

TO: PLANNING & REGULATORY COMMITTEE **DATE:** 21 May 2014

BY: SENIOR COUNTRYSIDE ACCESS OFFICER

PURPOSE: FOR DECISION

TITLE: THE SURREY CODE OF BEST PRACTICE IN RIGHTS OF WAY PROCEDURES

SUMMARY REPORT

Michael Wheaton, of the Trail Riders Fellowship, submitted a petition on 7 September 2011 asking for the introduction of a Code of Best Practice in Rights of Way Procedures.

A Code has been drawn up following consultation with the Surrey Countryside Access Forum, Local Committee Chairmen's Meeting, the Chairman and Vice Chairman.

In response to the Petition, Officers have produced a Code of Best Practice similar to the Planning one, to improve the processes and procedures involved, when Rights of Way reports go to Local Committee. Those issues include but are not limited to rights of way diversions, definitive map modification orders and traffic regulation orders. It clarifies what Members can expect from Officers and the public from Members.

The Recommendation is to APPROVE and commend to Council for inclusion in the Constitution

INTRODUCTION

1. Members may recall Michael Wheaton, of the Trail Riders Fellowship, submitting a petition to the meeting held on 7 September 2011 asking for the introduction of a Code of Best Practice in Rights of Way issues.
 2. A Code has been drawn up following consultation with the Surrey Countryside Access Forum, Local Committee Chairmen's Meeting, the Chairman and Vice Chairman and is attached as an **ANNEX**.
 3. Members are asked to APPROVE the Code and commend it to Council for inclusion in the Constitution.
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PETITION

4. At the Planning and Regulatory Committee on 7 September 2011 a petition of 1086 signatures was submitted by Michael Wheaton, of the Trail Riders Fellowship, which stated:

"We call upon Surrey County Council to improve the objectivity, impartiality and integrity of decision making on Rights of Way issues, by introducing a Code of Best Practice in Rights of Way issues, similar to the Code of Best Practice in Planning Procedures."

4.1 The Committee resolved:

The Planning and Regulatory Committee is always grateful to hear the views of Surrey residents in regard to its procedures. I welcome this submission from Michael Wheaton. We take on board the suggestions. Countryside Access Officers will review the Code of Best Practice in Planning Procedures in consultation with me, the Vice Chairman and Local Committee Chairmen, with a view to incorporating a similar code for rights of way issues. When a draft is completed it will be taken back to the Planning and Regulatory Committee for approval.
Marisa Heath Chairman (September 2011)

SURREY CODE OF BEST PRACTICE IN RIGHTS OF WAY PROCEDURES

5. In response to the Petition, Officers have produced a Code of Best Practice similar to the Planning Code, to improve the processes and procedures involved when Rights of Way reports go to a Local Committee. Issues covered in reports include but are not limited to rights of way diversions, definitive map modification orders and traffic regulation orders. The Code clarifies what Members can expect from Officers and the public from Members. In summary:
 - 5.1 All rights of way decisions considered by a Local Committee (or other decision making committee) will be the subject of full, written reports from officers incorporating firm recommendations. The reasons given by the committee for refusing or granting a recommendation should be fully minuted, especially where these are contrary to officer advice and/or Surrey County Council or other policies.
 - 5.2 Members are encouraged to undertake a period of training in rights of way procedures before taking part in the formal consideration (and voting) of items relating to rights of way issues.
 - 5.3 Members and officers should avoid indicating the likely decision on a procedure or otherwise committing the Authority prior to consideration by the Local Committee.
 - 5.4 Members will make oral declarations at a Local Committee of significant contact with applicants and objectors, in addition to the usual disclosure of pecuniary interests.
 - 5.5 Members of the public and their representatives may address the Local Committee on applications relating to public rights of way being considered by the Committee. Speakers must register to speak and have previously made written representations to the Countryside Access Team.

- 5.6 The Surrey Countryside Access Forum and the Local Committee Chairmen's meeting considered the Code and their comments have been incorporated.
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CONCLUSIONS

6. The Code will improve the processes and procedures involved, when Rights of Way reports go to Local Committee. It clarifies what Members can expect from Officers and the public from Members.
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RECOMMENDATION

That the Surrey Code of Best Practice in Rights of Way Procedures be APPROVED and commended to Council for inclusion in the Constitution.

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BACKGROUND PAPERS

Petition submitted by Mike Wheaton

Planning and Regulatory Committee Minutes 7 September 2011

Annex A- Surrey Code of Best Practice in Rights of Way Procedures

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