

**PUBLIC RIGHTS OF WAY
ENFORCEMENT WORKING PROCEDURES CONCERNING THE
OBSTRUCTION AND REMOVAL OF STRUCTURES FROM A
HIGHWAY**

At all times the enforcement officer will always try to resolve matters without the need for formal action. Formal action is only considered as a last resort.

Once a matter has been brought to the attention of the Countryside and Access Unit the enforcement officer will carry out a site visit.

On Inspection and depending on the circumstances, the enforcement officer will try to make contact with the alleged landowner/occupier to discuss the matter on site on a face to face basis to explain the matter to avoid misunderstandings and to explain public concerns. Alternatively the enforcement officer will write/telephone to explain the matter and invite him or her to either discuss it or arrange a site visit in order to resolve the matter as quickly as possible. As much information as possible is given at this stage.

If no personal or telephone contact has been or a letter sent by the enforcement officer has not been responded to a further letter will be sent.

If after a reasonable time, no response has been received and the enforcement officer believes that person to be responsible for the obstruction he will liaise with the Legal Department regarding the taking of further action.

Depending on the circumstances and severity of the alleged obstruction the enforcement officer will consult the Legal Department on the appropriate action to be taken. This may take the form of issuing a Notice in accordance with Section 143 Highways Act 1980 and or prosecuting the alleged offender in accordance with Section 137 Highways Act 1980.

If a Notice under Section 143 of The Highways Act 1980 is initially considered to be the most appropriate way to deal with the problem but the landowner/occupier does not comply with the Notice within the time limit set out in the Notice the Council's own workforce will enter the land, remove the structure and recover its costs from that person.

If the Notice has been complied with the enforcement officer will write a thank you letter to the landowner/occupier but also remind him that it is expected the path remains free from future obstruction or further incidents would be considered for prosecution.

If it is decided to prosecute the alleged offender in the first instance the enforcement officer may consider the most appropriate way to proceed, i.e. serve Notice in accordance with Section 143 Highways Act 1980 and prosecute or instruct Legal Department to proceed by way of prosecution only.