

Record of Delegated Non Executive Decisions by Officers

1. Subject of decision

Delegation Reference (Refer to Meeting Minute Number or Officer Delegation Scheme):

The subject of this decision is the making of a Public Path Diversion Order and a Rail Crossing Diversion Order – The North Tyneside Public Footpath Dudley 1 (Section) Public Path Diversion Order 2022 and The North Tyneside Bridleway Dudley 2 (Section of) Rail Crossing Diversion Order 2022.

Under the Authority's Officer Delegation Scheme, the Director of Regeneration and Economic Development has a specific delegation, namely RED 28 t) which relates, amongst other things, to the making and confirmation of a public path diversion order. RED 28 t) states:

"In consultation with the Assistant Chief Executive to deal with all matters in relation to any proposal to close or divert highways, footpaths and bridleways in accordance with sections 116, 117, 118, 119 and section 25 & 26 [of the Highways Act 1980] (creating footpaths, bridleways and restricted byways)."

A separate general delegation, GD6, allows the Director of Regeneration and Economic Development to exercise powers under section 119A of the Highways Act 1980 for a rail crossing diversion order.

This decision has been delegated to one or more officer(s) under:

(a) A specific express authorisation (provide the date, report and decision of Council, Committee or Sub-Committee etc which delegated this to the specific officer(s))

(b) a general authorisation to take such decisions **and**, the effect of the decision is to:

(i) grant a permission or licence;

(ii) affect the rights of an individual; or

(iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position.

[Insert a cross in the appropriate box(es)]

2. Name and Title of Decision Maker

John Sparkes, Director of Regeneration and Economic Development

3. Details of any Conflict of Interest and any Dispensation granted in respect of such Interest

None

4. Executive summary (To be taken from written report)

On 11 July 2022 the Director of Regeneration and Economic Development authorised

- (1) in consultation with the Assistant Chief Executive, to make the Orders at Appendix 1 and Appendix 2 of the report and thereafter take all necessary steps to give notice to the making of the Orders in accordance with the requirements of the Highways Act 1980;
- (2) that, if no representations or objections were made to the Orders, to confirm the Orders following the conclusion of the consultation period; and
- (3) noted that, if representations or objections were made to the Orders, a further report would be provided to the Director of Regeneration and Economic Development for a decision on subsequent action regarding the Orders.

The notices were prepared and advertised in accordance with the statutory requirements and no representations or objections were received by the Authority during the statutory advertising period.

Therefore, the Orders are confirmed by the Authority after having regard to the matters set out in section 119(1) (as a public path diversion order), and section 119A (as a rail crossing diversion order), of the Highways Act 1980.

5. Alternative options considered

Option 1

To endorse recommendation (2) as set out in paragraph 1.2 of the 11 July 2022 Delegated Decision report – to confirm the Orders – Public Rights of Way Dudley 1 and 2

Option 2

Not to endorse recommendation (2) as set out in paragraph 1.2 of the 11 July 2022 Delegated Decision report – to confirm the Orders – Public Rights of Way Dudley 1 and 2

Option 1 was the recommended option.

6. Decision(s)

The Director of Regeneration and Economic Development has made a delegated decision

- (1) To confirm that no objections were received during the statutory consultation period relating to the Orders; and
- (2) That the Orders shall be confirmed in accordance with the proposal in the 11 July 2022 Delegated Decision Report.

The 11 July 2022 delegated decision report can be viewed on North Tyneside Council's web site via the following link: [Decision – Public Path Diversion Order and a Rail Crossing](#)

7. Reasons for the Decision(s)

It is considered expedient that the paths be diverted and it is considered beneficial that the railway level crossing be closed for the reasons set out in the report.

8. Date Decision Made

30 January 2023

To be completed by Democratic Services

9. Date of Publication

30 January 2023