

**MINUTES OF THE STAFFORDSHIRE AND WOLVERHAMPTON
JOINT LOCAL ACCESS FORUM BUSINESS MEETING
HELD ON 25 SEPTEMBER 2018 AT COUNTY BUILDINGS, STAFFORD**

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

Forum Members

J. Barber (JB)	J. Rowley (JR)
G. Gittens (GG)	D. Bradley-Scrivener (DBS)
Mrs. G. Heath (GH)	D. Ward (DW)
Mrs. R. Lane (RL)	

Officers

J. Lindop (JL) – Secretary
M. Murphy (MM) – Staffordshire County Council
Mrs. N. Swinnerton (NS) – Staffordshire County Council

Apologies: N. Chapman (NC), Charles Gameson (CG), Peter Pearson (PP), Harry Scott (HS)

Declarations of Interest under Paragraph 5.3 of the Forum Structure

54. Nil

Minutes of Meeting held on 25 September 2018

55. **RESOLVED** – That the minutes of the meeting held on 25 September 2018 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

56. The Forum received an oral report and PowerPoint Presentation from MM, Legal Officer, Staffordshire County Council updating them on progress with regard to the determination of outstanding Applications for Modification Orders under Section 53 of the Wildlife and Countryside Act 1981, since their previous meeting.

MM reported that there was currently a backlog of 234 applications awaiting determination, 106 of which had been referred to the Secretary of State for Environment Food and Rural Affairs for Directions under the Act. The County Council had already received Directions for periods of between six and twelve months in respect of 59 cases and responses were awaited on the remaining 47 referrals. However, a significant number of Applications had been determined since May 2018 and further steps had taken to identify additional staff resources.

Unfortunately though, the County Council were unable to give an undertaking that all Directions would be met in terms of the respective deadlines imposed.

During the discussion which ensued, the following points were made:-

- RL wondered whether there was scope for reducing the volume of work required to determine Section 53 Applications. In response MM referred to case law which required that Authorities must undertake full and thorough investigations in each case. Failure to do so could lead to a successful legal challenge. Furthermore their decision making must be based upon the evidence, facts and the application of relevant legal tests. It must not be simply an approval of officer's recommendations. In the case of R v Isle of Wight CC ex parte O'Keefe [1989] JPL 934, the Court emphasised this requirement.
- GG sought further clarification of the determination process in terms of delegated authority;
- NS clarified the arrangements for ensuring new routes were available 'on the ground' and the budgetary constraints involved which might lead to further delays;
- MM explained the initial process for accepting (or rejecting) new applications;
- GG highlighted the statutory 2026 cut-off date for submitting historical applications and the likely impact on the volume of new applications received as this date approached;
- In response to a question from DBS, MM said that further information on outstanding applications was available on the Staffordshire web at www.staffordshire.gov.uk/environment/RightsofWay/home.aspx

The Chairman then thanked MM for his interesting and informative oral report.

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

(b) That the efforts being made by Staffordshire County Council in attempting to address the backlog of Section 53 Applications for Modification Orders under the Wildlife and Countryside Act 1981, given their current budgetary constraints, be welcomed.

(c) That the County Council be requested to identify additional resources for determining Section 53 Applications, if possible.

(c) That the Forum be kept updated on the progress made by the County Council in determining outstanding Section 53 Applications and Directions received from the Secretary of State, as necessary.

Staffordshire County Council Rights of Way and Countryside Estates Review - Updates

58. The Forum received an oral report and PowerPoint presentation (slides attached at Appendix A to the signed minutes) from NS, Rural Development and Access Manager, updating them on the progress made with regard to Staffordshire County Council's Rights of Way and Countryside Estates Reviews.

Staffordshire County Council were undertaking a review of their Rights of Way function and countryside estate in order to address increasing challenges facing the services and to find a more financially sustainable delivery models. Through the County Council's Medium Term Financial Strategy, their Rural County service function was currently committed to delivering savings of £318,000 from its net operating budget from 2019/20 through to 2020/21.

With regard to the Countryside Estates Review, it had previously been agreed by Cabinet that there would be no sale of existing countryside estate sites, and that the review would focus on their future management. The Forum noted that good progress had been made and detailed work on an options appraisal was continuing. However, there had been no interest expressed by any external organisation in operating any of Staffordshire's 12 Country Parks and picnic areas. The timescale for completion of the review was for proposals to be considered by the Prosperous Staffordshire Select Committee early in the New Year and a report to be submitted to Cabinet in March 2019.

With regard to the Rights of Way Review consultation responses to the proposed Rights of Way Grading Scheme were currently being analysed. Any requests for changes would need to be accompanied by supporting evidence to be successful. Whilst initial revisions would be made in Spring 2019, reviews would be undertaken annually. Whilst the Grading Scheme would not affect the statutory status of the Rights of Way included it would help the Authority manage maintenance workload and expectations going forward.

Responses to the proposed Rights of Way Charter had been overwhelmingly positive. However, minor amendments would be undertaken in due course to address specific concerns/give greater clarity. NS went on to refer to certain changes which had already been made to the procedures for Public Path Extinguishment/Creation/Diversion Orders including a requirement that applicants sought the consent of landowners. These also appeared to be working well and were less resources intensive.

Joint working and co-operation between the Rights of Way Team and the County Council's Strategic Infrastructure Partner, Amey had been enhanced with the transfer of the management of Rights of Way bridges. This would enhance the level of service to the public by ensuring structures were maintained by appropriately qualified staff. With regard to other furniture/structures on the Rights of Way network, a condition survey was being

undertaken so that replacements/appropriate remedial action could be taken where necessary.

Various new ways of working were currently being implemented by the Rights of Way Section in order to improve efficiency and reduce costs including handheld IT equipment and Rights of Way mobile app. In addition, as part of a new communications initiative, the Rights of Way webpage was being improved to include a facility enabling the public to upload information on Rights of Way issues.

During the discussion which ensued the following points were made:-

- GG referred to the Rights of Way mobile app and stressed the importance of publicising its availability at the appropriate time;
- The Chairman highlighted the Forum's Working Group and expressed his view that Members should take a more active role in advising the Authority on the operation of the new arrangements following completion of the Reviews;
- RL sought NS's views on how the Forum could become more involved in the management of the Countryside Estate and Rights of Way network and highlighted the extensive local knowledge of Members which could be put to greater use;
- RL stressed the importance of bidding for grant aid wherever possible in order to increase the level of resources available.

In reply to Members' comments regarding their future role, NS undertook to liaise with the Chairman and report back to their next meeting.

59. **RESOLVED** – (a) That the oral report 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 Reviews, as necessary.

(c) That the Chairman liaise with Staffordshire County Council regarding a greater involvement for Members, in an advisory capacity, in the management of the Authority's Countryside Estate and Rights of Way network and report back to their next meeting, as necessary.

HS2

60. The Chairman reported that Staffordshire County Council's HS2 Project Manager had been called away to attend a national meeting, at short notice and therefore was unable to give an update to the Forum at this time.

61. **RESOLVED** – That Staffordshire County Council's HS2 Project Manager be invited to attend their next meeting to update them on the proposals as they affected access.

Updates from the Appointing Authorities

Staffordshire County Council – *see above*.

City of Wolverhampton Council – *No update available*.

61. **RESOLVED** – That further attempts be made to obtain an update report from the City of Wolverhampton Council to their next meeting.

Consultation Correspondence

62. There was no consultation correspondence to report.

Any Other Business

(i) Items for Information

63. The Chairman sought an update on Staffordshire County Council's Rights of Way Improvement Plan. In reply NS said that further work on updating the Plan would be undertaken following implementation of the Rights of Way Review's new staffing structure. However, in the meantime steps had been taken to include consideration of the network in the Authority's new Disabled Transport Strategy currently being prepared by the Local Transport Plan Team.

As and when the Improvement Plan was reviewed it was intended that the new document would be more concise and less aspirational than the existing given the likely future budgetary constraints.

(ii) Items for Agenda for Next Meeting

64. **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

65. A Member of Public commented on the greater use of volunteers by Staffordshire County Council in managing their Country Park Estate and Rights of Way network and asked whether these proposals were realistic. In reply GH said that the 'People Helping People' Initiative was critical if the Authority were to be successful in closing their current £35m funding gap.

Date of Next Meeting

66. **RESOLVED** – That a further meeting of the Forum be held in April/May 2018 on a date and at a time to be arranged.

CHAIRMAN