

**Minutes of the Staffordshire and Wolverhampton Joint Local Access Forum  
Meeting held on 17 July 2017**

Present: Mr. J. Mills (Chairman)

J. Barber (JB)  
N. Chapman (NC)  
C. Davison (JCD)  
G. Gittens  
T.A.J. Hewitt

Mrs. R. Lane (RL)  
P. Pearson (PP)  
J. Rowley (JR)  
Ms. K. Wolstencroft

**Officers**

Mrs. C. Kertesz (CK) – City of Wolverhampton Council  
J. Lindop (JL) - Secretary  
P. Rochfort (PR) - Staffordshire County Council  
Mrs. N. Swinnerton – Staffordshire County Council

**Apologies:** David Boden and Harry Scott

**PART ONE**

**1. Declarations of Interest under Paragraph 5.3 of the Forum Structure**

Nil

**2. 2026 - Restoring the Record**

This item had been included on the Agenda at the request KW.

Rights of Way Restoring the Record was a research guide which explained various sources of evidence valuable for proving or disproving the existence of public rights of way ie (i) where it could be found; (ii) why it was of value to proving or disproving highway status and (iii) how to set out an application for a Modification Order under Section 53 of the Wildlife and Countryside Act 1981.

KW asked whether there was scope for the Forum to assist the Appointing Authorities in possessing Section 53 claims.

NS explained that the County Council currently had a backlog of 240 applications some of which had been outstanding for 20 years. The Authority had adopted a prioritisation scheme for dealing with claims but given the current level of resources within the Authority's Legal Service Unit (LSU) each application took approximately 1 year to determine. However, consideration was being given by Members and Officers as to how this situation could be improved.

The Chairman said that there may be an opportunity for the Forum to look into this matter and provide assistance/advice to the Appointing Authority, as necessary. However, more information was required. JL informed them that whilst it had not been possible for a representative of LSU to attend the meeting, the Head of Law and Democracy had undertaken to provide them with a briefing on the relevant legislation and application process at their next meeting.

During the discussion which ensued Members sought clarification of various matters relating to Modification Orders including applications to the Secretary of State where the Highway Authority had failed to determine a claim within 12 months of receipt.

NS commented that it was hoped to have a clearer indication as to how the County Council intended to deal with the backlog, together with new applications received, by the time of their next meeting.

**RESOLVED** – (a) That Section 53 Applications for Modification Orders to Staffordshire County Council’s definitive Map of Public Rights of Way be included on the Agenda for their next meeting.

(b) That JL make arrangements for a representative(s) of the Authority’s Legal Services Unit to attend their next meeting in order to brief them on the legislative process relating to Modification Orders.

### **3. Fly Tipping**

This item had been included on the Agenda at the request of CG.

CG explained that Kinver and Essington currently appeared to be hotspots for ‘fly’ tipping ie illegal dumping of waste, particularly on the highway and referred to a recent incident where a section of the Staffordshire Way had been obstructed by fly-tipped waste. He questioned why this should be the case and wondered whether Staffordshire County Council’s new policy of charging for non-domestic waste at their Household Waste Recycling Centres had exacerbated the problem. He went on to seek clarification of their policy and the various responsibilities in respect of the removal of fly tipped waste.

In response PR referred to a large scale fly-tipping incident which had recently taken place on a footpath in Newcastle-under-Lyme Borough. Whilst he understood that removal of fly tipped waste from the highway was the responsibility of District/Borough Councils, owing to the scale of the problem on this occasion, the County Council had taken the lead. The Environment Agency were carrying out an investigation into this matter in an attempt to identify those responsible. PR went on to say that his service area maintained a log of incidents of fly-tipping on public rights of way.

RL related her experience in seeking to have illegally dumped asbestos removed.

JR spoke of the incidence of fly-tipping in the City of Wolverhampton and his Authority’s efforts in identifying those responsible.

KW said that South Staffordshire District Council had re-directed her to the County Council when she had contacted them to report a case of fly-tipping.

TH said that he had noticed an increase in fly-tipping in East Staffordshire Borough over recent months and concurred with CG in that it could be as a result of the County Council's new charging policy.

The Forum agreed that a representative of the County Council should be invited to attend their next meeting to clarify the new policy of charging for non-household waste at Household Waste Recycling Centres and whether this had contributed to an increase of fly-tipping on access land in the County.

**RESOLVED** – That the County Council's Director of Economy Infrastructure and Skills be invited to attend the next meeting of the Forum to brief them on the issue of fly-tipping as set out above.

#### **4. Verbal Updates from the Two Appointing Authorities**

The Forum received updates on matters of interest from the Appointing Authorities, as follows:-

##### **(i) Staffordshire County Council**

NS gave them a PowerPoint presentation (slides attached at Appendix 1 to the signed minutes) on the work of her service area and a root and branch review which was being undertaken against a background of savings targets identified in the Medium Term Financial Strategy (£290,000 over four years). The scope of the review included (i) Staffordshire's 4,400 KM of Public Rights of Way; (ii) all management and maintenance activities and working arrangements; (iii) Staff who managed and maintained Public Rights of Way including the Rights of Way Team, works Unit, Rangers, Spatial information Team and volunteers; (iv) working arrangements with the Peak District National Park.

Individual work streams in the Review included (i) identification of a route hierarchy and system for prioritising path enquiries and maintenance; (ii) identifying a system for prioritising Public Path Orders; (iii) deciding new roles and responsibilities of staff; (iv) the support systems required; (v) the role of external users and stakeholder groups; (vi) a suitable Enforcement Protocol and; (v) income through fees and charges.

In the discussion which ensued, TH suggested engagement with the Community Council of Staffordshire (CCS). The CCS ran the Best Kept Village competition and might be willing to assist the County Council with routine maintenance tasks on the Rights of Way Network.

CG sought further details of the County Council's review of their Country Parks Estate. In reply NS undertook to liaise with the Authority's Countryside Manager regarding briefing the Forum on this work.

### **(iii) Wolverhampton City Council**

CK informed them of her Council's involvement in the Black Country Walking and Cycling Strategy. In addition she referred to work she had recently been involved with including (i) investigating the feasibility of further Gating Orders under the Crime and Policing Act 2014; (ii) reviewing existing Public Spaces Protection Orders and; (iii) making information on the City Council's Rights of Way network available via the World Wide Web.

**RESOLVED** – (a) That the oral reports and PowerPoint presentation be noted.

(b) The JL make arrangements for the County Council's Countryside Manager to attend their next meeting in order to brief them on the Review of the Country Parks Estate.

## **5. Consultation Correspondence**

There was no consultation correspondence to report.

## **6. Any Other Business**

### **(i) Items for Information**

There were no items for information raised.

### **(ii) Items for Agenda for Next Meeting**

There were no additional items raised for inclusion on the Agenda for the next meeting.

## **7. Questions from the Public**

The following questions had been received from Mr. D. Rice of Amberley, Gloucestershire :-

“Q1 - Taking all the above issues, attachments and rational into account, what “advice” can the Local Access Forum provide to Staffordshire County, to ensure that all duly made section 53 applications are now determined “as soon as is reasonably practicable” – in line with what the Minister interprets that to mean?”

Q2 – Taking the attached North Somerset direction into account, factoring-in many others that can be viewed on the Planning Inspectorate Website and those already served on Staffordshire County Council, what period of time do the Forum conclude to be as a maximum time limit for the meaning of “as soon as reasonably practicable” within the 1981 Act?

Q3 – What policy changes, applied resources and other actions do the Local Access Forum “advise” Staffordshire County Council to adopt in view of the attached landmark direction and many other similar directions that have been served?”

In the discussion which ensued Members agreed that it was premature for them to take a view on the matters which Mr. Rice had raised, in advance of the further briefing and additional information required from the County Council.

**RESOLVED** – (a) That the questions received from Mr. D. Rice be acknowledged.

(b) That the Forum reply to the above-mentioned questions following the required further briefing and information from the County Council.

#### **8. Dates of Future Meetings**

**RESOLVED** – That a further meeting of the Forum be held in September/October 2017 on a date and at a time to be arranged.

**Chairman**

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Documents referred to in these minutes as Schedules are not appended, but will be attached to the signed copy of the Minutes of the meeting. Copies, or specific information contained in them, may be available on request.