

Bath & North East Somerset Council	
MEETING:	Regulatory (Access) Committee
MEETING DATE:	30 May 2012
TITLE:	Principles of Operation for the Regulatory (Access) Committee - Committee Procedures
WARD:	None
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Appendix 1 - Proposed Principles of Operation for the Regulatory (Access) Committee	

1 THE ISSUE

- 1.1 This report sets out the need for a revised document that will provide guidance to committee members, officers and members of the public on how the Regulatory (Access) Committee ("the Committee") will consider matters relating to Definitive Map Modification Orders ("DMMOs"), Public Path Orders ("PPOs"), and Commons Registration (including Town and Village Greens ("TVG")).

2 RECOMMENDATION

The Regulatory (Access) Committee is asked to agree that:

- 2.1 The document attached as Appendix 1 to this report is adopted as the Principles of Operation for the Regulatory (Access) Committee.

3 FINANCIAL IMPLICATIONS

- 3.1 Adoption of the procedures recommended in this report should not incur any additional financial costs for the Authority. One aim of the procedures is to minimise late submissions to the Committee which can result in delays in determining issues and the need for extra meetings. These can lead to significant costs being incurred.

4 THE REPORT

- 4.1 Within the Terms of Reference, the Committee deals with quasi-judicial procedures such as DMMOs, PPOs and TVG. Principles of Operation are currently in place for the Committee; however, these are substantially different to the Authority's Principles of Operation for other committees. It has been concluded that there is no need for these substantial differences to exist and they could potentially lead to confusion for members of the public. The proposed 'Principles of Operation for the Regulatory (Access) Committee' contained at Appendix 1 sets out revised Principles of Operation which are substantially in line with those of other committees.

- 4.2 The proposed Principles of Operation sets out what are considered reasonable time limits for the submission of evidence to officers preparing the report for the Committee. It is recommended that all submissions are made to the PROW officer 20 working days before the Committee meeting. This is five working days before the PROW officer is required to finalise their reports; the remainder of the period is to allow preparation, printing and distribution of the final agendas.
- 4.3 Submissions received after this time must be accompanied by a written explanation of why they are late. They will only be considered in exceptional circumstances and at the discretion of the Chair of the Committee. The possibility of having a rigid rule preventing late items being considered was looked at but was not considered workable; there are good reasons for some late submissions and it does not seem reasonable to the decision making process to fetter the discretion of the Committee.

5 RISK MANAGEMENT

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Authority's decision making risk management guidance.

6 EQUALITIES

- 6.1 An EqIA has been completed. No adverse or other significant issues were found.

7 CONSULTATION

- 7.1 *Staff; Other B&NES Services; Monitoring Officer*
- 7.2 Consultation on the proposed Procedure has taken place with officers from the Chair of the Committee, the Planning and Environmental Law Team, the Highways Maintenance and Public Rights of Way Team and Democratic Services.

8. ISSUES TO CONSIDER IN REACHING THE DECISION

- 8.1 *Customer Focus; Human Rights; Corporate; Impact on Staff; Other Legal Considerations*

9. ADVICE SOUGHT

- 9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Graeme Stark, Senior Rights of Way Officer (01225 477650)
Background papers	None
Please contact the report author if you need to access this report in an alternative format	