

Hi Jenny,

We don't have exact figure but if it's contested you are best erring on the side of caution and make provision for £3000 - £4000. If it's uncontested it will be a nominal fee in the £100's

Best wishes
Heather

From: Clerk [mailto:clerk@eastononthehill-pc.gov.uk]
Sent: 28 June 2019 09:06
To: Heather Batten
Subject: Re: Casual Vacancy - Cllr Lee Stokes - Last date for Calling an election

Thanks that's great Heather. I'll put poll cards on the agenda and go from there.

Roughly how much is an election going to cost us?

Many thanks
Jenny

On 27 Jun 2019, at 19:00, Heather Batten <hbatten@east-northamptonshire.gov.uk> wrote:

Hi Jenny,

10 electors registered to vote in the Parish have to call for the vacancies to be filled by election rather than co-option.

Should that happen by the deadline of 4th July, the Returning Officer, David Oliver, our Chief Executive, has to set a date for the election within 60 working days of the date of the Vacancy Notice being published, which in this case was 16/6 so the last date an election could be held would be 9/9.

Should an election be called, the Parish Council will be liable for the cost of the election. The Parish will need to make the decision about whether they want Poll Cards to be issued advising the electorate that they are eligible to vote & when and where polling will take place. Although this can be seen as a cost saving, in our opinion they are necessary & if they are not issued there is often criticism of the decision as the turnout is often low and electors who were not aware of the election feel disenfranchised.

It may be pertinent to ask the Parish Council now whether, in the event that an election is called, they would like poll cards issued as often this decision has to be made very quickly.

Once the date of an election has been set, the Notice of election will be published inviting nominations from candidates. In this instance, if more than 2 candidates stand the election will continue. Should we receive just 2 nominations then the election will be Uncontested and the candidates will then be elected members. Should only 1 candidate comes forward, the remaining vacancy will continue to go through this process until someone is nominated to fill the vacancy.

Hope this helps but please feel free to ask any more questions.

Best wishes
Heather

On 27 Jun 2019, at 12:22, Heather Batten <hbatten@east-northamptonshire.gov.uk> wrote:

Hi Jenny, thanks for this.

The last date electors can call for the 2 vacancies to be filled by an election will be Thursday 4th July.

As usual, should we have the election called I'll be in touch straight away otherwise, I'll let you know on 5th July that the Parish Council can co-opt.

Email from Martin Brawn re BOAT status for Ketton Drift

1. The Natural Environment and Rural Communities Act 2006 [section 67(1)] extinguished all existing but unrecorded public rights of way for mechanically propelled vehicles, subject to the exceptions listed as subsections (2) to (8) of s.67. I have attached a copy of s.67 for your information, but in summary subsection (2) does not apply as an exception because Ketton Drift is already shown on the Definitive Map as a public bridleway. Subsections (3), (4), (6) and (7) do not apply because no one had made an application for the way to be shown as BOAT before the 'relevant date' of 20th January 2005. Sub-section (8) doesn't apply because that relates to London. Sub-section (5) says that where immediately before the commencement of the 2006 Act Ketton Drift was reasonably needed for mechanically propelled vehicles to access land reached by the way **the right becomes a private right of way for mechanically propelled vehicles for the benefit of that land.**

Use of the way in mechanically propelled vehicles to reach land only reachable by that way would almost certainly come under exception s.67(5) and so now be a private right of way for the benefit of that land; i.e. for the benefit of the playing field.

Leaving all this aside for one moment, we would require evidence from at least 6 people who had used the way in vehicles themselves for a full 20 years.

2. However title is acquired by the PC, it will have to be registered by the Land Registry. Any private rights of way should be registered against the land concerned. You could use the statutory declarations already referred to along with s.67(5) of the NERC Act to get the Land Registry to register a private right of way for mechanically propelled vehicles over so much of Ketton Drift as necessary to reach the land being acquired.
3. Anyone using mechanically propelled vehicles to access land by the consent of the landowner will be able to make use of the private right of way created for the benefit of the land comprising the recreation ground.
4. The highway authority is the County Council. The District Council has no remit in this regard. The public bridleway is highway maintainable at the public expense, by the County Council. However, that duty to maintain only relates to the use of the way by the main class of public traffic using the way. As the way is a bridleway, the main class of public traffic is walkers, horse riders and cyclists. Any use of the way in mechanically propelled vehicles is either by those exercising a private right of way or is a criminal offence. It is a very common situation for public footpaths or bridleways to run over private carriage roads. As such, the highway authority must maintain the way only to the level necessary for a bridleway. There is no obligation either to improve the way to being suitable for vehicles or to repair any pot-holes or other defects either caused by vehicle use or only affecting vehicle use. ALL WORKS OF IMPROVEMENT AND REPAIR DEEMED NECESSARY FOR VEHICULAR TRAFFIC ARE THE RESPONSIBILITY OF THOSE OWNERS AND OCCUPIERS WHO HAVE PRIVATE RIGHTS OVER THE WAY IN QUESTION. There is no standard designated as 'bridleway standard'. A way which also carries private vehicle rights would have to become virtually impassable in any vehicle other than a 4x4 before it would be deemed in need of repair as a bridleway.

No council owns public bridleways. All public rights of way, by definition, cross otherwise privately owned land. That is what 'public right of way' means. That the public have a right to pass and repass over otherwise private land, in the case of a bridleway on foot, on horseback, driving animals or on bicycles. The County Council, as highway authority, has

some control over the surface of the bridleway. The surface is said to be 'vested in' the highway authority; it certainly does not own the sub-soil, though councils can own land like anyone else, so there may be individual cases of councils owning public rights of way.

5. By imposing a planning condition such as the one about the need for parking bays, the District Council isn't saying (and at law cannot say) that the way is public road. Nor do they have the power to make it a public road. Anyone driving over Ketton Drift in vehicles is committing a criminal offence, unless they have lawful authority, such as exercising a private right of way in vehicles. You may construct parking bays, but you still have to clarify by what right drivers would reach those bays.