



OFFICER REPORT TO COUNCIL

AMENDMENTS TO THE CONSTITUTION

KEY ISSUE/DECISION:

It is the Council's responsibility to approve changes to the Council's Constitution.

This report sets out proposed changes to Part 3 – Responsibility for Functions and Scheme of Delegation, Section 3 Part 3A (Specific Delegations to Officers). These are brought to Council for formal approval in accordance with Article 4.04(b) and Article 13.01 of the Council's Constitution.

BACKGROUND:

1. CONTEXT AND SCOPE

- 1.1 Officers in the Countryside Access Team have highlighted that references to the Town and Country Planning Act 1990 and the Cycle Tracks Act 1984 have been omitted from delegation EAI 95. The areas of legislation set out in the delegation constitute the majority of order-making work undertaken by the team where no objections are maintained or where no significant objection has been maintained and compensation payable.
- 1.2 The Town and Country Planning Act 1990 accounts for a small portion of work undertaken by the Countryside Access Team. Part X of this statute relates to highways (which includes Public Rights of Way) and any changes required to be made to them as a result of development. The powers therein are exercisable by Planning Authorities (Surrey County Council is a Planning Authority in relation to mineral working).
- 1.3 The Cycle Tracks Act 1984 is mentioned in the first part of delegated authority EAI 95 where no objection is received but is omitted, for no obvious reason, in part two where no significant objection has been received.
- 1.4 It is therefore proposed that the Town and Country Planning Act 1990 and the Cycle Tracks Act 1984 are included in in both parts of delegation EAI 95. This does not affect delegation EAI 133 whereby

non-executive functions relating to public rights of way (PRoW) set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, may be determined in consultation with the relevant local divisional Member/s, with certain exceptions and where significant objections are received. In this latter case, Orders can be considered by the Planning and Regulatory Committee if the officer and Member are not in agreement or deem it necessary.

RECOMMENDATIONS:

- A. The amendments to Part 3, Section 3, Part 3A of the Constitution as set out in this report be approved.

Lead/Contact Officers:

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Annexes:

Annex 1 – proposed amendments to EAI 95

Sources/background papers:

Constitution of the Council

EAI95	<p>Planning & Placemaking</p> <p>Environment</p>	<p>To process all Public Rights of Way Orders under the Highways Act 1980, Cycle Tracks Act 1984, Wildlife & Countryside Act 1981, <u>Town and Country Planning Act 1990</u> and Countryside and Rights of Way Act 2000 and make and confirm such orders where no objection has been maintained or compensation is payable. To proceed to written representations, hearing or Inquiry where objections are maintained after an Order is made.</p> <p>Where no significant objection has been received or compensation payable (Policy 2/2006) and after consultation with the local member and Director of Law & Governance, to process all Public Rights of Way Orders made under the Highways Act 1980, the Wildlife & Countryside Act 1981, <u>Cycle Tracks Act 1984, Town and Country Planning Act 1990</u> and the Countryside and Rights of Way Act 2000, which comply with national legislation and county policy. To proceed to Inquiry where objections are maintained.</p>	<p>Director Highways & Transport Director Environment</p> <p>Natural Capital Group Manager Access Team Manager</p> <p>Senior Countryside Access Officer (Legal Definition)</p>
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