

The Regulatory Committee

Terms of Reference

The Committee shall carry out the following functions:

1. To deal with all matters relating to the Review of Definitive Maps of Public Rights of Way in accordance with Part III of the Wildlife and Countryside Act 1981.
2. To exercise the following functions, duties and powers of the Council under the Highways Act 1980:
 - (a) the power to create footpaths or bridleways by agreement under Section 25;
 - (b) the power to make Orders for the creation of footpaths and bridleways under Section 26;
 - (c) to keep a register of information with respect to maps and statements deposited and declarations lodged with the Council under Section 31(6), in accordance with Section 31A;
 - (d) the power to make Orders for the extinguishment of footpaths and bridleways in accordance with Section 118;
 - (e) the power to make a rail crossing extinguishment order under Section 118A;
 - (f) the power to make a special extinguishment order for the purpose of preventing or reducing crime or of protecting school pupils or staff under Section 118B;
 - (g) the power to determine applications for public path extinguishment orders (Section 118ZA) and special extinguishment orders (Section 118C(2));
 - (h) to keep a register with respect to applications under Sections 118ZA, 118C, 119ZA and 119C in accordance with Section 121B;
 - (i) the power to decline to determine applications under Sections 118ZA, 118C, 119ZA or 119C in accordance with Section 121C;
 - (j) the power to make Orders for the diversion of footpaths and bridleways in accordance with Section 119;
 - (k) the power to make a rail crossing diversion order under Section 119A;

- (l) the power to make a special diversion order for the purpose of preventing or reducing crime or of protecting school pupils or staff under Section 119B;
- (m) the power to require an applicant for a special diversion order to enter into an agreement in accordance with Section 119C(3);
- (n) the power to make an SSSI diversion order under Section 119D;
- (o) the power to make a public path diversion order (Section 119ZA) and a special diversion order (Section 119C(4));
- (p) the power to assert and protect the rights of the public to the use and enjoyment of highways under Section 130;
- (q) to serve notice of proposed action in relation to an obstruction in respect of which notice has been served on the Highway Authority in accordance with Section 130A;
- (r) the power to apply for a variation of an order made under Section 130B in accordance with Section 130B(7);
- (s) the power to authorise the temporary disturbance of the surface of a footpath or bridleway under Section 135;
- (t) the power temporarily to divert footpaths or bridleways under Section 135A;
- (u) to exercise the functions relating to the making good of damage to and the removal of obstructions from footpaths or bridleways under Section 135B;
- (v) the power to remove things so deposited on highways as to be a nuisance under Section 149;
- (w) to permit deposit of builder's skip on highway under (S139);
- (x) to license planting, retention and maintenance of trees etc. in part of a highway under Section 142;
- (y) to authorise erection of stiles on footpaths or bridleways (S147);
- (z) to license works in relation to buildings etc. which obstruct the highway (S169);
- (aa) to consent to temporary deposits or excavations in streets (S171);
- (bb) to authorise erection of hoardings or fences (S172);

- (cc) to restrict the placing of rails, beams etc. over highways under Section 178;
 - (dd) to determine applications for consent to construct vaults, arches and cellars under streets or carriageways (S179);
 - (ee) to determine applications for consent to the making of openings in footways for access to cellar or vault under street (S180);
3. The power to extinguish certain public rights of way under Section 32 of the Acquisition of Land Act 1981.
 4. The power to designate a footpath as a cycle track under Section 3 of the Cycle Tracks Act 1984.
 - 5
 - (a) The power to enter into agreements with respect to means of access under Section 35 of the Countryside and Rights of Way Act 2000;
 - (b) The power to provide access in the absence of an agreement under Section 35, in accordance with Section 37 of the Countryside and Rights of Way Act 2000.
 6. To determine, when dealing with claims under Part III of the Wildlife and Countryside Act 1981, that a right of way is an ancient highway, and therefore maintainable at public expense, in those cases where the evidence in support of the claim justifies such a determination.
 7. The power to apply for an Order against unlawful works on common land under Section 41 of the Commons Act 2006
 8. The power to take steps to protect unclaimed common land or town or village greens against unlawful interference and to institute proceedings under Section 45 of the Commons Act 2006.

Other Licensing Registration and Regulatory Functions

1. To issue, amend or replace safety certificates (general or special) under the Safety of Sports Grounds Act 1975, for sports grounds, and under the Fire Safety and Safety at Places of Sport Act 1987, for regulated stands at sports grounds.
2. To maintain Registers of, and/or issue licenses, in connection with the following (including any consequential functions):
 - (a) persons and premises for the sale of specified poisons under Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972;
 - (b) animal movements under Articles 12 to 14 of the Pigs (Records, Identification and Movement) Order 1995, and Article 5(2) of the Cattle

Identification Regulations 1998;

- (c) performing animals under Section 1 of the Performing Animals (Regulation) Act 1925.
- 3. To licence the employment of children under the Children and Young Persons Acts 1933 and 1963.
- 4.
 - (a) To exercise the Council's powers under the Commons Registration (New Land) Regulations 1969 to register common land or town or village greens (except where the power is to be exercised solely for the purpose of giving effect to an exchange of land by an order under Section 19(3) or Schedule 3 of the Acquisition of Land Act 1981, or an order under Section 147 of the Inclosure Act 1845).
 - (b) To make recommendations to the Cabinet Member with responsibility for the Environment on matters under the Commons Registration Act 1965 as amended and Regulations thereunder where responsibility lies with the Cabinet.
- 5 To register variations of rights of common under Regulation 29 of the Commons Registration (General) Regulations 1966.
- 6.
 - (a) To exercise the Council's functions and powers under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work etc 1974 (relating to health, safety and welfare in connection with work, and control of dangerous substances including explosives, petroleum and celluloid) to the extent that those powers are discharged other than in the Council's capacity as an employer save as in 6b below.
 - (b) To assent or dissent to a licence for the site of any new factory for the manufacture of explosives under The Explosives Act 1875 -1923.
- 7. To exercise the Council's functions under Sections 1, 2 10 and 19 of the Sea Fisheries Regulation Act 1966.
- 8. To issue permits for the operation of minibuses under Section 19 of the Transport Act 1985.
- 9. To grant a Street Works Licence under Section 50 of the New Roads and Street Works Act 1991.
- 10. To approve premises for the solemnisation of marriages under Section 46A of the Marriage Act 1949 and associated Regulations.
- 11. To exercise any powers of the Council contained in Local Acts which involve the granting of a consent, licence, permission, registration or similar function.

12. To determine whether, and in what manner, to enforce any failure to comply with any approval, consent, licence, permission or registration granted by the Committee in the exercise of its responsibilities.
13. To make appointments to outside bodies to which the Council is entitled to have representation in connection with the discharge of any of the Committee's functions.
14. To establish Sub-Committees to undertake any part of the Committee's functions.
15. To exercise the duties powers and functions of the County Council as Registration Authority under Part 1 Commons Act 2006.