

Decision Maker: RIGHTS OF WAY SUB-COMMITTEE

Date: 10 July 2013

Decision Type: Non-Urgent Non-Executive Non-Key

Title: TERMS OF REFERENCE

Contact Officer: Graham Walton, Democratic Services Manager
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Chief Officer: Mark Bowen, Director of Corporate Services

Ward: N/A

1. Reason for report

- 1.1 The Chairman and Vice-Chairman have requested that the Sub-Committee's terms of reference be on the agenda for this meeting.
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2. **RECOMMENDATION(S)**

That the Sub-Committee's terms of reference be noted.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment:
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: £N/A
 5. Source of funding: N/A
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Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable: This report does not involve an executive decision.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

3.1 The Rights of Way Sub-Committee was originally established by General Purposes and Licensing Committee on 31st July 2002. The original terms of reference were –

“To consider such matters as may from time to time be referred to the Sub-Committee by the General Purposes and Licensing Committee in relation to public rights of way issues.”

3.2 The London Borough of Bromley is, amongst other things, the ‘surveying authority’ for its area. This means it is the body responsible for the preparation and upkeep of the definitive map of public rights of way. As the surveying authority Bromley has a number of duties as follows:

- To keep the definitive map under continuous review;
- To make modification orders to take account of events requiring the map to be modified;
- To prepare definitive maps for any areas not previously surveyed (*currently the whole of the Borough has been surveyed and a definitive map produced for the whole area and thus the Sub-Committee is unlikely to be required to be involved with this aspect of its duties;*)
- To keep copies of the definitive map and statement, together with copies of any subsequent modification and reclassification orders, available for public inspection;
- To keep a register of applications for modification orders;
- To draw the attention of the public to the availability of definitive maps for inspection and to the right to apply for modification orders to be made.

Bromley also has the following powers as the surveying authority:

- To make definitive map modification orders;
- To consolidate the definitive map and the orders which have modified it;
- The above duties and powers arise from the Wildlife and Countryside Act 1981.

All other issues that would fall to be dealt with by the Council as the ‘highway authority’, the ‘traffic authority’ and/or the ‘street authority’ are matters for the Environment Portfolio Holder and thus outside of the remit of this Sub-Committee.

3.3 The Sub-Committee’s terms of reference have recently been clarified by full Council on 15th May 2013. These are set out in [Appendix 1](#), together with the terms of reference of the General Purposes and Licensing Committee and also the Development Control Committee. The General Purposes and Licensing Committee is responsible for non-executive highway functions, except those relating to the Town and Country Planning Act, which are the responsibility of Development Control Committee. The Rights of Way Sub-Committee is responsible for “functions relating to non-vehicular highway matters within the remit of the General Purposes & Licensing Committee.”

3.4 Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out those functions which shall not be the responsibility of an authority’s executive. The provisions relating to public rights of way are set out in items 1-34 of section (I) Miscellaneous Functions – this is set out in [Appendix 2](#). Where these functions relate to non-vehicular highway matters they are within the terms of reference of this Sub-Committee - three of these

functions (30A, 31 and 32) relate to the Town and Country Planning Act 1990 and are therefore are not the responsibility of this Sub-Committee.

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Constitution of the London Borough of Bromley

Terms of Reference
(From LBB Constitution – Part 3)

- 2.01 **General Purposes and Licensing Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority.)
- (a) Electoral issues
 - (b) Making byelaws
 - (c) Administration of the Local Government Pension Scheme
 - (d) Staffing matters
 - (e) Probity Strategy
 - (f) Audit
 - (g) Open Government
 - (h) Fraud Prevention
 - (i) Complaint Procedures
 - (j) Member appointments
 - (k) Health and Safety
 - (l) Licensing of births, deaths and marriages
 - (m) Licensing matters
 - (n) Non-executive highway functions as set out in Schedule 1 to the Functions Regulations (excluding functions under the Town & Country Planning Act 1990)
 - (o) Any non-executive function not delegated elsewhere or reserved to Council.
- 2.04 **Rights of Way Sub-Committee** (Membership proportional – may include one Member of the Executive from each recognised party group subject to Executive Members not being in the majority) – Functions relating to non-vehicular highway matters within the remit of the General Purposes & Licensing Committee.
- 2.08 **Development Control Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)
- 1. **Planning and conservation.** All the Council's powers and duties relating to town and country planning and development control as specified in Schedule 1 of the Functions Regulations.
 - 2. **Unitary Development Plan.** To be responsible for preparing, revising and recommending the Plan to the Executive.
 - 3. **Highways use and regulation.** The exercise of powers relating to the regulation of the use of highways under the Town and Country Planning Acts 1990, as set out in Schedule 1 to the Functions Regulations.
 - 4. **Common land and village greens.** Power to register common land or village greens and to register variation of rights of common.