

Prosperous Staffordshire Select Committee – 20 June 2018

Briefing Report: Public Rights of Way Review

Issue

The bulk of the Public Rights of Way (PRoW) Review was completed in April 2018 and this paper seeks to update members on its key outputs.

Background

The council has a statutory duty to record, assert and protect the public's right to use and enjoy the county's PRoWs. Staffordshire has one of the longest PRoW networks, spanning 4,510km. Although there are no figures to indicate the use made of the PRoW network, with Stoke and Staffordshire having a population of approximately one million and over three million people living within an hour's drive, it is likely to be very well used.

The council employs 21.5 staff to manage and maintain the PRoW network, supported by 11,000 hours of volunteer time. The annual staffing cost is £717k and the operational budget is £90k, which equates to £20 per km. This is significantly lower than Staffordshire's neighbouring authorities¹.

The PRoW Review commenced in August 2016 and sought to:

- Manage the demand placed upon it from users and landowners.
- Reduce operating costs to meet the service's MTFS commitment - £290k by 20/21.
- Introduce more affordable ways of making a positive difference to Staffordshire's residents, landowners and visitors.

From the outset of the Review, it was decided that the MTFS commitment would come from:

- Making changes to systems and protocols in order to manage demand and expectations and encourage greater community involvement.
- Realigning staff roles and responsibilities.
- Maximising fees and income generating opportunities.

Certain functions were out of scope of the Review as these were delivered by other areas of the council, including:

- Byways open to all traffic (BOATs) and bridges over 6½ metres in length, which are managed by Staffordshire Highways/Amey.
- Definitive Map Modification Order (DMMO) applications, which are processed by Legal Services.

¹ Cheshire East £188 per km, Shropshire £60 per km, Worcestershire £69 per km, Warwickshire £40, Leicestershire £72 per km, Derbyshire £87 per km.



The Review comprised nine work-streams:

1. Develop a PRow network hierarchy
2. Develop a prioritisation system for dealing with path enquiries, inspections and maintenance
3. Develop a system for prioritising Public Path Orders
4. Review staff roles and responsibilities
5. Review working practices with other council teams
6. Review the PRow service's supporting systems
7. Review working practices with external partners
8. Develop an enforcement protocol
9. Maximise income from fees and charges

Ensuring limited resources are targeted to where the greatest benefit can be realised

Utilising the council's enablers

Outputs of the PRow Review

PRow network hierarchy - under highway legislation all PRowS (e.g. footpaths and bridleways) have the same status. However, with fewer resources a system was needed which placed more importance on routes that deliver the greatest benefit. Each PRow was assessed against its demand and benefit, and then categorised into one of three categories - A, B or C. A routes offer the greatest benefit and are to be dealt with sooner than B routes; B routes are to be dealt with sooner than C routes.

Following public consultation, the final route categorisation system (or hierarchy) was published in April. It can be summarised as follows:

Category	No. of PRowS	Length (km)	Percentage of total PRow length
A	1,060	743	17%
B	2,362	1,361	30%
C	4,414	2,366	53%

The categorisation system will be reviewed annually to ensure that it reflects the situation on the ground and is deliverable within available resources.

Prioritisation system for dealing with path enquiries, inspections and maintenance - accompanying the categorisation system is a PRow Charter. It describes the standards the public can expect in relation to A, B and C routes with regards to:

- Dealing with enquiries and reported problems (including ploughing and cropping)
- Carrying out maintenance and repairs
- Undertaking inspections

The Charter adopts a risk-based approach and reflects the reducing resources available to the PRow service. Following public consultation, the Charter was launched in April (see Appendix 1). The Charter will also be reviewed annually to ensure it reflects the situation on the ground and is deliverable within available resources.



System for prioritising Public Path Orders - alteration to the line of a PRoW can only be made via a Public Path Order (PPO) application. Processing PPO applications is a discretionary power and the council receives approximately twenty per year, taking between 10% and 20% of officers' time. Since April, the council has exercised its discretion:

- To prioritise applications that offer the greatest public benefit in advance of those which are solely in the interests of landowners. Applications that resolve a significant public safety issue will be given highest priority.
- Not to commence or proceed with applications that will take a disproportionate amount of resource to process.

A full cost recovery system has also been introduced. This has allowed the processing of PPO applications to be outsourced (for a trial period), enabling staff to focus on statutory duties, rather than discretionary powers.

Review staff roles and responsibilities - staff in scope of the PRoW Review are also in scope of the Countryside Estate Review. Consequently, to deliver this work-stream, the two reviews have merged. Once the operating model for the countryside estate has emerged, during autumn 2018, a joint consultation paper will be taken to the Trade Union Forum.

Working practices with other teams within the council - a PRoW bridge inventory is being compiled in collaboration with Amey. It comprises data relating to the location, construction type and condition of all bridges, which will then be added to the Highway Asset Management Plan. This will ensure that the risks associated with PRoW bridges are appropriately managed, with inspection and forward maintenance regimes in place.

As part of the PRoW Review, a number of options are being explored regarding how the PRoW service can support Legal Services and the DMMO process.

PRoW service's supporting systems - the Community Paths Initiative, which provides grants to local councils to fund PRoW improvements, has been refreshed to enable it to have a greater impact. For 2018/19, applicant eligibility has been extended to include community and user groups, and landowners; a 50% intervention rate has been introduced; and the maximum grant size has been extended up to £5,000.

A new, computerised PRoW database and map management system is being developed. It will hold:

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| • Path inventories | • Legal events |
| • Condition survey data | • Web and volunteer interface |
| • Promoted path management | • Contract management inventories |
| • Asset management | • Landowner and enquirer databases |
| • Surface details | • Maintenance and enquiry management |



With the new system, PRow staff (and volunteers) will be able to access and update information in real-time via their mobile devices. Integrated into the system and sitting behind the PRow Charter, will be a performance management regime. It will set ambitious but realistic standards for the PRow service, teams and individual officers.

Review working practices with external partners - local councils have powers to maintain and improve PRowS, as well as take enforcement action. Public consultation carried out at the end of 2017, identified that local councils were receptive to playing a greater and more varied role in managing PRowS. Through the *Community First* agenda, local councils will be encouraged to:

- Raise funding for PRow improvements through their precepts and Section 106 receipts.
- Be the eyes and ears of their local PRow network.
- Liaise with landowners, reminding them of their statutory responsibilities.

The same public consultation also identified an appetite amongst community and user groups to get more involved in looking after PRowS. Working with the Community Capacity Team², a menu of volunteering opportunities will be publicised, offering something for everyone, regardless of their abilities or skills.

A further area being explored is increasing the involvement of individuals who wish to carry out low-level maintenance work on the PRow network. These individuals are not (and do not want to be) part of a formal volunteer programme. This type of community-minded action is welcomed; however, the council has to promote safe and good working practices therefore information and guidance is being finalised and will be made available to encourage this to happen.

Develop an enforcement protocol - legislation imposes certain responsibilities on landowners regarding the safety and availability of PRowS crossing their land. Most landowners comply with the law, but unfortunately, a small minority deliberately and persistently do not. It is estimated that 40% of officers' time is spent on negotiating with landowners to encourage them to fulfil their statutory responsibilities. With fewer resources in the future, a system was needed to ensure that PRowS remain open and available for the public to enjoy. The enforcement protocol, which was introduced in April 2018:

1. Provides a fair and transparent service to the public in terms of dealing with breaches of rights of way legislation.
2. Ensures that complaints about breaches are dealt with efficiently and effectively.
3. Encourages proactive compliance with rights of way legislation whilst retaining the ability to undertake appropriate enforcement action where necessary.

The council will adopt a proportionate response, depending on the nature of the breach and landowner history. Landowners will be given ample opportunity to address the breach and enforcement action will be taken as a last resort.

² The Community Capacity Team was set up to increase the number of community managed libraries in the county and increase the number of library volunteers.



Maximise income from fees and charges - the PRow service, community and user groups need to take advantage of all available funding streams in order to bolster diminishing PRow resources. Under-utilised funding streams include:

- Local council precepts
- Staffordshire Local Community Fund
- Divisional Highway Programme
- Community Infrastructure Levy/Section 106s

During 2018/19, efforts will be made to ensure that PRowS are seen as a community facility that can be funded through these sources.

The PRow service will seek to benefit from the many individuals who are passionate about, and regular users of, the PRow network. Donation (e.g. Donate-A-Style) and adoption schemes (e.g. Adopt-A-Path) are used successfully by other councils and during 2018/19 will be explored in Staffordshire.

Key Considerations

A criticism of the PRow Review, which has been highlighted and requires careful management, is the council neglecting its statutory duty to assert and protect the public's right to use and enjoy PRowS. With fewer resources, the PRow service needs a practical and pragmatic, risk-based approach to managing the network, and has to manage users' demand and the public's expectations. Notwithstanding, where issues pose an imminent danger, likely to result in a significant accident or injury, they will be addressed immediately.

Comments and Next Steps

Since April and for the remainder of 2018/19, new working practices and programmes will continue to be implemented and/or refined. When the PRow re-organisation takes place it is hoped that many of the efficiencies will have already been generated thereby minimising any potential impact on the service.

Conclusion

The public has seen, and will continue to see, significant changes to the way that the council manages the PRow network. Many will view these as having a detrimental impact on their rights and the condition of the network. However, in order to deliver the Review's objectives, a fairer and more transparent service has been created.

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Appendix A – PRow Charter

