

OPEN

## Highways and Transport Committee

25 January 2024

### Appointments to the Public Rights of Way Consultative Group

**Report of: Brian Reed, Head of Democratic Services and Governance**

**Report Reference No: HTC/40/23-24**

**Ward(s) Affected: No specific wards**

#### Purpose of Report

- 1 This report seeks approval from the Highways and Transport Committee to appoint two elected Members of the Highways and Transport Committee to the Public Rights of Way Consultative Group and to agree its draft Terms of Reference.

#### Executive Summary

- 2 The Council, at its annual meeting on 24 May 2023, approved its representation on its main committees. The appointment of certain sub-committees, working groups, panels and boards is a matter for the relevant service committees. This report concerns the appointment of Elected Members to the Public Rights of Way Consultative Group, a matter that should be considered by the Highways and Transport Committee.

#### RECOMMENDATIONS

The Highways and Transport Committee is recommended to:

1. Appoint two Elected Members of the Highways and Transport Committee to the Public Rights of Way Consultative Group.
2. Agree the Terms of Reference for the Public Rights of Way Consultative Group attached as **appendix 1** to the report;

3. Agree that the names of the Members appointed will be submitted to the Head of Democratic Services and Governance.

### **3. Bodies which report to the Highways and Transport Committee**

#### **4 Public Rights of Way Consultative Group**

5 The Public Rights of Way Consultative Group is an established meeting of users, Elected Members and Officers of Cheshire East Council which operates to enable stakeholders to engage in constructive debate and discussion about issues of law, policy, principle and work programming relating to Public Rights of Way. The Group meets twice a year via Microsoft Teams and receives twice yearly updates from the Public Rights of Way team between meetings. The Terms of Reference for the Group is attached as **Appendix 1**.

6 It is proposed that the Highways and Transport Committee agree to the appointment of two elected Members, from the Highways and Transport Committee, to the Public Rights of Way Consultative Group and that the nominees be notified to the Head of Democratic Services and Governance.

7 Previously, the two Elected Members appointed to the Public Rights of Way Consultative Group were members of the Public Rights of Way Sub Committee. Full Council resolved to dissolve this Sub Committee, incorporating its functions into the functions of the Highways and Transport Committee. Therefore, it is proposed that the future membership is agreed by the Highways and Transport Committee, and that those Elected Members appointed, are also members of the Service Committee.

#### Previous Membership

8 Councillors L Crane and H Faddes.

#### Proposed Membership

9 Two Members of the Highways and Transport Committee.

### **Consultation and Engagement**

10 There has been consultation with Group Leaders and Administrators in relation to the representation of the Public Rights of Way Consultative Group.

## Reasons for Recommendations

- 11 In accordance with the Constitution, the Highways and Transport Committee is responsible for the Public Rights of Way functions of the Council.

## Other Options Considered

12	Option	Impact	Risk
	Do nothing	To not appoint to the Public Rights of Way Consultative Group would have a negative impact on stakeholder relations and a negative impact on the Council's ability to demonstrate open and transparent business.	N/a

## Implications and Comments

### *Monitoring Officer/Legal*

- 13 There are no direct legal implications.

### *Section 151 Officer/Finance*

- 14 There are no financial implications that require an amendment to the Medium-Term Financial Strategy.

### *Policy*

- 15 The work of the Public Rights of Way team contributes to the Green aim of the Corporate Plan, the “thriving and sustainable place” priority and the policies and objectives of the Council’s statutory Rights of Way Improvement Plan.

A thriving and sustainable place

- A great place for people to live, work and visit
- Welcoming, safe and clean neighbourhoods
- Reduce impact on the environment
- A transport network that is safe and promotes active travel.
- Thriving urban and rural economies with opportunities for all

- Be a carbon neutral council by 2025

### *Equality, Diversity and Inclusion*

16 There are no direct equality, diversity and inclusion implications.

### *Human Resources*

17 There are no direct human resources implications.

### *Risk Management*

18 There are no direct risk management implications.

### *Rural Communities*

19 There are no direct implications for rural communities.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

20 There are no direct implications for children and young people.

### *Public Health*

21 There are no direct implications for public health.

### *Climate Change*

22 There are no direct implications for climate change.

Access to Information	
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Appendices:	Appendix 1 - Terms of Reference for the Public Rights of Way Consultative Group
Background Papers:	None

## **APPENDIX 1**

### **CHESHIRE EAST PUBLIC RIGHTS OF WAY CONSULTATIVE GROUP**

#### **ROLE AND PURPOSE**

The Forum operates to achieve the following purposes:

- to enable interest groups (users, landowners and others) to engage in constructive debate and discussion about issues of law, policy, principle and work programming with members and officers of the Cheshire East Council;
- to encourage understanding of each others' concerns;
- to participate in the consultation process and ongoing monitoring associated with the Rights of Way Improvement Plan.

The Forum is not constituted:

- to discuss the facts, merits or demerits of individual cases, which should be dealt with direct with the officers;
- to criticise the actions of individual officers or members of the Cheshire East Council in the execution of their statutory duties, since there is a formal complaints procedure which can be followed.

#### **MEMBERSHIP**

Membership of the Forum is by invitation of the Public Rights of Way Manager. In general, one representative from each group is invited, although additional invitations may be issued on request at the discretion of the Public Rights of Way Manager. The Forum is not open to the general public.

#### **REGULATION OF PROCEEDINGS**

The Chair of the Forum is appointed by Cheshire East Council and is normally a member of the Highways and Transport Committee. Officers of the Cheshire East Council in liaison with the Chair generate agenda items and receive suggested agenda items from participating members of the Forum. Whilst the Group is not a Committee of the Cheshire East Council for the purposes of Section 101 of the Local Government Act 1972, it is a meeting which is governed by the common law relating to the law of meetings and their conduct and procedure. The Chair has to control the conduct of the meeting and is appointed by the Cheshire East Council. The Forum has no authority to appoint, elect, or remove the Chair presiding over a meeting.

It is the duty of the Chair and to preserve order and to take care that proceedings are conducted in a proper manner.

The principal powers of a Chair are:-

- (i) determining that the meeting is properly constituted;
- (ii) informing him/herself as to the business and objects of the meeting;
- (iii) preserving order in the conduct of those present;
- (iv) confining discussion within the scope of the meeting and reasonable limits of time;
- (v) formulating for discussion and decision questions which have been moved for the consideration of the meeting;
- (vi) deciding points of order and other incidental matters which require decision at the time;
- (vii) in the case of a meeting which is one of a series, dealing with the record or minutes of the proceedings and any matters arising therefrom;
- (viii) adjourning the meeting where circumstances justify that course;
- (ix) declaring the meeting closed when its business has been completed.

To carry out the function of Chair, the Chair is invested with appropriate powers which include the following:-

The Chair may, if necessary, direct the removal of any disruptive person whose conduct threatens to disturb the proceedings.

It is the Chair's role to regulate discussion and permission to address the meeting must come from the Chair and by the Chair and consent to address the meeting can be withheld if the Chair so decides.