

Comments from the Manager of the Public Rights of Way Unit

- 1. A PROW committee ensures that decisions that can often be perceived as being contentious and often generate local political pressure are determined in an open and transparent way where the public can assure themselves of the objectivity of the process. Whilst decisions by delegated powers can be equally objective the lack of transparency generates significant workloads defending against criticism and accusations of bias and flawed decisions. That increased workload has a cost. Since 2009 I am aware of only one instance where officers have had to defend a decision of CEC PROW committee which had been formally challenged.*
- 2. The PROW committee decision making process is of course quasi-judicial and the area of law within which it operates somewhat complex and highly detailed. As a consequence committee members are offered specialist training to enable them to develop specialist knowledge and skills uniquely required to operate in this field. It's unlikely that another, larger regulatory committee could easily acquire the necessary skills to operate in this field to the same level. Training a larger committee with frequent changes of members would have a cost in both officer time and to the budget as external specialist training is included.*
- 3. Any cost savings should be weighed against the increased costs in staff time and reduction in efficiency of having to attend more frequently held committee meetings, perhaps for longer periods in order to secure decisions for reduced numbers of cases at each meeting.*
- 4. Having looked at the CIPFA family of 15 authorities perhaps only 6 or 7 are comparable from a PROW perspective. That is, authorities that have large rural hinterlands and high network mileages of rural paths with small dispersed village and country town communities. Urban PROW networks, predominantly tarmacked urban snickets and passages simply do not generate the high level of interest and conflict that characterises a rural network, especially one like CEC's which is highly valued recreationally.*
- 5. Of the more comparable rural authorities of the CIPFA family three do maintain PROW committees, although in two cases to determine contentious issues only. Many of the more comparable shire counties, not part of our CIPFA family operate with public rights of way committees.*
- 6. It is also worth considering the performance of these comparator authorities from a PROW perspective. From statistics showing the availability of their network free of obstructions based on regular survey, half the authorities do not have the ability to undertake surveys to offer a statistic, of the rest only one performs better than CEC.* Thus they characterise lower performing authorities, South Gloucestershire, which performs marginally better operates with a dedicated PROW committee.*

**Institute of Public Rights of Way and Access annual survey and returns for 2016.*

- 7. Currently planning applications and rights of way that are affected by planning consents are dealt with by separate processes which is more reassuring to the public I think than mixing the two which could suggest influence of one process on the other and vice versa. Keeping them completely separate eliminates any chance of a perception of bias.*