-fencing and skill matching to achieve skills continuity where possible which had been revised to encourage flexibility. Legal advice had taken place to ensure compliance with statutory requirements and consultation had also taken place with the trade unions.

In discussion, the Assistant Director clarified that every effort would be made to match potentially redundant employees to new jobs and help them adapt to their new roles. She also assured that managers already took into consideration the cost effectiveness of retraining and this would continue under the new change management regime. Members also questioned the arrangements for appeal and were advised that decisions would be reviewed by a senior manager unrelated to the post, to ensure objective oversight.

RESOLVED:-

- (i) that approval be give to the content of the new Managing Change Policy and Procedure;
- (ii) that training and development initiatives be put in place by the Corporate Learning and Development Team, to equip managers and HR personnel for their new roles under the new policy and procedure;
- (iii) that the Assistant Director, Human Resources, be authorised to determine the effective date at which the new Managing Change Policy and Procedure was implemented across the Council, such as to ensure by that date the above mentioned training and development initiatives have been put in place to ensure effective implementation;
- (iv) that the Assistant Director, Human Resources, be authorised, after consultation with the Borough Solicitor and then consultation with the relevant trade unions, to amend the Managing Change Policy and Procedure from time to time.

**7. Appointments to Sub-Committees / Outside Bodies**

None.

**8. Any Other Urgent Business**

None.

The meeting closed at 6.35 pm

A JOHN  
Chair

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# LONDON BOROUGH OF BRENT

## MINUTES OF THE GENERAL PURPOSES COMMITTEE Wednesday, 26 May 2010 at 7.46 pm

PRESENT: Councillor John (Chair), Councillors Beswick, D Brown, Butt, Long, Lorber, J Moher, HB Patel and Thomas

Apologies were received from: Councillor Matthews

### 1. **Declarations of personal and prejudicial interests**

None declared.

### 2. **Political balance - review of size and representation of political groups on sub - committees and appointment of Chairs, Vice Chairs and members**

The meeting of Council on 26 May 2010 reviewed the representation of political groups on main committees. As soon as practicable after such a review, those committees are required to conduct a review of the representation of political groups on any sub-committees they may have.

RESOLVED:-

- (i) that the size of the General Purposes Committee's sub-committees and the allocation of seats on each sub-committee be agreed in accordance with the advice set out in the report submitted from the Borough Solicitor;
- (ii) that Chairs, Vice-Chairs, Members and alternates be appointed to each sub-committee for the municipal year 2010/11 as follows:

#### **BRENT PENSION FUND SUB-COMMITTEE**

**(4/2/1)**

<b>BACCHUS</b>	A Choudry	Daly
<b>S CHOUDHARY (C)</b>	Denselow	Gladbaum
<b>CRANE</b>	Harrison	Hector
<b>MITCHELL MURRAY</b>	Hirani	Hossain
<b>HASHMI</b>	Vacant	Vacant
<b>BROWN</b>	Vacant	Vacant
<b>BM PATEL</b>	HB Patel	Baker

**NON-VOTING CO-OPTEEES:**

*Ashok Patel  
George Fraser*

**GENERAL PURPOSES LICENSING SUB-COMMITTEE**

(1/1/1)

<b>LONG (C)</b>	Beswick	Butt
<b>SNEDDON</b>	Clues	Shaw
<b>STEEL</b>	HM Patel	Colwill

**SCHOOLS DISCIPLINARY SUB-COMMITTEE**

(3/1/1)

<b>ARNOLD</b>	Jones	Kabir
<b>DALY (VC)</b>	Long	Mashari
<b>HARRISON (C)</b>	Crane	John
<b>VACANT</b>	Vacant	Vacant
<b>HM PATEL</b>	BM Patel	Steel

**SENIOR STAFF APPOINTMENTS SUB-COMMITTEE**

(3/1/1)

<b>BUTT (VC)</b>	Crane	Powney
<b>JOHN (C)</b>	Beswick	R Moher
<b>JONES</b>	Arnold	J Moher
<b>LEAMAN</b>	Lorber	Brown
<b>COLWILL</b>	BM Patel	HB Patel

**STAFF APPEALS SUB-COMMITTEE (A)**

(3/1/1)

<b>A CHOUDRY</b>	J Moher	Moloney
<b>MISTRY (VC)</b>	R Moher	Naheerathan
<b>SHETH (C)</b>	McLennan	Mitchell Murray
<b>CASTLE</b>	Vacant	Vacant
<b>BM PATEL</b>	Colwill	Baker

**STAFF APPEALS SUB-COMMITTEE (B)**

(3/1/1)

<b>HECTOR</b>	Sheth	Thomas
<b>LONG (VC)</b>	RS Patel	Powney
<b>MCLENNAN (C)</b>	Ogunro	Oladapo
<b>CASTLE</b>	Vacant	Vacant
<b>HM PATEL</b>	BM Patel	Colwill

(iii) that the following appointments be made for the municipal year 2010/11:

**EMPLOYEES' JOINT CONSULTATIVE COMMITTEE****(5/2/1)**

<b>LONG</b>	Beswick	Butt
<b>MITCHELL MURRAY</b>	Bacchus	Beckman
<b>J MOHER</b>	Van Kalwala	Kataria
<b>R MOHER</b>	Al-Ebadi	Arnold
<b>MOLONEY</b>	Aden	Adeyeye
<b>HUNTER</b>	Vacant	Vacant
<b>SNEDDON</b>	Vacant	Vacant
<b>COLWILL</b>	HB Patel	Steel

**TEACHERS' JOINT CONSULTATIVE COMMITTEE****(5/2/1)**

<b>AL-EBADI</b>	Hector	Hirani
<b>ARNOLD (C)</b>	S Choudhary	A Choudry
<b>CHOHAN</b>	John	Jones
<b>HARRISON</b>	Crane	Daly
<b>HOSSAIN</b>	Denselow	Gladbaum
<b>HUNTER</b>	Vacant	Vacant
<b>SNEDDON</b>	Vacant	Vacant
<b>HM PATEL</b>	Baker	Colwill


**3. Any Other Urgent Business**

None.

The meeting closed at 7.47 pm

A JOHN  
Chair

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	<p style="text-align: center;"><b>General Purposes Committee</b> <b>29 June 2010</b></p> <p style="text-align: center;"><b>Report from the Director of Finance and Corporate Resources</b></p>
<p>For Action <span style="float: right;">Wards Affected: All</span></p>	
<p><b>2009/10 Statement of Accounts</b></p>	

## 1. SUMMARY

It is a requirement under the Accounts and Audit Regulations for the Council's Annual Statement of Accounts to be approved by Committee. The accounts are in the process of being finalised and will be circulated before the Committee meeting. This report also presents the legal and accounting requirements for the Accounts.

## 2. RECOMMENDATIONS

- 2.1 The Committee approves the 2009/10 Statement of Accounts and agrees to forward them to the Audit Commission for audit.
- 2.2 The Chair of the Committee signs the Statement of Accounts.

## 3. DETAIL

- 3.1 Brent's 2009/10 accounts are in the process of being finalised and will be circulated before the Committee meets on 29<sup>th</sup> June. A further report giving more detailed explanations about the accounts will also be circulated. In accordance with the 2003 Accounts and Audit Regulations the accounts have to be approved by Committee no later than 30<sup>th</sup> June. (The Brent Constitution makes it the responsibility of the General Purposes Committee to approve the accounts). After committee approval, the accounts will be forwarded to our external auditors, the Audit Commission. They will then be able to formally commence the 2009/10 audit. During the course of the audit, it is possible that the Audit Commission may require amendments to be made to the accounts in the light of further information. The legislation requires that a further report must be submitted to the approving Committee if there are any material amendments to the accounts arising from the audit. The accounts will also be subject to review by the Audit Committee to consider whether appropriate accounting policies have been followed and whether there are

concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council. The Audit Committee will also receive the external auditor's report on issues arising from the audit of the accounts. The approval process is, however, the responsibility of the General Purposes Committee.

3.2 The Accounts have been prepared according to the Code of Practice on Local Authority Accounting in the United Kingdom. This specifies the principles and practices of accounting required to prepare a Statement of Accounts that is intended to '*present fairly*' the financial position and transactions of the authority.

3.4 The process for the compiling the council's accounts for 2009/10 has been challenging due to:

- The additional workloads involved in complying with new accounting requirements under International Financial Reporting Standards (IFRS)
- New accounting treatment to be applied to the collection fund accounts
- Additional disclosures relating to senior employees' remuneration
- The implementation of the oracle financial system across the council for April 2010

3.3 The 2009/10 accounts include the following elements:

- The *explanatory foreword* which is intended to offer a more easily understandable guide to the most significant matters reported in the accounts. Brent's General Fund outturn revenue expenditure is shown in the accounts by service and compared with the budget for 2009/10. Explanations are provided for major variances. There is also information on significant capital expenditure and funding sources. There is further information on borrowing, the Housing Revenue Account (HRA) and changes from last year's accounts.
- The *Annual Governance Statement* includes a review of the effectiveness of the system of internal control. This is being considered by the Audit Committee on 15<sup>th</sup> June prior to inclusion in the Accounts.
- The *Statement of Accounting Policies* describes the general policies adopted in preparing the accounts for recognition, measurement and disclosure of transactions and other events in the accounts.

#### Core Financial Statements

- The *Income and Expenditure Account (I&E Account)* shows the costs of all Brent's functions. It shows how the costs have been financed from general government grants and income from local taxpayers. The account is in 3 sections. The first section shows the net cost of Brent's services. The second section comprises income and expenditure relating to the authority as a whole (net operating expenditure). The third section shows income from local taxation and general government grants.

- *Statement of Movement on the General Fund Balance (SMGFB)* reconciles the deficit for the year shown in the I&E Account to the change in General Fund balances. The reconciling items shown in the SMGFB are detailed in a further statement. They include transfers to or from earmarked reserves and adjustments to ensure that only actual capital financing costs are charged to council taxpayers (rather than the costs for the depreciation of fixed assets which are charged to services in the I&E Account). This ensures that amounts determined by statute are reflected in Brent's budget requirement and hence charged to council taxpayers.
- *Statement of Total Recognised Gains and Losses (STRGL)* brings together all Brent's gains and losses for the year. This shows the increase or decrease in net worth and agrees to the Balance sheet.
- The *Balance Sheet* shows the Council's fixed and current assets. Current and longer term liabilities are subtracted from assets to give the figure for total assets less liabilities. The other side of the balance sheet shows reserves and balances including the General Fund balance carried forward from the SMGFB.
- The *Cash Flow Statement* summarises inflows and outflows of cash arising from transactions with third parties for revenue and capital purposes. The increase or decrease in cash reflects the difference between the figures in the balance sheet at the start and end of the year.

#### Supplementary Financial Statements

- The *Housing Revenue Account (HRA)* reflects the statutory obligation to account separately for local authority housing provision. This is split into 2 statements – the HRA Income and Expenditure Account and the Statement of Movement on the HRA Balance. They show the major elements of expenditure – repairs and maintenance, supervision and management and depreciation and impairment of fixed assets – and how these are met by rents and subsidy. All income and expenditure in the HRA is ring-fenced which means it cannot be subsidised by – or subsidise - council tax.
- The *Collection Fund* is statutorily required to show transactions in relation to non-domestic rates and council tax. Income from these sources is shown as well as its distribution including to the General Fund.

#### Group Accounts

- The Group Accounts consolidate Brent's accounts with the accounts of Brent Housing Partnership (BHP) which is a subsidiary and manages housing properties on behalf of the Council. Transactions and balances between Brent and BHP are internal to the group so are excluded.

## Pension Fund Accounts

- The Pension Fund Accounts set out the transactions and net assets of the scheme administered by the Council on behalf of employers and members within the local government pension scheme.

### **4. COMMITTEE APPROVAL AND SIGNATURE**

- 4.1 One of the requirements of the 2003 Accounts and Audit Regulations is that the accounts have to be signed and dated by the Chair of the Committee approving the accounts. This shows that the accounts have been approved and adopted on behalf of the Council.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 This report wholly relates to the Borough's finances.

### **6. LEGAL IMPLICATIONS**

- 6.1 Legal requirements in relation to the approval and publication of accounts are set out in the 2003 Accounts and Audit Regulations. The requirements are covered in the report.

### **7. DIVERSITY IMPLICATIONS**

- 7.1 This report has been subject to screening and officers believe that there are no diversity implications.

### **8. STAFFING IMPLICATIONS**

- 8.1 There are no specific staffing implications.

### **9. BACKGROUND INFORMATION**

Code of Practice on Local Authority Accounting in the United Kingdom 2009.


Accounts and Audit Regulations 2003.

### **10. CONTACT OFFICERS**

Any person wishing to inspect these documents should contact Max Gray, Finance Manager, Room 115, Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD, Tel. 020 8937 1464.

**DUNCAN McLEOD**  
**Director of Finance and Corporate Resources**



 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and two lions, surrounded by the words 'BRENT COUNCIL' in a circular arrangement.</p>	<p><b>General Purposes Committee</b> 29 June 2010</p> <p><b>Report from the Director of Environment and Culture</b></p>
For Action	Wards Affected: ALL
<b>Barham Park Estate Public Path Diversion Order (No 1) 2010</b>	

## 1.0 Summary

- 1.1 In order to allow the construction of the new development on the Barham Park Estate, it is necessary to divert Public Right of Way (PROW) 67.
- 1.2 The draft Orders have been published and no objection have been received.
- 1.3 The committee is now required to decide whether or not to make the order.

## 2.0 Recommendations

- 2.1 That this committee notes that no objections have been received to the draft order.
- 2.2 That this committee agrees to the diversion of PROW 67 under S 247 of the Town and Country Planning Act 1990 as shown in the attached addendum.
- 2.3 The committee authorizes the corresponding changes to the Definitive Map and Statement.

## 3.0 Detail

- 3.1 The Planning Committee at its meeting on 3<sup>rd</sup> February 2010 approved Planning Application No 09/2350 for the redevelopment of the Barham Park Estate for housing subject to the completion of a S106 Agreement.
- 3.2 Planning Permission was granted on 23<sup>rd</sup> March 2010.
- 3.3 In order to implement this development, it is necessary to divert PROW 67 as illustrated in the addendum.

3.4 A Draft Order for this diversion was published on 15<sup>th</sup> April and no objections were received.

#### **4.0 Financial Implications**

4.1 The costs of this process are being paid by the developers.

#### **5.0 Legal Implications**

5.1 Planning permission for development does not authorise interference with any Rights of Way across the development site. If a Right of Way requires a permanent diversion this has to be done by an Order under the Town and Country Planning Act 1990 made by the Council.

5.2 Before making an Order to divert a footpath the Council has to be satisfied that it is necessary to do so in order to enable the development to be carried out.

5.3 Just because planning permission has been granted for development which can't be carried out unless a Right of Way is diverted it doesn't follow that the Council has to make an Order. There is a degree of discretion which allows the potential impact on users to be taken into account.

5.4 The Council is required to advertise that it proposes to make an Order. If no objections are received the Council then decides whether or not to make the Order. If an Order is made the Council then has to publish notice of the making of the Order.

#### **6.0 Diversity Implications**

6.1 None

#### **7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 None

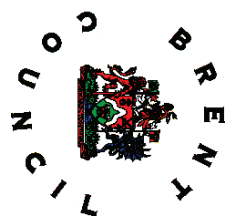
#### **Background Papers**

None

#### **Contact Officers**

Paul Williams, Transportation ext 5043

Richard Saunders  
Director of Environment & Culture



Transportation Service Unit

## Appendix 1

**Key:**

Existing Right of Way to remain.

Proposed Route of Right of Way diversion. (127m)

Right of Way to be Extinguished. (61m)

Termination Points.

**Note:**

The proposed Right of Way diversion route footpath will be no less than 2 metres wide.

**Barham Park Estate  
Regeneration**

Drawing Title

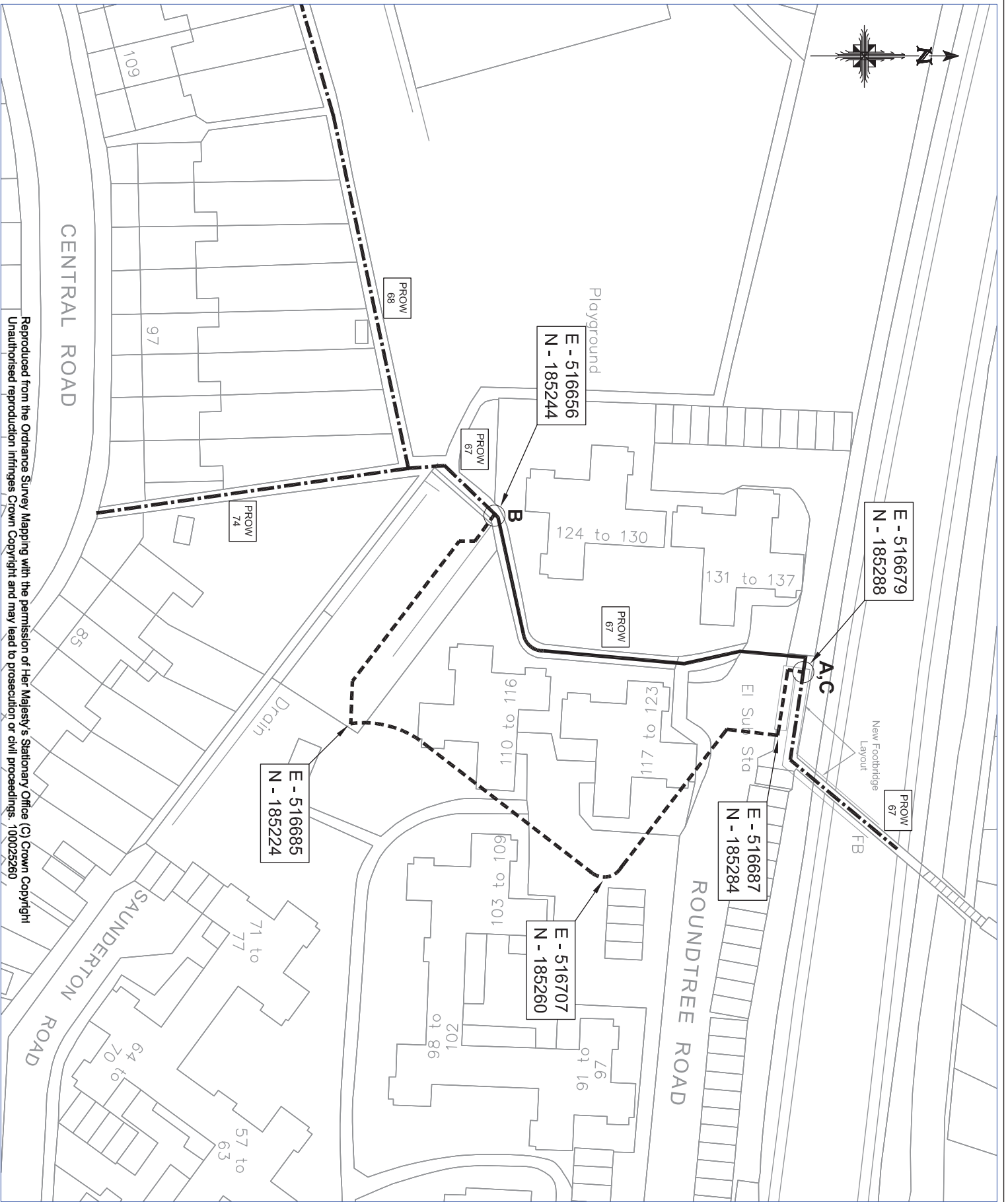
**Public Right of Way  
Proposed Diversion**

Project Assistant: P.W. Drawn: C.V.


Date: Scale: 1:500

Job No. T5U/BPE/PROW Dig. No. 1A

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	<p><b>General Purposes Committee</b> 29 June 2010</p> <p><b>Report from the Director of Environment and Culture</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p><b>Northwick Park – Diversion of Public Rights of Way</b></p>	

## 1.0 Summary

- 1.1 This report seeks to consider the representations received by the Council following the publication of the Public Path Diversion Order under the Highways Act 1980.

## 2.0 Recommendations

- 2.1 The published order be withdrawn.
- 2.2 A new order is made under the Highways Act 1980 to extinguish part of PROWs 34 & 37 as shown on the attached plan and correcting the defects in the current order.

## 3.0 Detail

- 3.1 The Council as owner of the land at Northwick Park, Watford Road Harrow, granted a lease in April 2002 to Playgolf (Northwick Park) Limited to redevelop the site by constructing a golf driving range, 6 hole golf course and ancillary leisure buildings and facilities. Planning permission for the development was granted in May 2001.
- 3.2 Three sections of public rights of way (PROW) lie within the golf facility area. These are PROW's 34, 36 and PROW 37. PROW 36 is located west-east across the northern edge of the golf facility i.e. parallel to the southern edge of the grounds of Northwick Park Hospital. The Council considered that the golf facility could proceed without closing PROW36 as it would not interfere with the continued use of that footpath. PROW37 is on an approximately north-south route across Northwick Park and part of it runs across the driving range where it becomes PROW 34. It was agreed following a request from Playgolf which was considered by the General Purposes Committee in July 2005 that the part running across the driving range should be diverted as there was a

danger that members of the public could be struck by golf balls fired from the driving range.

- 3.3 A Public Path Diversion Order ('the Order') was made on 4 October 2005. There were a number of objections and a hearing by an Inspector appointed by the Secretary of State was held on 21 November 2006. However the Secretary of State for Communities and Local Government's Inspector declined to confirm the order for, among other reasons, public safety concerns about the golf course. It followed that the new route would have been, in her view, substantially less convenient for the public and that the diversion would have a significantly detrimental effect on the enjoyment by the public of the route as a whole.
- 3.4. Following a resolution of the General Purposes Committee on 27 September 2007, a new Order was made by the Council in 2008. There have been numerous objections to the Order and it is likely to be opposed at any Public Inquiry into the confirmation of the Order.
- 3.5. Some of the objections concern technical defects with the Order as drafted. Firstly, the Order does not contain grid references to identify the path concerned, a matter which, although not a statutory requirement, has been a requirement of government guidance and has been raised by the Open Spaces Society. Secondly, the Defra guidance in Circular 1/09 recommends that the plan attached to a diversion order should be an OS map, and it is a statutory requirement that the scale is at least 1:2500 (this is disputed as the scale was 1:1250). The current map appears to be at a smaller scale than is required. Thirdly, the Order does not provide that the Order should only take effect once the Council has certified that the works required to bring it into a fit condition for use by the public (as required by s119(3) Highways Act 1980). Fourthly, the map fails to show the part of footpath 34 that is being diverted.
- 3.6. The position with these types of minor defects is that the Secretary of State may, on confirming the Order, make amendments to ensure that the final Order is clear and compliant with the statutory scheme. However, it is possible that the Planning Inspectorate (which handles the matter for the Secretary of State) will simply reject the Order as defective. The defects taken alone are minor, but a series of minor defects may be enough for the Inspectorate to reject the Order.
- 3.7 The other objections in the main concern the following issues
  - (a) it is not expedient in the interests of the public (i.e. no positive benefit to the public)
  - (b) the diversion is substantially less convenient to the public (i.e. longer and less direct)
  - (c) the proposed termination point is not substantially as convenient as the existing termination point (i.e. further from the direction of travel, could become overgrown with vegetation because the route will be fenced in)

- (d) it will have an adverse effect on public enjoyment of the path as a whole (i.e. the path as a whole is a direct one and the diversion loses that sense of purpose). Another objector commented that if people used the footpath for recreational use there was no problem but if the footpath was used as a through route connecting North Wembley with Northwick Park hospital and central Harrow the additional distance becomes significant.
- (e) people will be no safer on the proposed diverted route
- (f) the diverted route is more dangerous and intimidating passing through several secluded and blind areas.
- (g) the diverted route is not as accessible to the elderly or infirm

Copies of the letters of objection and the original draft order are attached as an appendix to this report.

- 3.8 The Committee is now required to consider the objections. It has three options
  - (a) Refer the current Order to the Secretary of State for confirmation;
  - (b) Withdraw the current Order and make a new order in the same or similar terms, but correcting the technicalities raised in the letters of objection;
  - (c) Take no further action in respect of the footpath
- 3.9 If the Order is referred to the Secretary of State in its present form this will bring the matter to a head and speed up the process of having the Order confirmed. However having regard to the number of technical errors when seen cumulatively there is a substantial risk the Order will not be confirmed and the matter will not have moved forward.
- 3.10 If the current Order is withdrawn and a new Order made correcting the technicalities raised in the letters of objection then there would be a better prospect of the Order being confirmed. Risk will be reduced very significantly. However this will inevitably cause delay in the matter being settled.
- 3.11 Having considered the objections the Council has a discretion as to whether or not to submit the Order to the Secretary of State
- 3.12 In deciding whether to proceed with the Order the Committee needs to be satisfied
  - (a) as to whether it is expedient in the interests of the landowner, lessee or occupier or in the interests of the public that the Order shall be made and;
  - (b) that the footpath would not be substantially less convenient to the public in consequence of the diversion and it is expedient to pursue the Order having regard to the effect which

- (i) the diversion would have on the enjoyment of the footpath as a whole
- (ii) the coming into operation of the Order would have as regards other land served by the existing footpath and;
- (iii) any new public right of way would have as regards the land over which the right is so created and any land held with it

3.13 It is considered confirmation of the Order is expedient in the interests of the landowner and lessee in order to allow the facility to continue without endangering the safety of the users of the footpath by being struck by golf balls. It is also considered expedient in the interests of the public for the same reason as the existing path passes through the golf driving range. The chances of a walker being struck by a golf ball on a driving range are greater because on a driving range a number of players of varying ability simultaneously hit golf balls, whereas on a fairway a single player alone hits a ball at any given time. The diverted path will cross only one of the fairways and it will not bisect the driving range. It is not uncommon for public rights of way to intersect golfing links and courses in this way. Safety concerns can readily be overcome by the provision of signage and warning notices.

3.14 It is considered that the diverted path would not be significantly less convenient than the existing path. The diverted path is not substantially longer than the existing path and it is the same width. The diversion would not detrimentally affect the public enjoyment of the path as a whole, which would remain in amenity terms of broadly the same value as the existing alignment.

3.15 With regard to paragraph 3.12(b)(ii) and (iii) above there are no issues for the Committee to consider.

3.16 In conclusion the officers are of the opinion that having regard to the issues set out above that the present Order should be withdrawn and a new Order made in the same or similar terms.

#### **4.0 Financial Implications**

4.1 The costs of the diversion order are being met by the operators of the golf facility.

#### **5.0 Legal Implications**

5.1 Legal Services were involved in the drafting of this report.

#### **6.0 Diversity Implications**

6.1 An Equality Impact Assessment will need to be carried out to ensure that the diverted route will be accessible for people with disabilities.



**7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 None

**Background Papers**

The objection letters are available for inspection.

Report to General Purposes Committee July 2005

Report to General Purposes Committee Sept 2007

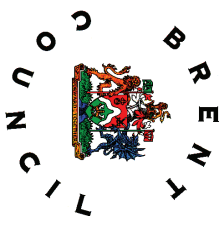
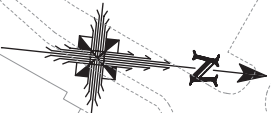
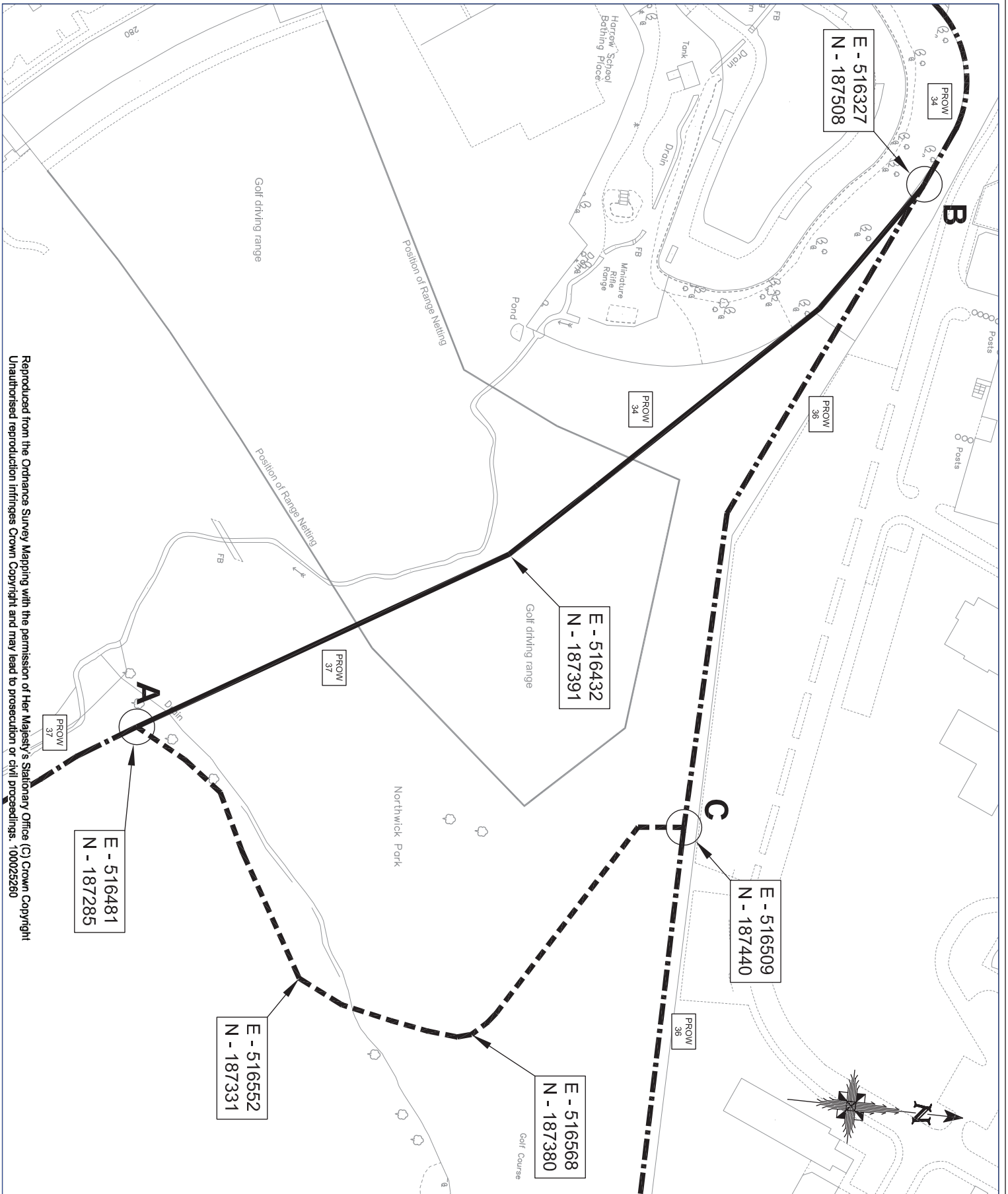
**Contact Officers**

Paul Williams Transportation ext 5043

Richard Saunders  
Director of Environment & Culture

Appendix 1 – O. S. Plan of Diversion

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Transportation Service Unit

## Appendix 1

**Key:**

Existing Right of Way to remain.

Proposed Route of Right of Way diversion. (228m)

Right of Way to be Extinguished. (273m)

Termination Points.

Project  
**Playgolf Northwick Park**

Drawing Title  
**Public Right of Way Proposed Diversion**

Project Assistant <b>P.W.</b>	Drawn <b>C.V.</b>
Date	Scale <b>1:1000</b>
Job No. <b>TSU/NWP/K/PROW</b>	Dwg. No. <b>1A</b>

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