

MEETING : CHESHIRE LOCAL ACCESS FORUM
DATE : 10 DECEMBER 2010

REPORT OF : Greenspace Manager
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CHESTER WEST AND CHESTER COUNCIL - BENEFITS OF DELEGATED DECISION MAKING

- 1 Members will recall that at the meeting of the Cheshire Local Access Forum on 18 June 2010 the views of the Forum were sought on a proposal to bring in a process of Officer Delegation for decisions on public rights of way matters such as Definitive Map Modification Orders, Public Path Orders and the determination of Village Green applications. The intention was that these be delegated to an officer with provision for certain decisions to be referred up by officers or 'called in' by Members for decision by Committee where appropriate.

THE DELEGATED PROCESS

- 2 The delegated process is as follows:-

The Head of Culture and Recreation will prepare a report ("the Report") on the particular Definitive Map Modification Order, Public Path Order or Village Green application. The Report will contain a statement of the relevant facts, an outline of the consultation responses received and an analysis of the application of the relevant law. The Report shall conclude with a recommended decision, contain the Case Officer's contact details and shall be published on the Council's Website.

- 3 In addition, the following will be notified that the report has been published, by email Members of the Public rights of Way Committee ("The Committee"), Local Ward Members and any other Member of the Council who requests such a notification.
- 4 Any Member of the Council may, within 28 days of the date upon which a report is published, call the matter in to be determined by the Committee. A matter may be called in on grounds relating to statements of fact and/or interpretations of law set out in the Report and/or judgements exercised in the Report in respect of relevant assessments of matters such as convenience, amenity or expediency.
- 5 On 'calling in' a Member shall be expected to provide reasons for requesting a 'call in' which will be recorded on the case file.

- 6 In the event that the matter is not 'called in' within 28 days of the date upon which the Report is published or any request for 'call in' is withdrawn, then the Head of Culture and Recreation shall be entitled to confirm the recommendation contained in the Report as a decision of the Council.
- 7 In the event that a matter is 'called in' within 28 days of the date on which the Report is published then, unless the 'call in' is withdrawn or the Report is amended and republished, the matter shall fall to be determined by the Committee at the next convenient scheduled meeting or, in the case of demonstrable urgency, at a specially convened meeting of the Committee. There would be an expectation that the Member who 'called in' the matter will attend the Committee.
- 8 Where the Case officer is minded to make a significant amendment to the Report, the initial report will be withdrawn and an amended Report shall be published setting out the reasons for the amendment and a refreshed 28 day period for 'call in' shall commence.

THE BENEFITS

- 9 Having looked closely at other decision-making processes and delegation arrangements in place across Cheshire West and Chester Council (CWAC) and the efficiency benefits that flow from them, it was decided to apply similar principles to the public rights of way decision processes.
- 10 The benefits of these streamlined procedures are as follows:-
 - a) The new approach is based on existing planning delegated decision models, and is also consistent with suggested highways decision making model. The approach presents and reflects a clear, uniform model for all CWAC regulatory decision-making. It provides the public with clarity and consistency in how CWAC makes its decisions and how and at what stages of the process the public have an opportunity to engage.
 - b) The processing of legal orders can be achieved more efficiently. In operational practice and experience, few decisions are so sensitive or contentious that they warrant the additional time and delay involved in generating and preparing a committee report and justifying the subsequent attendance at the Public Rights of Way Committee by both officers and members.
 - c) Decisions are not held up waiting for a Committee to meet and provide a decision.

- d) The arrangements will facilitate the management of a rolling programme of decisions and more effective deployment of limited resources.
- e) As the Reports are readily accessible on the website there is an increased transparency of process and a wider readership and public awareness.
- f) There is a call in procedure which safeguards the process.

RECOMMENDED:

That the report be noted

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