



17th November 2015

Agenda Item:

REPORT OF SERVICE DIRECTOR HIGHWAYS

REVIEW OF A TRIAL TO DELEGATE DECISION-MAKING IN RELATION TO MAKING DEFINITIVE MAP MODIFICATION ORDERS

Purpose of the Report

To approve changes to decision-making in relation to some Rights of Way matters in order for applications to be processed more quickly and efficiently.

Information and Advice

Planning & Licensing Committee has been responsible for the Council's Rights of Way matters since May 2014. The Committee has adopted a Code of Practice in relation to Rights of Way which includes confirmation of the matters reserved to Committee for decision.

At the meeting of the Planning and Licensing Committee on 24th February 2015 it was agreed to undertake a change to the Code of Practice for a trial period of six months. The purpose of the trial was to establish whether applications can be processed more quickly and efficiently, while at the same time ensuring Committee retains sufficient oversight.

The proposal applies to applications for Rights of Way Definitive Map Modification Orders. The first step in this process is for officers to undertake a pre-consultation exercise. If the relevant tests are satisfied and no objections are received, officers proceed to 'making' the order. This order is placed on public deposit for a formal six week consultation exercise. Prior to this trial if any unresolved objections were received at the pre-consultation stage matters were referred to Committee to decide whether to 'make' the order and proceed to formal consultation, after which the order would be either confirmed or referred to the Secretary of State if unresolved objections were received.

As part of the six month trial it was agreed that the only matters referred to Committee for decision following pre-consultation were;

- a. Where the Committee Chairman requests it
- b. Where the matter is referred by the local Councillor and the Committee's Chairman has agreed to the referral
- c. Where the Team Manager or equivalent considers the matter to be exceptionally sensitive or controversial

At the Planning and Licensing Committee meeting on 24th February 2015 it was acknowledged there are benefits in taking matters to committee where there are unresolved objections; it is a transparent forum in which to take decisions and objectors have an opportunity to express their views. These issues can be addressed as follows;

- a. Officers will bring a bi-annual update report on the progress of applications to ensure continued transparency (see Appendix A)
- b. Officers will keep clear records of their reasons for decisions (See Appendix B)
- c. Objectors would still have an opportunity to give their views; if objections are outstanding following formal consultation applications must be referred to the Planning Inspectorate whether or not the objections are legally relevant.

Other Options Considered

Not to change the decision-making process at this time; but it is considered preferable to streamline the process in light of pressures on officer and Committee time.

Reason/s for Recommendation/s

To ensure applications are processed quickly and effectively.

Statutory and Policy Implications

This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) To delegate decision-making in relation to 'making' Definitive Map Modification Orders following pre-order consultation to officers unless the following circumstances apply: -
 - a. Where the Committee Chairman requests it
 - b. Where the matter is referred by the local Councillor and the Committee's Chairman has agreed to the referral
 - c. Where the case officer considers the matter to be exceptionally sensitive or controversial
- 2) For the Committee Work Programme to be updated to include provision for bi-annually reporting on applications for Definitive Map Modification Orders.

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Interim Service Director Highways

For any enquiries about this report please contact:

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Constitutional Comments ([SLB 28/10/2015])

3) Planning & Licensing Committee is the appropriate body to consider the content of this report.

Financial Comments (IC – 26/10/15)

4) There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- The Rights of Way Committee Code of Best Practice (published)

Electoral Division(s) and Member(s) Affected

- All