

Delegated Decision Notice

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

Decision type	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
Approximate value	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input checked="" 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 type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
Director¹	Director of City Development		
Contact person:	Michael Norcliffe	Telephone number: 0113 378 8092	
Subject²:	Section 116 Highways Act 1980 – Stopping Up Order – Sandbed Lane , Arthington		
Decision details³:	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.) The Chief Officer (Highways and Transportation) instructed the City Solicitor to apply to the magistrates' court for a Stopping Up Order under Section 116 of the Highways Act 1980 to: <ul style="list-style-type: none"> a) stop-up the length of Sandbed Lane between points B and C as shown on drawing no. S D/217960/Z215/02; and b) to extinguish public motorised and horse drawn vehicular rights along the length of Sandbed Lane between points A and B as shown on drawing no. SD/217960/Z215/02, with the length affected becoming a bridleway; and c) to divert the length of Sandbed Lane between points A and B as shown on drawing no. SD/217960/Z215/02. 		
	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)		

¹ Give title of Director with delegated responsibility for function to which decision relates.

² 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

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

	<p>Sandbed Lane originally served the former Castley Ford across the river which is no longer in use because the river is too deep. Erosion at times of flooding has steepened the banks so there is no longer vehicular access to the riverbed. The byway extends to the city boundary at the centre of the river, from where the route nominally continues into North Yorkshire, but, in practice, it is now a dead end. The landowner, who farms the land directly, has experienced vehicles causing damage by being driven across the field, fly tipping and theft of large items which would need vehicular transport to remove from the farm buildings accessed off the byway.</p> <p>As a result, the landowner has placed a barrier across the byway just north of its junction with the Sewage Works entrance. The landowner opened the barrier in the morning to allow access to the byway and closed the barrier again at night.</p> <p>Following complaints from users of the byway the landowner stopped closing the barrier but has requested that the byway be extinguished so that the land and property can be protected.</p> <p>To facilitate the above, an application to the Magistrates' Court is required under Section 116 of the Highways Act 1980 to stop up and divert the existing byway as shown on drawing no. SD/217960/Z215/02.</p>
Affected wards:	Adel and Wharfdale
Details of consultation undertaken⁴:	<p>Executive Member: Councillor Helen Hayden 04/07/22</p> <p>Ward Councillors were consulted with the amended proposal and no objections were received. The Ward Member who originally objected to the gate being located at the top of the hill no longer objects to the proposal to relocate the gate the bottom of the hill.</p> <p>Others The two objectors were consulted again with the amended proposal. One is now happy with the proposed amendment. And the other has not replied to date.</p>
Implementation	Officer accountable, and proposed timescales for implementation Nazneen Malik
	Date Added to List:-

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

List of Forthcoming Key Decisions⁵	If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision	
	If Special Urgency Relevant Scrutiny Chair(s) approval Signature _____ Date _____	
Publication of report⁶	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 _____	
Call In	Is the decision available ⁷ for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If exempt from call-in , the reason why call-in would prejudice the interests of the council or the public:	
Approval of Decision	Authorised decision maker ⁸ Gary Bartlett – Chief Officer Highways & Transportation	
	Signature <i>G J Bartlett</i>	Date: 29/06/22

⁵ See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

⁶ See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

⁷ 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.

⁸ Give the post title and name of the officer with appropriate delegated authority to take the decision.