

## HAMPSHIRE COUNTY COUNCIL - COUNTRYSIDE DEPARTMENT

### SCHEME OF AUTHORISATION

#### PART A COUNTRYSIDE FUNCTIONS

#### Appendix Example of an officer decision record

This Scheme of Authorisation has been prepared in accordance with the powers delegated to the relevant Chief Officer with responsibility for the subject area in accordance with Part 3 Chapter 4 paragraph 2 of the Constitution and relates to non executive functions. This is a dual delegation with the Regulatory Committee and can be found within Part 2 Chapter 2 of the Constitution. [The Constitution](#)

This is a living document and will be updated as required (but always within the remit of those matters permitted by the above delegation).

#### **Please note:**

*Any decision which grants permission, a licence or affects the rights of an individual (positively or negatively) must be published in accordance with the Openness of Local Government Bodies Regulation 2014, Part 3 (Records of Decisions and Access to Documents).*

## **Part A**

### **Town and Country Planning functions under Schedule 1 Part A of the Functions Regs**

Paragraph in the Scheme	Description	Relevant Legislation	Authorised Officer
1.1	To negotiate and sign off agreements with developers in respect of section 106 Town and Country Planning Act 1990	Section 106 Town and Country Planning Act 1990	Head of Countryside/Access Team Leader

### **Licencing and Registration functions under Schedule 1 Part B of the Functions Regs**

Paragraph in the Scheme	Description	Relevant Legislation	Authorised Officer
2.1	To grant permission to others for the provision of services, amenities, recreation and refreshment facilities on the highway (together with related powers) such permission to enable the third party to charge for the provision of the permitted services, amenities, recreation or refreshment in accordance with the terms of the Relevant Legislation. To authorise the publishing of Notices in respect of the proposal to grant such permission.	sections 115E, 115F, s115G and 115K of the Highways Act 1980	Access Team Leader/Area Countryside Access Manager
2.2	To negotiate and enter into Licences for planting, retention and maintenance of trees etc in the highway	Section 142 of the Highways Act 1980	Access Team Leader/Area Countryside Access Manager
2.3	To authorise the erection of stiles gates or other works on footpaths or bridleways (with conditions as are necessary) in accordance with the provisions of the relevant legislation	Section 147 of the Highways Act 1980	Access Team Leader/Area Countryside Access Manager
2.4	To authorise the erection of scaffolding upon a highway or other similar works to enable works to be carried out upon a building, such authority to include the entering into of a Licence	Section 169 of the Highways Act 1980	Access Team Leader/Area Countryside Access Manager
2.5	To grant permission for the placing of rails, beams, overhead cables over the highway	Section 178 of the Highways Act 1980	Access Team Leader/Area Countryside Access Manager

## Functions relating to public rights of way under Schedule 1 Part I of the Functions Regs

***Please note: In instances where it is considered that it would be in the public interest, or where the County Council receives representations that indicate that a decision is likely to be controversial (or have an adverse impact on an individual), then the matter will be referred to the Regulatory Committee/Chief Officer (in accordance with the Constitution) for a decision.***

Paragraph in the Scheme	Description	Relevant Legislation	Authorised Officer
3.1	To authorise the creation of footpaths, bridleways or restricted byways and to authorise the entering into of any associated legal agreement	Sections 25 and 26 of the Highways Act 1980	Head of Countryside/Access Team Leader
3.2	To authorise any action required to keep registers of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980	Head of Countryside/Access Team Leader
3.3	To authorise the stopping up of footpaths, bridleways and/or restricted byways and to issue any notices, place any advertisements and make any Orders relating to such.	Section 118 of the Highways Act 1980	Head of Countryside/Access Team Leader
3.4	To determine applications for public path extinguishment orders and to issue any Notices, make any Orders and place any advertisements relating to such	Sections 118ZA and 118C(2) of the Highways Act 1980	Head of Countryside/Access Team Leader
3.5	To divert footpaths, bridleways and restricted byways and to issue any Notices, make any Orders and place any advertisements relating to such	Section 119 of the Highways Act 1980	Head of Countryside/Access Team Leader
3.6	To make an SSSI diversion order if the requirements of the relevant legislation are met and to issue any Notices, make any orders and place any advertisements relating to such.	Sections 119D and 119E of the Highways Act 1980.	Head of Countryside/Access Team Leader
3.7	To respond to and deal with any Notice received under s130A and 130B Highways Act 1980	Sections 130A and 130B of the Highways Act 1980	Access Team Leader/Area Countryside Access Manager
3.8	To authorise temporary disturbances of the surface of a footpath, bridleway or restricted byway (agricultural land)	Section 135 Highways Act 1980	Access Team Leader/Area Countryside Access Manager
3.9	To require the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980	Access Team Leader/Area Countryside Access Manager
3.10	To keep the definitive map and statement under review and to make amendments to it as necessary	Section 53 of the Wildlife and Countryside Act 1981	Head of Countryside/Access Team Leader

3.11	To include modifications of the definitive map within other Orders	Section 53A of the Wildlife and Countryside Act 1981	Head of Countryside/Access Team Leader
3.12	To prepare a map and statement by way of consolidation of the definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981	Head of Countryside/Access Team Leader
3.13	To authorise the stopping up or diversion of footpath(s), bridleway(s) and/or restricted byways(s)	Section 257 of the Town and Country Planning Act 1990	Head of Countryside/Access Team Leader
3.14	To enter into agreements with respect to means of access and to provide access in the absence of an agreement	Section 35 of the Countryside and Rights of Way Act 2000	Head of Countryside/Access Team Leader

## Appendix – Example Officer’s Decision Record

### HAMPSHIRE COUNTY COUNCIL

#### Officer Decision Record

<b>Decision Maker:</b>	Insert name of officer
<b>Title:</b>	
<b>Reference:</b>	Insert reference number from

**Tel:**

**Email:** @hants.gov.uk

**1. The decision:**

1.1. That

1.2. That

1.3. That

**2. Reason(s) for the decision:**

[These are the reasons for this decision being made, including any links to the corporate strategy.]

2.1.

**3. Other options considered and rejected:**

3.1.

**4. Conflicts of interest:**

4.1. [If none then state None]

**5. Dispensation granted by the Head of Paid Service:**

5.1. [Insert details of the dispensation granted by the Chief Executive in relation to 4.1 above]. If this doesn't apply, state "None".

**6. Supporting information:**

6.1. [Insert any supporting information that was considered by the decision maker in reaching his/her decision]

**Approved by:**

**Date:**

\_\_\_\_\_ (signature)    xxx 2017

**(Insert name of Officer taking the decision and job title)**

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**On behalf of the Director of Culture Communities and Business Services**