

Proposed amendments to the Constitution re public rights of way

Officers' Delegation Scheme

- Amend paragraph 8.1 of the Specific Delegations to the Corporate Director of Environment as follows, for clarification purposes:

8 Delegation to the Corporate Director of Environment

8.1 To the extent that they are not specifically reserved to another Council/Executive body, Executive Member or officer, the Corporate Director of Environment is responsible for the exercise of all powers, duties and functions of the authority in relation to the following:

- Allotments
- Bereavement services, crematoria, public and private burials, maintenance of closed churchyards and public health funerals
- Coastal management and protection
- Commons and village greens
- Contaminated land
- Control of pollution and air quality
- Coroners service
- Dog warden services
- Environmental health and protection
- Environmental services including low carbon and natural capital services
- Fleet operation
- Flood management
- Footpaths, ~~and~~ Bridleways, Restricted Byways and Byways Open to all Traffic
- Harrogate Borough Council Act 1986 and Harrogate Stray Act 1985
- Harbour services for Scarborough, Whitby and Filey Coble Landing
- Highways, road safety, transportation and traffic regulation including winter maintenance and commercial services with the Highways teckal company
- Integrated Passenger Transport
- Licensing
- Managing economic crime unit
- Markets
- Parking Services including civil parking enforcement, penalty charge notices and permit administration
- Parks, playgrounds, public open spaces and grounds maintenance
- Public rights of way
- Registration of births, deaths and marriages
- Regulatory services (including trading standards, food hygiene, noise protection, pest control)

- Seashores and promenades
- Street Scene including street cleansing and litter
- Provision and cleaning of public conveniences
- Waste Services including collection, disposal, recycling, household waste recycling centres, commercial waste collection and closed landfill sites.

...

- Amend paragraph 8.3(b) of the Specific Delegations to the Corporate Director of Environment re 'Physical Environment including Public Rights of Way and Open Spaces' as follows, to update a legislative reference and to reflect that *all* objections regarding Definitive Map Modification Orders must be referred to the Secretary of State:

(b) **Physical Environment including Public Rights of Way and Open Spaces**

- (i) The exercise of all of the functions of the Council relating to the physical environment of the Council, rights of way and open spaces including but not limited to the Wildlife and Countryside Act 1981 the Highways Act 1980 the Town and Country Planning Act 1990;
- (ii) The power to make representations to the Secretary of State regarding Definitive ~~Map Modification Orders~~ and Public Path Orders (with the exception of Creation Orders) to which a ~~valid~~ duly made objection has been received following public advertisement of the Order, subject to consultation with the relevant Executive Member(s) and local Member(s).

- Amend paragraph 8.3(c) of the Specific Delegations to the Corporate Director of Environment re 'Commons Registration' as follows, to clarify and update the legislative references:

*(c) **Commons Registration**

~~The exercise of all functions of the Council in relation to common land and town and village green including but not limited to those Council functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. To determine all applications and exercise all functions of the Council in its role as Commons Registration Authority under Part 1 of the Commons Act 2006 and associated legislation (and any successor legislation).~~

- After paragraph 8.3(f)(vi) of the Specific Delegations to the Corporate Director of Environment, remove the "8.4" numbering from the heading "Matters excluded from the delegation", for consistency in numbering:

8.4 Matters excluded from the delegation:

The following matter is excluded from this delegation:

- (a) the issue of a new safety certificate in respect of a sports ground in North Yorkshire, or the withdrawal of an existing certificate.

Area Constituency Planning Committee Terms of Reference

- Amend paragraph *(e) as follows, as the word “Creation” was omitted in error at the time of adopting the Constitution, when it was intended that Public Path Creation Orders (not all Public Path Orders) would be delegated to the Area Constituency Planning Committees:

...

Except where delegated to an Officer, Area Constituency Planning Committees will have the following functions for their areas:

* (a) to exercise the powers and duties of the Council as Planning Authority in relation to all functions relating to town and country planning and development management as specified in, but not limited to Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 that do not fall within the remit of the Strategic Planning Committee.

* (b) to exercise the Council's functions as the Commons Registration Authority for common land and town/village greens.

* (c) to exercise powers relating to the protection of important hedgerows.

* (d) to support and be consulted in respect of any Development Plan documents.

* (e) the power to make representations to the Secretary of State regarding Public Path Creation Orders to which a ~~valid~~ duly made objection has been received following public advertisement of the Order, subject to consultation with the relevant Executive Member(s) and local Member(s).