



PNFS – Terms of Reference Courts & Inquiries Committee

1 Type and Purpose

The Courts & Inquiries Committee (C&IC) is a decision-making committee established in accordance with Section 31 of the PNFS constitution, to assist the Society to fulfil its constitutional objectives.

2 Authority and Scope

The C&IC has delegated authority to consider, agree and authorise all the matters set out at paragraph 5 below, whether or not those matters might otherwise require the approval of the Managing Committee and provided the relevant decision is approved by the Trustee members of the C&IC as set out in paragraph 4 below.

3 Membership and appointments

Membership

- Trustees¹ (2 minimum, usually including the Chair of the Society)
- Courts and Inquiries Officers² (C&IO)
- Consultation and Orders manager

Other people may be invited to attend the meeting as observers.

Appointments

The Managing Committee may appoint and remove C&IOs, usually upon the recommendation of the Committee. A prospective C&IO will usually be invited to observe a meeting(s) prior to being appointed and will be provided with an induction, training, and a mentor (where required) upon appointment.

4 Meetings

- The Committee meets a minimum 4 times per year at a date and time to suit the members³. Meetings last approximately two hours and may be chaired by the Society's Chair, a Trustee, or a C&IO.
- Quorum: At least two Trustees and two C&IO must be present at each meeting
- Decisions made by the Committee that are not made unanimously are to be decided by a majority of the
- Committee members present at the meeting. If any Trustee at the meeting does not agree the decision, then the matter must be referred to the next meeting of the Trustees for a decision.
- The Society's Secretary compiles the agenda in consultation with the Committee members. Minutes of meetings are recorded by the Minute Secretary⁴ The draft minutes are revised following consultation with the Committee members and formally approved at the following meeting. Unless the Chair decides otherwise, approved minutes and accompanying reports are placed on the volunteers' area of the PNFS website to ensure they are available to all C&IO and Inspectors.

¹The Members of the Society's Managing Committee are referred to herein as the Trustees.

²Courts and Inquiries Officer is a title given to a member of the Society who is authorised by the Trustees to represent the Society at Court hearings and Public Inquiries, or to serve statutory notices.

³Dates and times of meetings are included in the meetings calendar on the website. Please consult the Secretary for more details.

⁴The Society uses the services of a professional minute Secretary (Torplan Ltd) to record its meetings



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5 Scope of business

- Receive and discuss reports from the Courts and Inquiries Officers.
- Authorise the serving of pre-action letters and statutory notices on local highway authorities, including notices under s56 and s130A Highways Act 1980.
- Update and maintain a table of notices recording all such authorisations.
- Recommend to the Trustees the commencement of court proceedings against a landowner for alleged offences under the provisions of the Highways Act 1980 and other relevant legislation.
- Recommend to the Trustees the commencement of court proceedings against a local highway authority under the provisions of the Highways Act 1980 or any other relevant legislation.
- Prepare, for consideration by the Trustees, draft policies on how to encourage local highway authorities to use their legal powers to manage the public rights for which they are responsible.
- Advise the Society how to respond to formal consultations or other documents issued by other organisations.
- Advise and assist the Trustees on request in any other way relevant to the purpose of the Committee.

6 Approval of urgent matters

If for any reason a decision of the C&IC is required that cannot wait until the next C&IC meeting, a C&IO may, via the Chair (or the Society's Vice Chair if the Chair is not available), seek the approval of the Trustees of the Society outside the C&IC meeting.

This request must be made by email to the Chair (or Vice Chair as relevant) and be marked as urgent. The Chair shall contact all Trustees and members of the C&IO by email, coordinate the process and inform the C&IO of the decision of the Trustees. The matter must be recorded at the next C&IC meeting.

7 Reporting

As required by section 31(4) of the Constitution all acts and proceedings of the C&IC must be reported fully and promptly to the Trustees (usually at the next management meeting unless the matter is urgent)

8 Review

The terms of reference are to be reviewed every 3 years.



Version Control

| Policy | Version | Created / Updated | Owner |
|---|---------|--|-------|
| Terms of Reference Courts & Inquiries Committee | 1 | Created and adopted 17 th December 2001 | C&IC |
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