

<b>Local Members' Interest</b>	
N/A	

## **Countryside and Rights of Way Panel – 17 September 2021**

### **Wildlife and Countryside Act 1981**

#### **Adoption of Policy for dealing with Section 53 reports to Panel**

#### **Report of the Director of Corporate Services**

#### **Recommendation**

1. That the Countryside and Rights of Way Panel adopts the proposed policies
2. That the final decision on whether the report on an application should be heard rests with the Panel.

#### **PART A**

#### **Why is it coming here – what decision is required?**

1. Staffordshire County Council is the authority responsible for maintaining the Definitive Map and Statement of Public Rights of Way as laid out in section 53 of the Wildlife and Countryside Act 1981 (“the 1981 Act”). Determination of applications made under the Act to modify the Definitive Map and Statement of Public Rights of Way, falls within the terms of reference of the Countryside and Rights of Way Panel of the County Council’s Regulatory Committee (“the Panel”).
2. The decision on policies to deal with applications is a matter for the Panel and is not delegated to officers.

#### **Background**

1. At present the Authority deals with and works on applications, as far as is practicable, in the order in which applications were originally received. This is considered to be the fairest and most equitable mechanism with regard to all parties in the current circumstances.
2. This mechanism has been altered by the number of directions that the Council has received. Consequently, directed applications are dealt with in the order of the date set by the Secretary of State or as close to that schedule as feasible.
3. The nature of the work means that some applications take an inordinate amount of time whilst others are relatively straightforward. At present a couple of applications are languishing due to their intricate evidence and responses received but it is anticipated they will be placed before the Panel before the end of the year.
4. Whilst the more complicated applications are being dealt with officers have commenced work on other matters instead of simply waiting for responses, further analysis or investigations.

5. In some instances this has meant that reports have been compiled and circulated for applications that have a due date far later than others. This can be due to the type and nature of the evidence, lack of responses from interested parties and in some instances simply due to the matter being more straightforward.
6. The consequence is that officers do have reports that have not been laid before the Panel as the due date is some way down the list of directions. Complaints have already been made regarding officers dealing with applications out of sequence.
7. While it is true to say that some matters have progressed further this is not as a result of a deliberate policy of picking out the easier applications and leaving the remainder to languish. Rather it is the outcome dictated by circumstance. The impact of the Covid pandemic has also had an effect; one example being the closure of County Records.
8. This has meant that officers have reports ready but have not laid them before the Panel due to the date being somewhat later than others yet to have their report finalised.
9. Your officers consider that this of itself leads to an artificial backlog where officers do not progress some matters. It would therefore be more efficient to adopt a more flexible methodology for dealing with applications.
10. It is suggested that a policy of dealing with applications as currently in place is maintained and followed as far as possible. However, that in some cases where a report is ready, and despite it having a later directed date, officers are free to bring the matter to Panel, but inform members of the fact.
11. Working in this manner may result in complaints being made to the Council and the Secretary of State. Nonetheless officers consider that as all these applications have dates set by the Secretary of State, and we have to date not been able to meet these deadlines despite allocating additional resources, it is better to keep momentum.
12. It would also assist in ensuring that the Panel has sufficient applications to determine and avoid cancelling meeting due to having no business to deal with.

### **Conclusion**

13. That given the circumstances it is a far more efficient use of resources to take matters to the Panel as they are ready rather than placing them on hold.

### **Recommended Option**

14. To adopt a policy of dealing with directed applications in order of date set unless a report for a matter with a later due date has been finalised and can be heard by the Panel.

### **Other options Available**

15. To decide to continue with the arrangements as currently set out.

### **Legal Implications**

16. The legal implications are contained within the report.

### **Resource and Financial Implications**

17. The costs of determining applications are met from existing provisions.
18. There are, however, additional resource and financial implications if decisions of the Registration Authority are challenged by way Judicial Review

## Equal Opportunity Implications

19. There are no direct equality implications arising from this report.
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J Tradewell

Director of Corporate Services

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