

Single Member Cabinet Decision

**Executive  
Forward Plan  
Reference**

**E2224**

**Amendment to Public Rights of Way Enforcement Policy**

<b>Decision maker/s</b>	Cllr Charles Gerrish, Cabinet Member for Service Delivery
<b>The Issue</b>	To consider a proposed amendment to the Public Rights of Way Enforcement Policy (“the Policy”) allowing for the referral of a breach of ‘Good Agricultural and Environmental Conditions’ (“GAEC”) to the Rural Payments Agency (“the RPA”).
<b>Decision Date</b>	21st March 2011
<b>The decision</b>	The Cabinet Member agrees that the amended Policy appended to this report is adopted as the formal policy of Bath and North East Somerset Council.
<b>Rationale for decision</b>	The proposed amended Policy has been produced through a process of research, discussion and consultation. At the time of the adoption of the current Policy it was recommended that the Policy was periodically reviewed and this amendment to bring the policy up-to-date with the current legislative framework and understanding of good practice.
<b>Financial and budget implications</b>	<ol style="list-style-type: none"><li>1. There are no financial implications arising from the implementation of the Policy as recommended in this report.</li><li>2. It is hoped that the amended Policy will provide an effective enforcement framework for officers and minimise the chance of the Council being directed by the Magistrates Court to take action as a result of a notice to enforce duties regarding public paths.</li></ol>
<b>Issues considered</b>	Customer Focus; Human Rights; Other Legal Considerations
<b>Consultation undertaken</b>	Parish Council; Town Council; Staff; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Officer; Monitoring Officer
<b>How consultation was carried out</b>	Consultation emails were sent to Parish and Town Councils, local and national user groups and landowner’s organisations asking for their comments on the proposed alteration to the Policy. Additionally, an article on the proposals was featured in the Byway and Bridleway Trust’s bi-monthly journal. The only response received was an email from Charlcombe Parish Council expressing their support for the proposed amendment.
<b>Other options considered</b>	The alternative option considered was to leave the Policy unchanged and not to refer breaches of GAEC8 to the RPA. This option would unnecessarily restrict the courses of action available to the Council’s when carrying out enforcement action.

<b>Signatures of Decision Makers</b>	
<b>Date of Signature</b>	
<b>Subject to Call-in until 5 Working days have elapsed following publication of the decision</b>	