

POLICY 006

Adopted on 2nd December 2016

TERMS OF REFERENCE OF THE COURTS AND INQUIRIES COMMITTEE

PURPOSE

To assist the Society to fulfil its constitutional objectives

MEMBERSHIP

The members of the Committee are the Society's Courts and Inquiries Officers¹, the Compliance Officer² and the Consultations and Orders Manager. Members of the Management Committee may attend and speak as of right. Other people may be invited to join the Committee at the discretion of the members but may only speak with the Chair's permission.

MEETINGS

The Committee should meet at least four times a year, date and location to suit the members. The meetings are chaired by a Courts and Inquiries Officer or a member of the Management Committee. At least two members of the Management Committee and two Courts and Inquiries Officers must be present at each meeting.

The Society's Secretary compiles the agenda in consultation with the Committee members. (S)he prepares draft minutes of meetings, which are revised following consultation with the Committee members and formally approved at the following meeting. Approved minutes are circulated to all Officers and Inspectors unless the Chair decides otherwise.

BUSINESS

The Committee, as relevant:

- receives and discusses reports from the Courts and Inquiries Officers
- advises the Courts and Inquiries Officers and other Officers on means to achieve the Society's constitutional objectives
- authorises the serving of pre-action letters and statutory notices on local highway authorities, including notices under s56 and s130A Highways Act 1980

¹ Courts and Inquiries Officer is a title given to a member of the Society who is authorised by the Management Committee to represent the Society at Court hearings and Public Inquiries. They are not, solely by virtue of their title, members of the Management Committee.

² The Compliance Officer is a member of the Society with the necessary legal training to ensure that the Society does not contravene its constitution or the Charities Act. (S)he is not, solely by virtue of the title, a member of the Management Committee.

- recommends to the Management Committee the commencement of court proceedings against a landowner for alleged offences under the provisions of the Highways Act 1980 and other relevant legislation.
- authorises formal objections to diversion, extinguishment, creation, modification and traffic regulation orders and other orders affecting PRowS and other public access.
- authorises formal support to order-making authorities for opposed diversion, extinguishment, creation, modification and traffic regulation orders and other orders affecting PRowS and other public access.
- make representations opposing public space protection orders
- authorises the submission on behalf of the Society of applications for Definitive Map Modification Orders to add public rights of way to the definitive map.
- prepares, for the consideration of Management Committee, draft policies on how to encourage local Highway Authorities to use their legal powers to manage the public rights for which they are responsible
- co-ordinates the Society's responses to consultations on relevant policy and to other documents produced by other organisations
- assists the Management Committee in any other way relevant to the purpose of the committee.

RELATIONSHIP WITH MANAGEMENT COMMITTEE

All decisions of the committee must be ratified by a majority of the members of the Management Committee present at the meeting. If they cannot agree the matter must be referred for consideration by the next meeting of the Management Committee.