

# Public Document Pack



Monitoring Officer  
**Christopher Potter**

County Hall, Newport, Isle of Wight PO30 1UD  
Telephone (01983) 821000

## Agenda

Name of meeting	<b>APPEALS SUB COMMITTEE</b>
Date	<b>THURSDAY 6 JANUARY 2022</b>
Time	<b>2.00 PM</b>
Venue	<b>CONFERENCE ROOM 5, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Committee Members	Cllrs G Brodie (Vice-Chair, in the Chair), R Downer and M Oliver Democratic Services Officer: Megan Tuckwell democratic.services@iow.gov.uk

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1. **Minutes** (Pages 5 - 6)

To confirm as a true record the Minutes of the meeting held on 30 November 2021.

2. **Exclusion of the Public and Press**

To consider passing a resolution that, under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, namely Agenda items number 3(a) and 3(b), on the grounds that there is likely to be the disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act and in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3. **Confidential Reports of the Director of Children's Services**

To consider appeals relating to home-to-school transport:



Details of this and other Council committee meetings can be viewed on the Isle of Wight Council's Committee [website](#). This information may be available in alternative formats on request. Please note the meeting will be audio recorded and the recording will be placed on the website (except any part of the meeting from which the press and public are excluded). Young people are welcome to attend Council meetings however parents/carers should be aware that the public gallery is not a supervised area.

(a) 01-2022 (Pages 7 - 60)

Appeal will not be heard before 2.00pm.

(b) 02-2022 (Pages 61 - 76)

Appeal will not be heard before 2.45pm.

CHRISTOPHER POTTER  
Monitoring Officer  
Friday, 24 December 2021

## Interests

If there is a matter on this agenda which may relate to an interest you or your partner or spouse has or one you have disclosed in your register of interests, you must declare your interest before the matter is discussed or when your interest becomes apparent. If the matter relates to an interest in your register of pecuniary interests then you must take no part in its consideration and you must leave the room for that item. Should you wish to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the Monitoring Officer following the submission of a written request. Dispensations may take up to 2 weeks to be granted.

Members are reminded that it is a requirement of the Code of Conduct that they should also keep their written Register of Interests up to date. Any changes to the interests recorded on that form should be made as soon as reasonably practicable, and within 28 days of the change. A change would be necessary if, for example, your employment changes, you move house or acquire any new property or land.

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email [christopher.potter@iow.gov.uk](mailto:christopher.potter@iow.gov.uk), or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email [justin.thorne@iow.gov.uk](mailto:justin.thorne@iow.gov.uk).

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## **Notice of recording**

Please note that all meetings that are open to the public and press may be filmed or recorded and/or commented on online by the council or any member of the public or press. However, this activity must not disrupt the meeting, and if it does you will be asked to stop and possibly to leave the meeting. This meeting may also be filmed for live and subsequent broadcast (except any part of the meeting from which the press and public are excluded).

If you wish to record, film or photograph the council meeting or if you believe that being filmed or recorded would pose a risk to the safety of you or others then please speak with the democratic services officer prior to that start of the meeting. Their contact details are on the agenda papers.

If the press and public are excluded for part of a meeting because confidential or exempt information is likely to be disclosed, there is no right to record that part of the meeting. All recording and filming equipment must be removed from the meeting room when the public and press are excluded.

If you require further information please see the council guide to reporting on council meetings which can be found at <http://www.iwight.com/documentlibrary/view/recording-of-proceedings-guidance-note>

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## Minutes

Name of meeting	<b>APPEALS SUB COMMITTEE</b>
Date and Time	<b>TUESDAY 30 NOVEMBER 2021 COMMENCING AT 10.30 AM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs G Brodie (Vice-Chair, in the Chair), M Oliver and K Lucioni
Officers Present	Darrel Clarke, Jodie Gibson, Sarah MacDonald

### 8. **Minutes**

RESOLVED:

That the minutes of the meeting held on 9 November 2021 be confirmed.

### 9. **Declarations of Interest**

No declarations of interest were received.

### 10. **Report of the Director of Neighbourhoods**

The Rights of Way Manager presented the report and outlined the application. Yarmouth Town Council had applied to add a public footpath to the definitive map. Several maps and photographs were shown to the Sub-Committee of the path in question and an explanation given of the tests required to be met for 'presumed dedication'.

Evidence of uninterrupted use by the public as of right over the 20 years prior to 2017 was provided, and the Rights of Way team had contacted several of the witnesses to verify the information they had given. There was no evidence of interrupted use nor evidence showing that landowners had intended not to dedicate.

The local member and owners of adjacent land, including the Crown Estate, had submitted no objection. One of the landowners, Mr May, agreed that the path had not been a formal right of way but had been used by the public in the past. He raised concerns regarding the steep drop to the beach, however none of the witnesses had referred to any risk in their evidence.

In conclusion, the Rights of Way Manager believed that the application met the test for presumed dedication under S.31 of the Highways Act.

Confirmation was given that private vehicular access would continue, although it was noted that the path was very narrow in places, as it may be required to access the rear of the adjacent properties. There was no requirement for the IW council to maintain the path, but Rights of Way team would step in if there were any trip hazards that were not repaired by the owners of the adjacent properties.

Mr R Corbett spoke on behalf of the applicant and explained that historically the small quays in Yarmouth were used to unload boats coming into the town. The council of the time in the year 1891 had taken over the roads but not the 'sea lanes.' However, ancient charters meant that the lanes belonged to the town, hence the application for the path in question.

The Sub-Committee, having heard all the facts, believed there was an overwhelming case to make an order as per the recommendation.

RESOLVED:

That in response to the application an order be made to add the claimed path to the definitive map and statement as a public footpath.

CHAIRMAN

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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