

Report to Governance Committee

7 February 2022

Amendments to the Delegation Code of Practice for Rights of Way

Report by Director of Highways, Transport and Planning

Electoral divisions: All

Summary

It is proposed that the current code of practice for Rights of Way is amended so that it is consistent with other codes of practices across the Highways, Transport and Planning Service directorate. The proposed streamlined process condenses the current administrative steps carried out by officers, while affording members with sufficient time frames in which to consider a proposal and make their views known to the relevant officer.

The proposed changes are shown in Appendix 1 to the report.

Recommendation

That the proposed changes to the Delegation Code of Practice for Rights of Way (Public Path Orders), as set out at Appendix 1, be submitted to full Council for approval on 18 February 2022.

Proposal

1 Background and context

- 1.1 The current code of practice sets out the process officers are required to follow when taking a delegated decision on Public Path Orders made by the County Council and those made by district and borough councils and the South Down National Park authority (collectively known as the local planning authorities).
- 1.2 Currently there is no distinction between internal (County Council) public path orders and those processed by the local planning authority. The following changes are proposed to improve consistency and clarity, particularly in relation to local planning authorities' proposals.

2 Proposal details

- 2.1 It is proposed that the Code of Practice be split into two parts. Part one being County Council Public Path Orders and part two local planning authorities' Public Path Order proposals. Consequential amendments to the Delegation Code of

Practice for Rights of Way (Public Path Orders) in the Scheme of Delegation in Part 3 of the Constitution are set out at Appendix 1.

- 2.2 In part one it is proposed that the two-week time period for publication of a new proposal in the Bulletin is removed. The requirement to publish notice of a proposal in the Bulletin remains. However, removal of this time demand will eliminate potential deficiencies in situations where staffing is reduced because of annual leave, sickness, and other service demands or pressures.
- 2.3 It is also proposed that the requirement to publish details of a proposal in the Bulletin twice, be reduced to once.
- 2.4 In part two it is proposed that the 21-day time limit associated with local planning authorities proposals be reduced to 10 days. This reduction, whilst still affording members a sufficient period of time in which to consider a proposal and make their views known to the relevant officer, also means that officers can formulate and submit responses within the statutory 28-day time period.

3 Other options considered (and reasons for not proposing)

- 3.1 Not applicable

4 Consultation, engagement and advice

- 4.1 The Cabinet Member for Environment and Climate Change was consulted on the proposed changes to the Code of Practice ahead of the Governance Committee and supports the proposed changes.

5 Finance

- 5.1 There are no revenue or capital consequences.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
None identified	

7 Policy alignment and compliance

- 7.1 Not applicable

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Appendices

Appendix 1 - Changes to the Rights of Way Delegation Code of Practice

Background papers: None