



**24<sup>th</sup> February 2015**

**Agenda Item:**

## **REPORT OF SERVICE DIRECTOR HIGHWAYS**

## **REVIEW OF DECISION-MAKING IN RELATION TO RIGHTS OF WAY MATTERS**

### **Purpose of the Report**

To propose 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.

This report proposes to undertake a change to the Code of Practice for a trial period. The purpose of the trial is to establish whether applications can be processed more quickly and efficiently, while at the same time ensuring Committee retains sufficient oversight.

The proposal relates to applications for Rights of Way Definitive Map Modification Orders. The first step in the process is for officers to undertake a pre-consultation exercise. Currently, if the relevant tests are satisfied and no objections are received, officers proceed to 'making' the order. This means that officers then carry out a formal consultation exercise before a final decision on whether to 'confirm' the order (i.e. make it permanent) is made. If any unresolved objections are received at the pre-consultation stage matters are referred to Committee to decide whether to 'make' the order and proceed to formal consultation, after which a final decision is made on whether to 'confirm' the order.

The proposal is to refer matters to Committee for decision after pre-consultation in the following circumstances only: -

- 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

It is 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. If the proposal is approved officers will bring a quarterly update report on the progress of applications to ensure continued transparency; The Committee Work Programme will be amended accordingly.
- b. Officers will keep clear records of their reasons for decisions.
- 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.

If approved, the new arrangements will be trialed until October 2015 at which time a further report will be brought to Committee; the report will include comparison data on the volume of applications processed in the period. Committee will be asked to approve the necessary updates to the Code of Practice if the trial is considered a success.

### **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) For a trial period until October 2015 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 quarterly reporting on applications for Definitive Map Modification Orders.

**Andrew Warrington**  
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**For any enquiries about this report please contact:**

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### **Constitutional Comments (SLB 10/02/2015)**

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

### **Financial Comments (SEM 02/02/15)**

- 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