

## Delegated Decision Notice

This form is the written record of a key, significant operational or administrative decision taken by an officer.

<b>Decision type</b>	<input type="checkbox"/> Key Decision	<input type="checkbox"/> Significant Operational Decision	<input checked="" type="checkbox"/> Administrative Decision
<b>Approximate value</b>	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000 <input type="checkbox"/> £100,000 to £500,000 <input type="checkbox"/> Over £500,000	<input checked="" type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
<b>Director<sup>1</sup></b>	Director of City Development		
<b>Contact person:</b>	Trishna Rycroft	Telephone number: 0113 3787325	
<b>Subject<sup>2</sup>:</b>	<b>Burras Lane – Ramp to All Saints Church</b>		
<b>Decision details<sup>3</sup>:</b>	<p>What decision has been taken? (Set out all necessary decisions to be taken by the decision taker including decisions in relation to exempt information, exemption from call in etc.)</p> <p>For the ramp access to the church to be maintained at public expense as part of the adopted highway.</p> <hr/> <p>A brief statement of the reasons for the decision (Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal, HR and Equality colleagues as appropriate)</p> <p>Following an enquiry made by Otley Ward Members to repair the wall to the ramp back in January 2022; Highways Asset Management looked into the status of the ramp to All Saint’s Church on Burras Lane in Otley which was not previously considered to be part of the adopted highway.</p> <p>HAM engaged the services of colleagues in legal to investigate, who came to the conclusion that this area should be shown as adopted highway and therefore maintained by the highway authority. The reasons given by Legal Services are stated below:</p> <ul style="list-style-type: none"> <li>- it was a highway maintainable at the public expense under the Highways Act 1959 and so would automatically continue to be so under the replacement legislation (Highways Act 1980: s36(1)) – i.e. it was a</li> </ul>		

<sup>1</sup> Give title of Director with delegated responsibility for function to which decision relates.

<sup>2</sup> If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

<sup>3</sup> Simply refer to supporting report where used as these matters have been set out in detail.

	<p>construction of the UDC and therefore we as successor highway authority have responsibility for it; OR</p> <ul style="list-style-type: none"> <li>· at the time it was constructed, it was constructed as part of the highway by the (then) highway authority and not constructed on behalf of another person / party that was not (at that time) the highway authority (Highways Act 1980: s36(2)(a)) – i.e. going back to those very early maps , it seemed to fall within the trackway that was used to navigate between the buildings that existed at that time.</li> </ul> <p>This would continue to be the case unless any of the following, accepted exceptions apply:</p> <ul style="list-style-type: none"> <li>· someone else has become liable for the maintenance under statute, or by reason of tenure, inclosure or prescription (s50 Highways Act 1980);</li> <li>· there has been extinguishment of the maintenance liability by court order;</li> <li>· there has been extinguishment of the highway itself by court order or an administrative process.</li> </ul> <p>Notwithstanding the above it does seem likely that there was something that would be regarded as a highway existing here before 1835. This would then bring into play the provision under HA 1980 that all highways in existence either (1) before 31 August 1835 or (2) after 31 August 1835 where it can be shown that at some time there has been maintenance at the public expense = to be regarded as way maintainable at the public expense. Therefore, the work done to date has given a precedent that we appear to have taken responsibility in this instance, and should continue to do so.</p>
<p><b>Affected wards:</b></p>	<p>Ward 27 Otley and Yeadon</p>

<b>Details of consultation undertaken<sup>4</sup>:</b>	Executive Member N/A		
	Ward Councillors Otley Ward Members		
	Chief Digital and Information Officer <sup>5</sup> N/A		
	Chief Asset Management and Regeneration Officer <sup>6</sup> N/A		
	Others PROW and Transport teams		
<b>Implementation</b>	Officer accountable, and proposed timescales for implementation L&PSS to add to adoption layer on GIS.		
<b>List of Forthcoming Key Decisions<sup>7</sup></b>	Date Added to List:-		
	<b>If Special Urgency or General Exception</b> a brief statement of the reason why it is impracticable to delay the decision		
	<b>If Special Urgency</b> Relevant Scrutiny Chair(s) approval Signature _____ Date _____		
<b>Publication of report<sup>8</sup></b>	If not published for 5 clear working days prior to decision being taken the reason why not possible:		
	If published late relevant Executive member's approval Signature _____ Date _____		
<b>Call In</b>	Is the decision available <sup>9</sup> for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<b>If exempt from call-in</b> , the reason why call-in would prejudice the interests of the council or the public:		
<b>Approval of Decision</b>	Authorised decision maker <sup>10</sup> Oliver Priestley, Head of Engineering & Infrastructure, Highways & Transportation.		
	Signature	Date 6 <sup>th</sup> March 2024	

<sup>4</sup> Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

<sup>5</sup> See Officer Delegation Scheme (Executive Functions) CDIO must be consulted in relation to all matters relating to the Council's use of digital technology

<sup>6</sup> See Officer Delegation Scheme (Executive Functions) CAMRO must be consulted in relation to all matters relating to the Council's land and buildings.

<sup>7</sup> See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

<sup>8</sup> See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

<sup>9</sup> See Executive and Decision Making Procedure Rule 5.1. Significant operational decisions taken by officers are never available for call in. Key decisions are always available for call in unless they have been exempted from call in under rule 5.1.3.

<sup>10</sup> Give the post title and name of the officer with appropriate delegated authority to take the decision.

		
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