

**MINUTES OF THE STAFFORDSHIRE AND WOLVERHAMPTON
JOINT LOCAL ACCESS FORUM BUSINESS MEETING
HELD ON 16 APRIL 2019 AT COUNTY BUILDINGS, STAFFORD**

Present: Mr. J. Mills (JM) (Chairman)

Forum Members

J. Barber (JB)	Mrs. R. Lane (RL)
D.T. Boden (DTB)	P. Pearson (PP)
N. Chapman (NC)	D. Bradley-Scrivener (DBS)
J.C. Davison (JCD)	H.W. Scott (HS)
C. Gameson (CG)	R.G. Turner (RT)
Mrs. G. Heath (GH)	Mrs. K. Wolstencroft (KW)

Officers

J. Lindop (JL) – Secretary
Shona Frost (SF) – Staffordshire County Council
M. Murphy (MM) – Staffordshire County Council
P. Rochfort (PR) – Staffordshire County Council
Mrs. N. Swinnerton (NS) – Staffordshire County Council

Apologies: G. Gittens, A. Knott, J. Rowley (City of Wolverhampton Council), Paul Walton (City of Wolverhampton Council)

Declarations of Interest under Paragraph 5.3 of the Forum Structure

1. Nil

Minutes of Meeting held on 28 September 2018

2. **RESOLVED** – That the minutes of the meeting held on 12 September 2017 be confirmed and signed by the Chairman.

Staffordshire County Council Modification Order Applications under Section 53 of the Wildlife and Countryside Act 1981 – Backlog Update

3. The Forum received an oral report from MM, the County Council's Legal Officer updating them on progress regarding determination of the Authority's backlog of applications under Section 53 of the Wildlife and Countryside Act 1981 (Section 53 applications).

During 2018 the County Council had determined a total 21 applications and although there was still a significant backlog, this represented an improvement on the previous years' performance. In addition, two Public-Inquiries had been held following appeals to the Secretary of State for the Environment against decisions by the County Council. With regard to 2019, whilst it was not possible to state how many applications would be processed, it was very much hoped that performance would continue to improve, particularly owing to the appointment of two new Members of Staff to deal with Section 53 applications.

During the discussion which ensued, Members asked various questions, sought clarification and made the following points:-

- (i) The Chairman asked how many Directions for non-determination, issued by the Secretary of State to the County Council, were currently outstanding.
- (ii) The Chairman asked how many applications in the current backlog relied on 'historical' documentary evidence rather than evidence of usage.
- (iii) DB sought clarification of the County Council's policy for determining Section 53 applications.
- (iv) PP sought clarification of Section 56 of the Countryside and Rights of Way Act 2000 (CROW Act) (the 2026 cut-off date for extinguishments of unrecorded Public Rights of Way) and the likely implications for Staffordshire.

With regard to (i) above MM said that there were 106 Directions in the current backlog and resources were being targeted towards determining these applications owing to the deadlines which had been imposed. The Authority anticipated that more Directions would be received in the future and he referred to the potential additional work generated by appeals.

With regard to (ii) above MM said that approximately three quarters of the applications in the current backlog relied on 'historical' evidence. He went onto explain that according to the law, applications to add Rights of Way to the Definitive Map had to meet the legal test of Reasonable Allegation to be successful, whereas applications to upgrade existing Rights of Way were determined on the higher standard of Balance of Probabilities. Continuing he said that whilst the County Council consulted landowners affected by Section 53 Applications, their views were not always material considerations according to the law, in the decision-making process.

With regard to (iv) above, MM said that following a recent question in Parliament, the Government had stated that they currently had no intension of changing the law regarding charging fees for Section 53 Applications and that Local Authorities should continue to fulfil their statutory duties in respect of these applications, within existing budgets.

With regard to (iii) above, MM said that the County Council's policy was to deal with applications in the order of receipt. However, as previously stated, those applications which had received Directions from the Secretary of State were taking priority having regard to the resources available and deadlines imposed.

With regard to (iv) above MM clarified that the 2026 cut-off date contained in the CROW Act was not currently in force.

The Chairman then thanked MM for an interesting and informative presentation and requested that the Forum were kept updated on progress with regard to processing the backlog of Section 53 Applications.

4. **RESOLVED** – (a) That the oral report be received and noted.

(b) That the Forum keep a watching brief with regard to the determination of Section 53 Applications under the Wildlife and Countryside Act 1981 for Modification Orders by Staffordshire County Council.

(c) That the Forum support the identification of additional resources, where possible, by the County Council for the determination of Section 53 Modification Order applications having regard to the current backlog.

Staffordshire County Council's Rights of Way and Countryside Estates Reviews – Update

5. The Forum received (i) a demonstration of the County Council's new Public Rights of Way electronic management system from SF and (ii) an oral report and PowerPoint presentation from NS updating them on progress made with regard to Staffordshire County Council's Rights of Way and Countryside Estates reviews (slides attached at Appendix 1 for the signed minutes).

SF explained that the system was widely used by many other Highway Authorities and included three main components ie (i) a public facing element which enabled external users to view, report and the track progress of rights of way maintenance issues; (ii) an Application for use on mobile devices by Field Officers to log and update information on maintenance issues and; (iii) a desktop management system to assist officers co-ordinate the resolution of issues efficiently and effectively within available budgets.

All previous paper-based maintenance records had been uploaded and initial feedback from Officers and Members of the Public on the use of the system had been extremely positive. An early project had been to collate a County-wide inventory of furniture on the Rights of Way network together with an assessment of its condition. Previously such a task would have been difficult, time consuming and expensive to achieve.

During the full and wide-ranging discussion which ensued, Members asked various questions, sought clarification and made the following points:-

- (i) CG asked whether the availability of the system was being promoted to the wider public.
- (ii) KW reported problems she had encountered in using the hypertext links to the system on the Staffordshire Web.
- (iii) BT asked whether target response times were included against issues logged on the system.
- (iv) The Chairman asked whether information on the incidence/patterns of intimidation of path users could be shared with the Forum in the future, on a regular basis.

With regarding to (i) above NS said that no additional publicity was required at this stage having regard to the limited resources available and the current good take-up/use of the facility by members of the public. Continuing she explained that photos and measurements of maintenance issues could be submitted by path users via the MyStaffs App and the provision of timely responses by the Authority would enable people to resolve certain minor issues themselves (if willing). A 'Trusted User' facility for authorised Members of the Public provided additional features which would help them assist the County Council to maintain the Rights of Way network in other ways.

With regard to (ii) above SF informed them that the public facing component of was currently under maintenance. However, it was hoped that it would be accessible again by Easter 2019.

With regard to (iii) above SF clarified that although response times were quoted for those issues which had been triaged, the system did not currently notify the reporter of the issue as and when it had been resolved. Therefore, the public were encouraged to log back onto the system themselves, on a regular basis, to learn of the up to date position. NS emphasised that the quality of information supplied by the public was key to achieving a speedier resolution of problems reported.

Discussion ensued on intimidation of path users by landowners. CD said that intimidation was subjective and the Forum were of the view that perceptions were important. PR highlighted the difficulties for the Highway Authority in dealing with alleged incidents of intimidation and BT and CG relayed their own experiences in this area. NS informed them that the County Council's Guidance for Landowners had recently been updated and would be published in due course. GH referred to 'scare stories' regarding the erection of fences on a small area of County Council owned land on Cannock Chase for the purposes of enclosing cattle and reassured the Forum that this development was being undertaken on a trial basis only. Also, the breed of cattle used in the trial were known to be docile.

In her presentation NS highlighted the progress achieved in each of the eight elements of the Rights of Way Review (i) Route Hierarchy; (ii) Public Rights of Way Charter; (iii) Outsourcing of Public Path Orders; (iv) Working with Internal Partners; (v) Supporting Systems; (vi) External Partners; (vii) Enforcement Protocol and; (viii) Staffing Re-Structure. In addition, with regard to the Countryside Estate Review, NS highlighted:- (i) the re-organisation of the in-house operating model during 2019 and; (ii) the development of measures aimed at achieving longer term sustainability.

The new Rights of Way Charter set out the level of service which could be expected along each of the County's Public Rights of Way. All routes had been categorised according their usage which would help the Service Manager target priorities with the resources available. Since publication of the draft scheme 15 requests had been received seeking re-classification of individual routes. Following further consideration, four routes formerly included in Category B "Locally Promoted Routes" had been moved to Category C "Other Routes not Classified A or B". A review of the response times quoted in the Charter would be undertaken following implementation of a new staffing structure in the Business Unit.

Promoting Public Path Orders was a discretionary function which had was resource intensive in terms of staff time and budgets. However, this quasi-legal work had now been outsourced to external consultants. Improvements in productivity had been made when compared to the previous in-house arrangements. In addition, this service was now cost neutral owing to increases in the charging structure which included informal consultations with statutory undertakers.

Whilst relationships with internal partners had generally been good, there was scope for adding value by improving joint working arrangements. Consequently, agreement had been reached with Amey, the County Council's infrastructure partner, for them to undertake risk management work associated with bridges on Public Footpaths/Bridleways. Whilst, this was a chargeable service, the specialist knowledge possessed by the Amey team would ensure a better service to the public. An approach had also been made for additional Local Transport Plan capital funding for Highway improvement works on Rights of Way. As a result, an extra £30,000 had been secured which would enable better management of the network.

With regard to external partners, it was proposed to launch a new volunteer offer incorporating three voluntary roles ie:- (i) Landowner Liaison Volunteers; (ii) Inspectors and; (iii) Maintenance Helpers. The intension was that the volunteer team would be advocates for the Staffordshire Rights of Way network and comprise individuals who the Authority could trust. Accordingly, work was underway with the various user and landowner groups active in the County in order to identify suitable people for the roles. In addition, a training programme was being developed to ensure that chosen volunteers were fully acquainted with the duties their posts.

Enforcement measures never previously employed in respect of Rights of Way Cases in Staffordshire were now being piloted in Staffordshire Moorlands and South Staffordshire districts with the associated legal work being outsourced to Essex County Council and a private firm of local solicitors respectively. Resolution of a further potential enforcement matter was being attempted through mediation and the experience gained would be used to inform future cases, where appropriate.

The Forum noted that under the County Council's Medium-Term Financial Strategy 2018-2023, the Rights of Way service were required to identify savings of approximately 43% from their operational budgets. Therefore, a re-organisation of the staffing structure was to be undertaken during summer 2019 which would result in a significantly smaller staffing establishment.

During the discussion which ensued Members welcomed news regarding additional capital funding which had recently been identified by the County Council in support of the Rights of Way network. Although, the service was still required to meet their original MTFS savings targets it was hoped that the extra resources would help to enhance access to land by the public for open air recreation and enjoyment and should therefore be supported.

CG sought clarification as to whether the Forum could influence the Authority's decision regarding the long-term future of the estate. In reply NS explained that consultation would be undertaken on the proposals to emerge, at the appropriate time.

6. **RESOLVED** – (a) That the demonstration, oral report and PowerPoint presentation be received and noted.

(b) That the Forum be kept updated on progress with regard to Staffordshire County Council's Rights of Way and Countryside Estates Reviews.

(c) That the Forum support Staffordshire County Council in their efforts to identify additional capital funding for the Rights of Way network.

HS2

7. The Chairman informed them that it had not been possible to arrange for an update on HS2 to be given to this meeting. However, he would invite representatives of HS2 and/or the County Council's HS2 Project Lead to attend their next meeting.

Updates from the Appointing Authorities

Staffordshire County Council – *see above.*

City of Wolverhampton Council – *No update available.*

Consultation Correspondence

7. There was no consultation correspondence to report.

Any Other Business

(i) Items for Information

8. There were no items for information raised.

(ii) Items for Agenda for Next Meeting

9. **RESOLVED** – That the following items be included on the Agenda for their next meeting:-

- Staffordshire County Council Countryside Estate Review – Update;
- Staffordshire County Council Rights of Way Review – Update;
- Modifications Order Applications under Section 53 of the Wildlife and Countryside Act 1981 – Update;
- HS2 – Update.

Questions from the Public

10. There were no questions from the public raised.

Date of Next Meeting

11. **RESOLVED** – That a further business meeting of the Forum be held in June/July 2019 on a date and at a time to be arranged.

CHAIRMAN