

## **Changes re Stopping Up Order Applications**

Amendments to Part 3, the Scheme of Delegation: Responsibility for Functions, Appendix 4 (additions shown in bold, italic text, deletions struck through)

### **Rights of Way - Delegation Code of Practice (*Stopping Up Orders, Public Path Orders, Definitive Map Modification Orders, Town and Village Green Applications and corrections to Common Land and Town and Village Green Registers*)**

#### **Public Path Orders**

The proposed framework in which the powers delegated to the Assistant Director (Highways, Transport and Planning) in consultation with the Director of Law and Assurance relating to ***stopping up orders under Part VIII of the Highways Act 1980 and*** public path orders (which in this case means all public path orders pursuant to the Highways Act 1980, permissive path agreements and dedication agreements) is to operate as set out below which provides the safeguards for the process of delegation. It should be remembered that officers will have discretion to determine a matter but will aim to err on the side of caution in deciding whether to exercise that discretion.

#### **County Council Public Path Orders *and Stopping Up Orders***

##### **i Notification**

New proposal(s) will be reported in The Bulletin. The list will indicate the local member and, in the case of applications having a wider significance, adjoining division members. The proposal will not be decided for a period of 21 days from the date of notification in The Bulletin.

Any local member (or adjacent division member where appropriate) wishing to express a view must do so to the Assistant Director (Highways, Transport and Planning)'s nominated officer as stated on the notification within the 21-day period and the member's view will then be taken into account in reaching a decision. If a member disagrees with the view of the Assistant Director, in relation to the delegation, and this is within the 21-day period, the matter will be referred to the Planning and Rights of Way Committee for determination. If the causes of disagreement can be resolved through discussion, the delegated action can proceed.

##### **ii Objections from district and parish councils, Sussex Police and interested user groups**

In respect of proposal(s) where, as a result of the consultation process, a borough, district, town or parish council, Sussex Police or a prescribed user group objects in writing to the application, the delegation is barred.

##### **iii Objections from the public**

In respect of proposal(s) where, as a result of the consultation process, there remain outstanding substantive comments from members of the public, the delegation is barred.

## **Local district/borough councils and the South Down National Park Public Path Orders**

### **i Notification**

Consultations on proposal(s) to change the network will be reported in the Bulletin and the consultation proposal will not be decided for a period of 10 days from the date of notification in the Bulletin. Any member wishing to express a view must do so to the Assistant Director (Highways, Transport and Planning)'s nominated officer as stated on the notification within the 10-day period. If a member disagrees with the view of the Assistant Director, in relation to the delegation, and this is within the 10-day period, the County Council will lodge a holding objection with the authority dealing with the proposal and the matter will be reported to the next meeting of the Planning and Rights of Way Committee for consideration.

## Highways and Transport - Delegation Code of Practice

The proposed framework in which the powers delegated to the Assistant Director (Highways, Transport and Planning) relating to the determination of applications for Traffic Regulation Orders and other traffic regulation matters, **and to the application for stopping up orders under Part VIII of the Highways Act 1980** is to operate as set out in the Code of Practice below which provides the safeguards for the process of delegation. It should be remembered that officers will have discretion to determine a matter, but will aim to err on the side of caution in deciding whether to exercise that discretion.

### Notification

- (i) In the case of any determination of traffic regulation orders, speed limit orders, cycle track orders, experimental orders, parking places orders and revocation orders, **traffic management matters, including parking schemes, pedestrian crossings, road safety and traffic calming** which, following advertisement, have received five or fewer objections or representations from those affected, local member(s), and in the case of applications having a wider significance, adjoining division members, will receive notification by a schedule included in The Bulletin. The order will not be determined for a period of 10 days from the date of notification in The Bulletin.
- (ii) In the case of any **application for** ~~determination of traffic management matters, including parking schemes, pedestrian crossings, stoppings up under the Highways Act 1980, road safety and traffic calming~~ which, following **consultation** advertisement, have received **no** ~~five or fewer~~ objections or representations from those affected, local member(s), and in the case of applications having a wider significance, adjoining division members, will receive notification by a schedule included in The Bulletin. The order will not be determined for a period of 10 days from the date of notification in The Bulletin.

### Members' Views

Any local member wishing to express a view must do so to the Assistant Director (Highways, Transport and Planning)'s nominated officer as stated on the notification within the appropriate period (10 days) and the member's view will then be taken into account in reaching a decision. If a member expresses a view contrary to the view of the Assistant Director (Highways, Transport and Planning) that the matter should be determined under delegated powers, that acts as a veto barring the delegation, unless otherwise agreed with the member, after discussion of the issues involved. In those circumstances matters must be determined by the Cabinet Member for Highways and Transport. If a member wishes to exercise a veto in this way, it must be communicated to the Assistant Director (Highways, Transport and Planning) within the appropriate notification period (10 days).

### Objections

Proposals for traffic regulation orders and other traffic management matters

which have received more than five objections or representations from those affected will be considered by the Cabinet Member for Highways and Transport.

### **Conformity with County Council Policies**

Delegated authority decisions will only be made in accordance with the County Council's stated policies.

### **Monitoring**

All decisions on traffic regulation orders and other traffic regulation matters determined under delegated powers will be reported regularly to the Cabinet Member for Highways and Transport so that such delegated decisions can be monitored.