

The Regulation Committee

Minutes of a meeting of the Regulation Committee held on Thursday 9 May 2019 at 10.00 in the Meeting Room, Taunton Library.

Present:

Cllr M Caswell
Cllr S Coles
Cllr A Kendall
Cllr M Keating
Cllr N Taylor

1 Election of Chair

In the absence of the Chair and Vice-Chair, Cllr Coles, seconded by Cllr Taylor, moved, and the Committee RESOLVED, that Cllr M Keating be elected Chair for the meeting.

The Chair welcomed everyone to the meeting, outlined the meeting procedures, referred to the agendas and papers that were available and indicated that there were no public questions.

2 Apologies for Absence - agenda item 1

Cllr J Clarke, Cllr N Hewitt-Cooper and Cllr J Parham

3 Declarations of Interest - agenda item 2

Reference was made to the following personal interests of the members of the Regulation Committee published in the register of members' interests which were available for public inspection in the meeting room:

Cllr M Caswell	Member of Sedgemoor District Council
Cllr S Coles	Member of West Somerset and Taunton Council
Cllr A Kendall	Member of South Somerset District Council Member of Yeovil Town Council
Cllr N Taylor	Member of Cheddar Parish Council

Cllr N Taylor further declared a personal interest by virtue of being Chair of the Mendip Hills AONB Partnership Committee.

4 **Accuracy of the Minutes of the Meeting held on 4 April 2019** - agenda item 3

The Chairman signed the Minutes of the Regulation Committee held on 4 April 2019 as a correct record.

5 **Public Question Time** – agenda item 4

There were no public questions.

6 **Consultation on Amendments to Processing of Applications to Modify the Definitive Map** - agenda item 5

(1) The Committee considered a report by the Service Manager, Rights of Way regarding efficiency proposals aimed at reducing the significant delays in processing applications to modify the Definitive Map in Somerset following a review of current procedures, in the light of concerns expressed by the Scrutiny for Policies and Place Committee.

(2) The report drew attention to two main areas of concern relating to the backlog of applications awaiting determination, namely:

- the authority was under a statutory duty to determine applications ‘*as soon as reasonably practicable*’ which, based on current resources and determination rates might not be possible
- directions issued by the Secretary of State to determine applications within a specified timeframe meant that the order in which applications were determined was affected, with determination of some of the oldest applications being delayed due to resources being redirected to focus on Secretary of State directions.

(3) The appropriate response to address these issues was to increase the determination/referral rate, either through additional resource or a change to process. A streamlined process had been adopted some time ago and had modified over time where additional efficiencies came to light. Nevertheless, the levels of scrutiny received from applicants and objectors had meant that the streamlined process was not always achievable. A typical investigation took six months to determine, and there remained long delays in investigating applications.

(4) The report outlined proposals for further efficiencies that could be achieved in the following three stages of dealing with applications: Investigation and Report (IR); Decision-making (D) and Post Determination (PD) The report also detailed the efficiency that could be delivered by each proposal. Full details of all the proposals, including the risks involved, and those which - on balance - had not been recommended for implementation were set out in Appendix 1 to the report.

(5) The report pointed out that consultations had been undertaken with other local authorities (including Northumberland and Norfolk County Councils) on various aspects of the determination process and their approaches were shown in Appendix 1. The recommended efficiency proposals generally accorded with the approach of other authorities with the exception of PD1 (Neutral stance for opposed orders where we cannot contribute further to the process with regard to evidence). Of the authorities consulted, only Norfolk County Council had an approach similar to PD1.

(6) Assuming an average efficiency gain of 13 days per case, with around 10 applications currently being determined each year, this could result in a total of 130 extra working days per year being freed up. This could enable a further three applications to be determined each year, reducing the approximate nominal 30 year wait for an application submitted today to 23 years. Although this was a significant improvement, a significant backlog would still remain and this highlighted the need for additional officer resources if the rate of determination was to be greatly increased.

(7) While continuous process improvement and the efficiency proposals should improve the determination rate, it did not necessarily follow that the backlog of applications would decrease as the authority had no control over the rate of incoming applications. It was likely that the rate of applications would stay at existing levels, or increase with the approach of the 'cut-off' date of 1 January 2026 for applications based on pre-1949 documentary evidence. However, the Deregulation Act, 2015 might help with achieving efficiencies.

(8) It was noted that the efficiency proposals would be presented to the meeting of the Scrutiny for Policies and Place Committee at its meeting on 19 June, 2019.

(9) The Committee proceeded to debate, during which Members discussed the content of the report, with the Rights of Way Service Manager and the Senior Rights of Way Officer responding as appropriate. Members:

- expressed concern about the potential long-term risk to the authority of the growing backlog of applications to modify the Definitive Map, even with continuous service improvement and the current efficiency proposals
- fully supported an increase in officer resource for the Rights of Way Service as the only realistic way of significantly reducing the backlog
- did not support the proposals relating to Decision-Making involving: 'minimising site visits for Committee decisions' (D1) and 'redefining criteria for going to Committee....' (D2), in favour of retaining the status quo in both cases
- discussed the scope for wider use of Express Dedication at Common Law, and closer working with user groups etc.

(10) Cllr Taylor, seconded by Cllr Coles, moved the recommendation set out in the report, as amended to reflect the third bullet point in (8) above.

(11) The Committee RESOLVED unanimously to support the proposed changes (coloured green in Appendix 1 to the report) to how applications to modify the Definitive Map are processed, subject to the exclusion of proposals relating to Decision-Making involving: minimising site visits for Committee decisions' (D1) and redefining criteria for going to Committee (D2), and to support an increase in officer resource.

(The meeting closed at 11.15)