



21st October 2014

Agenda Item:

**REPORT OF SERVICE DIRECTOR, HIGHWAYS
CODE OF BEST PRACTICE (RIGHTS OF WAY)**

Purpose of the Report

1. To consider the format and content of the draft Code of Best Practice (Rights of Way) for the Planning and Licensing Committee. The updated Code is attached as Appendix 1.

Information and Advice

2. At its Annual General Meeting on 15th May 2014, the County Council agreed to dissolve the Authority's Rights of Way Committee. It was considered that it would be more efficient for its functions to be undertaken by other Committees.
3. It was proposed and subsequently approved at that meeting to allocate responsibility for public rights of way to the Planning and Licensing Committee which has arrangements for public speaking similar to the former Rights of Way Committee.
4. Updates to the Codes of Conduct and Best Practice for the Planning and Licensing and Rights of Way Committees were approved earlier this year by those Committees on 22nd April 2014 and 23rd April 2014 respectively. As Members will be aware the Codes are essentially the same for both committees subject to some individual variations tailored to suit each committee. Both committees undertake quasi-judicial functions and both permit public speaking.
5. The Code of Best Practice (Rights of Way) set out at Appendix 1 is essentially the same Code that was presented to and approved by the Rights of Way Committee at its meeting on 23rd April 2014. The notable exception is the removal of references to Common Land and Town or Village Greens, these functions having been transferred to the Culture Committee, and those functions relating to Gating Orders which have been transferred to the Community Safety Committee. As a minor amendment all references referring to the Rights of Way Committee have been changed to Planning and Licensing Committee.

Other Options Considered

6. Committee may wish to consider a complete revision incorporating both codes into one, however, it is felt that the minor amendments to the already approved Code of Best Practice for Rights of Way functions was the most efficient way forward.

Reason/s for Recommendation/s

7. The Codes of Best Practice and the Public Speaking Protocol aid accessibility by the general public and improves the efficient transacting of business by the Committee, reducing opportunities for misunderstanding / ambiguity, and reducing the potential for challenges and complaints.

Statutory and Policy Implications

8. 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) It is RECOMMENDED that Committee approves the Code of Best Practice (Rights of Way), attached as Appendix 1, and directs that, in relation to the Committee's public rights of way functions, it be implemented immediately.

Andrew Warrington
Service Director, Highways

For any enquiries about this report please contact:

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Constitutional Comments

9.

Financial Comments (TMR 13/10/14)

There are no direct financial implications as a result of 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.

- None

Electoral Division(s) and Member(s) Affected

- All