

Record of Delegated Non-Executive Decisions by Officers

1. Subject of decision

Delegation Reference – Officer Delegation Scheme:

RED 28 t) states that a Director can:

“In consultation with the Head of Law to deal with all matters in relation to any proposal to close or divert highways, footpaths and bridleways in accordance with sections 116, 117, 118, 118ZA, 118A, 118B, 118C, 119, 119ZA, 119A, 119B, 119C, 119D, 119E and section 25 & 26 (creating footpaths, bridleways and restricted byways).”

This decision has been delegated to one or more officer(s) under:

- (a) At the Annual Council meeting held on 16 May 2024 specific express authorisation was given to the Director of Regeneration and Economic Development by full Council, to take decisions under section 118 of the Highways Act 1980

- (b) a general authorisation to take such decisions **and**, the effect of the decision is to:
 - (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which, in either case, materially affects the Authority’s financial position.

2. Name and Title of Decision Maker

John Sparkes, Director of Regeneration and Economic Development

3. Details of any Conflict of Interest and any Dispensation granted in respect of such Interest

n/a

4. Executive Summary (taken from written report)

This Record of Decision relates to the Director of Regeneration and Economic Development's agreement to the making of a Public Path Extinguishment Order ("the Order"). The Order is attached to this report at Appendix 1 and concerns the extinguishment of sections of two paths known as "Killingworth East 5" and "Holystone 1" and the extinguishment of the entirety of a third path known as "Holystone 2" as described in the Order and shown on the plan forming part of the Order.

At the end of the statutory consultation period, if no representations or objections are made to the making of the Order, the Order can be confirmed by the Director of Regeneration and Economic Development after having regard to the matters set out in the appropriate sections of the Highways Act 1980.

Under the Authority's Officer Delegation Scheme, the Director of Regeneration and Economic Development has a specific delegation, namely RED 28 t) which relates, amongst other things, to the making and confirmation of a public path diversion/extinguishment order. RED 28 t) states:

"In consultation with the Head of Law to deal with all matters in relation to any proposal to close or divert highways, footpaths and bridleways in accordance with sections 116, 117, 118, 118ZA, 118A, 118B, 118C, 119, 119ZA, 119A, 119B, 119C, 119D, 119E and section 25 & 26 (creating footpaths, bridleways and restricted byways)."

A confirmed Order formally changes the line of the path on the ground only and does not alter the Authority's legal record of Public Rights of Way - the 'Definitive Map and Statement' (DMs).

To reflect the changes that the Authority is required to make to the DMs as soon as reasonably practicable after an event has occurred, the Authority periodically prepares a separate consolidated report relating to confirmed Orders made by it under the Highways Act 1980 or the Wildlife and Countryside Act 1981. The fact that such Orders have been made and subsequently confirmed means that the Authority can make a "Legal Event Modification Order" (LEMO) which will amend the DMs to reflect the changes brought about as a result of the confirmed Orders. There is no obligation to publicise a LEMO and such an Order cannot be objected to because an opportunity was afforded to individuals to object to the Orders after they were made and advertised.

5. Alternative options considered

Option 1 – To approve the recommendations in section 1.2 of the report.

Option 2 – Not to approve the recommendations in section 1.2 of the report.

6. Decision(s)

The Director of Regeneration and Economic Development has decided:

- (1) in consultation with the Head of Law, to agree to the making of the Public Path Extinguishment Order attached at Appendix 1 of this report and thereafter to take all necessary steps to give notice to the making of that Order in accordance with the requirements of the Highways Act 1980;

- (2) to agree that, if no representations or objections are made to the Public Path Extinguishment Order attached at Appendix 1 of this report following the conclusion of consultation period, to confirm that Order; and
- (3) noted that, if representations or objections are made to the making of the Public Path Extinguishment Order attached at Appendix 1 of this report, a further report will be provided to the Director of Regeneration and Economic Development setting out the options that could be taken regarding that Order.

7. Reasons for the Decision(s)

Approving the recommendations in section 1.2 of the report will enable the Order to be advertised, and if successful enable the Authority's Definitive Map and Statement to accurately reflect existing site conditions.

8. Date Decision Made

6 November 2024

9. Date of Publication (where appropriate)

19 November 2024