



SCRUTINY COMMITTEE

Report of the
TRANSPORTATION SCRUTINY PANEL
into
**THE PUBLIC RIGHTS OF
WAY UNIT**

February 2002

D3N048 (29 January 2002)

TRANSPORTATION SCRUTINY PANEL

1. INTRODUCTION

1.1 The Panel

1.1.1 The Transportation Scrutiny Panel consisted of four Kirklees Elected Members with Councillor Andrew Cooper as the appointed Chair accompanied by Councillors David Robinson, Harry Fox and Martyn Bolt. Darren Tones from the Council's Committee Services acted as support to the Transportation Scrutiny Panel throughout the process.

1.2 The Review and Consultees

1.2.1. The Scrutiny Panel is charged with the responsibility of investigating and monitoring the relevance and effectiveness of Council Services and other agencies in their decisions.

1.2.2 This Review of the Public Rights of Way Unit was undertaken in the knowledge that a wider review would be undertaken of the Environment and Transportation Service. The Transportation Scrutiny Panel recognised that the Public Rights of Way Unit involved large-scale interaction and co-ordination with many organisations and individuals who utilised the Public Rights of Way Network. Contributions, involvement and consultation was held with the Public Rights of Way Forum and also individuals representing the British Horse Society (West Yorkshire); Huddersfield Rucksack Club; Kirklees Bridleway Group; ARROW/Kirklees Countryside Voluntary Group and Officers representing the Highways Service and in particular the Public Rights of Way Unit.

1.3 Terms of Reference

1.3.1 No specific Terms of Reference were established in relation to the Review of the Public Rights of Way Unit although as discussions evolved the Scrutiny Panel agreed that a report with recommendations should be referred to the Scrutiny Committee for approval.

1.3.2 The report would then subsequently be referred to the Director of the Environment and Transportation and the responsible Cabinet Member with Portfolio to consider the recommendations as part of the wider Review of the Environment and Transportation Service which was anticipated to be completed by March 2002.

1.3.3 The mission statement for the Highways and Transportation Service which is outlined below set the background to the Review and the Scrutiny Panel sought to ascertain whether the importance given to Public Rights of Way in the mission statement was matched by its status within the Environment and Transportation Service.

"To improve, manage and maintain a highway, parking and public rights of way infrastructure, to promote economic, social and environmental benefits for all members of the community".

(Footnote: The term "path" in this report relates to both footpaths and bridleways.)

1.4 The Work of the Transportation Scrutiny Panel

- 1.4.1 The Transportation Scrutiny Panel sought to develop an overall awareness of the Public Rights of Way Unit and held open public meetings on 30 July 2001 and 24 September 2001 with relevant Officers and service users.
- 1.4.2 The Scrutiny Panel has developed a rounded view of issues and concerns which had led to the observations it has made, conclusions it has reached and the recommendations it has put forward.

2. THE PUBLIC RIGHTS OF WAY UNIT

2.1 Background

- 2.1.1 The Scrutiny Panel considered the staffing structure and responsibilities of the Public Rights of Way Unit which included planned maintenance in dealing with requests for action from members of the public, landowners, Elected Members and user groups in relation to various matters including maintenance, sign-posting, legal event orders, modification orders and enforcement.
- 2.1.2 The Scrutiny Panel also recognised the other areas of work which impacted on the Public Rights of Way Team including projects involving Government initiatives and the Authority's own corporate initiatives; promotion and publicity; the updating of the Definitive Map and Statement; the encouragement of partnership working with volunteers and community groups; work to meet the milestones targets for Rights of Way to be legally defined; development of the Public Rights of Way Network and other duties in connection with the Countryside and Rights of Way Act 2000 which placed a duty on Local Authorities to produce an Improvement Plan.
- 2.1.3 A national survey noted that 49% of individuals participated in some form of leisure walking activity.

2.2 The Funding Situation - Public Rights of Way Unit

- 2.2.1 The Scrutiny Panel acknowledged the pressures upon the Public Rights of Way Team to deliver targets and the finite resources allocated to the Service. The expenditure in 2001/2002 totalled £403,700 (inclusive of staff salaries and legal support which totalled £229,900) and the Transportation Scrutiny Panel noted that the Public Rights of Way budget provided for day to day maintenance and not significant improvements to the Rights of Way network.
- 2.2.2 The Scrutiny Panel commented that when deciding the budget levels for the Public Rights of Way Unit that serious consideration should be given to its viability and at what budget level it ceases to provide a Service. It was estimated that to maintain the network to the current standard, with no improvement, required a budget of £200,000. Current finding levels do not cover reconstruction/improvements.

3. INFORMATION AND EVIDENCE

- 3.1 A summary of the discussion is now provided of the meetings held on 20 July 2001 and 24 September 2001 in relation to the Public Rights of Way Unit.

3.1.1 Summary of Discussion - 20 July 2001

The Scrutiny Panel held discussions in relation to ensuring that the Definitive Map and Statement was accessible and it was **recommended** that this should be available on the Intranet and within the Member Toolkit. It was further commented that a copy should be placed at destinations for the public to have access such as Parish Councils and Local Libraries although noted that the Definitive Map and Statement was amended frequently. It was advocated that the production of a yearly update would be useful for distribution and that any copy of the map should identify that the user should check with the Highways Service to ascertain any changes.

The Scrutiny Panel commented on the structure and the existing vacancy within the Public Rights of Way Unit. It was acknowledged that a Review of the Environment and Transportation Service was being undertaken which was anticipated to commence during September 2001. The Scrutiny Panel was therefore meeting at the right time to input into the Service Review.

The Scrutiny Panel concluded that the role of the Manager was extremely important within the Public Rights of Way Unit and also that consideration should be given to the provision of additional clerical staff support within the Unit. It was **recommended** that the need existed for a Senior Manager with the necessary skills and commitment to provide the drive and direction to motivate staff and achieve the Service objectives and targets. It was also **recommended** that the provision of an integrated database information system linked to the Definitive Map and Statement would ease the current workload of the Unit. This should also cross reference with the Milestones database and the proposed selective re-survey of Public Rights of Way in the District.

The Scrutiny Panel referred to the priorities of the Public Rights of Way Unit and the current Service Plan for 2001/2002 and comments were submitted on the cost of providing sign-posting and way-marking with the recognition that whilst progress in this aspect of work was being made the existing budget only allowed for an average of 100 signposts to be erected annually. Discussions were held on reducing cost in providing sign-posting and way-marking which could involve sponsorship as based on current rates it would take 35 years to signpost the Public Rights of Way Network at least. Representations were received from ARROW suggesting that priority should be given to signage where a path went via a domestic or agricultural boundary.

3.1.2 Summary of Discussion - 24 September 2001

The Scrutiny Panel recalled that a report on the role and function of the Public Rights of Way Unit had been considered at the previous meeting held on 30 July 2001 and that the outcome of the meeting was for a further report to be submitted for consideration of specific issues. A report was presented which commented on the issues identified and the following observations were made by the Scrutiny Panel:-

(a) **Outcome of the Review of the Environment and Transportation Service outlining how the Service would be provided by the Public Rights of Way Unit**

The Scrutiny Panel were informed verbally that the review of the Environment and Transportation Service would be completed by the end of the current 2001/2002 financial year. The review would encompass all service areas including the Public Rights of Way Unit. Hence, no report was submitted for consideration by the Scrutiny Panel.

The Scrutiny Panel acknowledged the timescales for the review and requested to be kept informed of developments.

(b) **To report on the outcome of sponsorship possibilities in relation to Sign-posting and Way-marking**

The Scrutiny Panel were informed that sponsorship opportunities had been explored and acknowledged that many businesses did not appreciate the rights of way network and most of those which had been approached in relation to sponsorship had expressed a preference to close the path within or near their property for security purposes rather than advertise or support the existence of the footpath. Although the Public Rights of Way Unit did not actively seek sponsorship it was recognised that opportunities were explored in relation to sponsorship when approached by businesses, individuals or Town/Parish Councils.

It was recommended that Leisure Services in consultation with the PROW Unit should review the existing public rights of way publications to ascertain whether demand existed for business/individuals or Town/Parish Councils and other interested parties to include advertising in these as a means of generating income.

Discussions were held on the need to engage Town and Parish Councils to undertake work in co-operation with the Authority on all matters including public rights of way particularly as Area Committees were shortly to be developed within the District. **It was recommended** that Area Committees through the Community Action Planning process should enable reviews to be undertaken locally to determine how local path networks maybe improved and have input in prioritising and co-ordinating with adjacent areas. There was also the need to consult Town/Parish Councils and Civic Societies in this process.

The Scrutiny Panel considered the merits of benchmarking with other Local Authorities to compare performance and an Officer from Barnsley Metropolitan Council (Public Rights of Way Unit) would be invited to a future meeting of the Public Rights of Way Forum to discuss the development of community path networks. It was recognised that Barnsley Metropolitan Council, Wakefield Metropolitan District Council and the Isle of White had achieved success in the development of community path networks through dedicated Support Officers. It was **recommend** that the Public Rights of Way Unit benchmark through the network of Public Rights of Way Officers within the Country to identify best practice techniques to improve the Public Rights of Way network within the District.

(c) **To provide the Service Plan for the Public Rights of Way Unit for 2001/2002**

A copy of the first draft of the Public Rights of Way Service Plan which identified the overall objectives was submitted for the consideration of the Scrutiny Panel.

The Scrutiny Panel commented on the general layout of the Service Plan and **it was recommended** that the need existed to highlight who was responsible for the delivery of aspects of the Service Plan and also acknowledge timescales for the completion of specific annual objectives.

Consideration was given to staff involvement in the preparation of the Service Plan and **it was recommended** that those staff employed within the Public Rights of Way Unit should be consulted to ensure they influenced and had ownership of the Plan. It was noted that as part of the Authority's performance management framework that the process of preparing Service Plans for Service areas would become widespread within the Environment and Transportation Service. It came to light during the review that Service Plans were not prevalent throughout the whole of the Environment and Transportation Service. It was commented that the Service Plan would address corporate and Government targets together with those contained within the Kirklees Vision.

The Scrutiny Panel welcomed the process to be adopted of plans for services and made specific observations on the Service Plan for the Public Rights of Way Unit as follows:-

(i) **Maintenance**

It was acknowledged that the Highways Direct Service undertook work on behalf of the Environment and Transportation Service and in particular the Public Rights of Way Unit. Maintenance work was undertaken by the Highways Direct Service and the Scrutiny Panel commented on whether adherence occurred with the principles of Best Value.

The Scrutiny Panel were informed that the Highways Direct Service rates were competitive and that benchmarking comparisons had been undertaken with other competitors. The employment of the Highways Direct Service was favourable in comparison to other competitors in relation to cost per unit and productivity. It was acknowledged that a review had been undertaken within the Service in its entirety to ensure cost effectiveness. It was, however, noted that Highways Direct Service costs could rise in variation for a scheme. If the costs varied upwards this could make the Highways Direct Service uncompetitive and it was **recommended** that a review be undertaken of the procurement regimes for Highways Direct Services for work carried out on behalf of the Public Rights of Way Service.

It was also acknowledged that should the Highways Direct Service undertake work unsatisfactorily then this would be resolved through discussion with the Public Rights of Way Unit although sometimes the Service would agree to differ in relation to some works based on the argument that this had not been agreed within the specific work contract. Hence, there could be an upward variation in the cost of works.

The maintenance budget for the Public Rights of Way Unit was detailed at £89,600 and approximately £50,000 of work was undertaken by the Highways Direct Service.

It was reported that the Government had recommended for Local Authorities to have select relationships with fewer contractors in order to reduce overall costs. The Scrutiny Panel in recognising the funding situation of the Public Rights of Way Unit **recommended** that the need existed to ensure the best use of the monies which were available for the provision of Services.

In considering the work which was undertaken by contractors (Highways Direct Services, BTCV etc.) **it was recommended** that performance should be compared to ascertain the standards of the work and that further information should be submitted on comparisons in performance between companies who undertake work on behalf of the Highways Service.

(ii) **Users**

The Scrutiny Panel considered the prosecution/enforcement action in relation to the obstruction on rights of way. It was acknowledged that a policy was in preparation on appropriate procedures for enforcement action and prosecution and it was **recommended** that this should be referred for the observations of the Scrutiny Panel.

It was also recommended that benchmarking should be undertaken with other Local Authorities to ascertain the enforcement and prosecution action taken for obstruction of public rights of way. It was acknowledged that the policy should adhere with the expectation of the public and provide clarity of the procedures to be adopted when taking enforcement/prosecution action. The Scrutiny Panel commented that the enforcement policy must be implemented to support staff who have to convince landowners of the implications if they refused they take action to remove obstructions to Public Rights of Way.

(iii) **Disabled Access**

Consideration was given to ensuring the Public Rights of Way Network was available for use by all members of the community and with reference to disabled access the Scrutiny Panel **recommended** that a review should be undertaken to identify where disabled access on paths could be achieved and that this should be promoted.

(iv) **Definitive Map and Statement**

The Scrutiny Panel acknowledged the importance in ensuring that the Definitive Map and Statement was up to date which would be essential for the effective discharge of responsibilities by the Public Rights of Way Unit. It was acknowledged that the backlog of applications for claimed paths was a resource matter and it was recalled that a new process had been introduced with the co-operation of Legal Services with the aim to reduce the backlog of applications. Due to the number of applications received per year (10-12 applications) it was noted that further resources would be required to expediently deal with the applications for addition to the Definitive Map and Statement. It was also **recommended** as a matter of urgency that Legal Services and the Environment and Transportation Service should produce a strategy/action plan for the backlog of applications to be eliminated within 18 months of the development and introduction of the strategy/action plan.

Consideration was given by the Scrutiny Panel to the impact of the planning process on the rights of way network. It was acknowledged that this matter was being considered by the Joint Regeneration/Environment and Transportation Core Team to improve co-ordination with planning at the development stage to consider implications in relation to the diversion of public paths.

The Scrutiny Panel recognised the importance in the development control process and the importance which was required to be given to existing paths. **It was recommended** that the importance in the development of paths was paramount and that this had to be co-ordinated with the planning/housing development process. This should be used to improve the local networks for users and approaches to fund the rights of way in or around the development to locally improve Public Rights of Way which should be realised via the planning process. The Public Rights of Way Unit should be consulted at an initial stage in relation to planning applications to have a significant input into the planning process. Wider comments were received from user groups during the review which would be referred to the general management of the Public Rights of Way Service.

(v) **Management**

The Scrutiny Panel acknowledged that the integrated database required further maintenance before it would be fully operational in between 2-6 months although expected the database to be in full working condition on completion of the review of the Environment and Transportation Service.

(vi) **Publicity and Promotion**

It was reported that publicity and promotion should refer to the horse riding routes and it was advocated that the development of maps for sale to the public should be prepared to promote the use of all rights of way once the Definitive Map was up to date. Existing leaflets needed to be updated following consultation with users. It was acknowledged that publications already existed on cycleways and paths in Huddersfield and it was **recommended** that a leaflet should be prepared for walks to specific historic/interest sites within the District.

It was also **recommended** that where paths to specific historic/interest sites within the District had been identified then signposts should be introduced highlighting destinations/distances.

(d) **Following the completion of the Environment and Transportation Service Review to identify the Public Rights of Way Unit's capacity based on its current budget and should funding be increased to identify the other matters which could be completed with the additional resources**

It was noted that Elected Member input was required to identify the priorities of the Public Rights of Way Unit together with the views of user groups (i.e. Public Rights of Way Forum). The Council set the Service priorities and budget and that for the outstanding work to be addressed this would require additional resources.

The Scrutiny Panel noted the position in relation to the maintenance of the Definitive Map and Statement and the public rights of way network. A detailed breakdown was provided on the type of work undertaken with the maintenance budget which

included surface vegetation; overhanging vegetation; drainage works; surfacing works; signing; way marking; countryside furniture; bollards/barriers; and litter removal and the outstanding requests for works.

It was specifically noted that although no actual specific budget for signing existed approximately £10,000 was allocated from the maintenance budget and on average 150 signs were erected per annum.

(e) **The views of the Public Rights of Way Forum be sought and these be incorporated within the report of Scrutiny Panel**

The Scrutiny Panel considered the views submitted by the Public Rights of Way Forum and **it was recommended** that the need existed to focus on and co-ordinate the views of service users which may influence service planning and budgets. It was recognised that the Public Rights of Way Unit had committed, dedicated and enthusiastic staff who had performed outstandingly during the Foot and Mouth crisis. It was also **recommended** by the Scrutiny Panel that the Public Rights of Way Forum represented a source of expertise, assistance and knowledge that the Council would do well to utilise.

(f) **To review the need for a programme of improvements to Public Paths and to consider the preparation of the priority matrix**

A report was submitted which detailed the programme of improvements to public paths and to consider the development of a priority process.

It was recommended that the priority process should be developed in consultation with user groups, interested parties and the Area Committees. This would be used to distribute funding to improve the footpath network.

(g) **Consider the use of representatives from Voluntary Agencies to assist the work undertaken by the Public Rights of Way Unit and to ascertain whether the Local Authority could act as an Agent to these volunteers**

A report was submitted which outlined that using volunteers to undertake maintenance work on public paths was at cost to the Council. However, despite the difficulties the volunteers were interested in the public rights of way network and any work involving the community would raise awareness, with specific publicity opportunities raising awareness in the community at large.

The Scrutiny Panel were informed that the Public Rights of Way Unit was committed to developing the "adopt a path" scheme; updating the Milestones Survey; and repairing styles. A leaflet was in preparation on the "adopt a path" scheme which would be forwarded to the Scrutiny Panel for information. It was asked that the Scrutiny Panel be provided with a list of the volunteer agencies which had assisted the Public Rights of Way Unit and that the Public Rights of Way Unit be **recommended** to provide leadership and co-ordination to volunteers for larger scale work such as maintenance and vegetation removal from the path network.

(h) **To report on the response of Kirklees Council to Countryside and Rights of Way Act 2000**

A report was submitted which outlined the main areas of the Public Rights of Way Unit responsibilities that would be affected by the Countryside and Rights of Way Act 2000. The report submitted did not provide a framework outlining how the Council would respond to the Act and merely provided a description of the Act. This clearly identified that no strategy existed to address this area of Policy.

It was acknowledged that the Regulations of the Act would not be released until early 2002 and the Scrutiny Panel requested that an update report be submitted to the meeting scheduled to be held on 18 February 2002. **It was recommended** that the provision of the Act should be addressed within the Public Rights of Way Service Plan.

4. **SUMMARY**

4.1 The recommendations of the Transportation Scrutiny Panel are summarised as follows:-

- (1) To ensure the Definitive Map and Statement was accessible it was recommended that this should be available on the Intranet and within the Member Toolkit and that copies should be also placed at destinations for the public to have access such as Parish Council's and local libraries.
- (2) The Scrutiny Panel advocated the need for a Senior Manager within the Public Rights of Way Unit with the necessary skills and commitment to provide the drive and direction to motivate staff to achieve the Service objectives and targets.
- (3) The Scrutiny Panel recommended that the provision of an integrated database information system linked to the Definitive Map and Statement would ease the current workload of the Unit. This should also cross reference with the Milestones database and the proposed selective re-survey of Public Rights of Way in the District.
- (4) The Scrutiny Panel recommended that Leisure Services in consultation with the Public Rights Of Way Unit should review the existing Public Rights of Way publications to ascertain whether demand existed for business/individuals or Town/Parish Council's and other interested parties to include advertising in these as a means of generating income.
- (5) The Scrutiny Panel supported the role of Area Committees which through the Community Action Planning process should enable reviews to be undertaken locally to determine how local path networks may be improved and have input in prioritising and co-ordinating with adjacent areas. There was also the need to consult Town/Parish Councils and Civic Societies in this process.
- (6) The Scrutiny Panel advocated that the existing Public Rights of Way networks within the country should be utilised for benchmarking purposes to identify best practice techniques to improve the Public Rights of Way networks within the District.

- (7) The Scrutiny Panel suggests that the layout of the Public Rights of Way Service Plan should highlight who was responsible for the delivery of aspects of the Service Plan and acknowledge timescales for the completion of specific annual objectives and that those staff employed within the Public Rights of Way Unit should be consulted to ensure they influenced and had ownership of the plan.
- (8) The Scrutiny Panel acknowledged concerns that Highways Direct Services charges could rise in variation for a scheme. If costs varied upwards this could make the Highways Direct Service uncompetitive and therefore it is recommended that a review be undertaken of the procurement regimes for Highways Direct Services for work carried out on behalf of the Public Rights of Way Service.
- (9) The Scrutiny Panel recognised the funding situation of the Public Rights of Way Unit and acknowledged that the need existed to ensure the best use of the monies which was available for the provision of Services.
- (10) The Scrutiny Panel in considering the work which was undertaken by contractors (Highways Direct Services, BTCV) recommended that performance should be compared to ascertain the standards of work and that further information should be submitted on comparisons and performance between those companies undertaking work on behalf of the Highways Service.
- (11) The Scrutiny Panel were pleased that a policy was in preparation on appropriate procedures for enforcement action and prosecution. It was recommended that benchmarking should be undertaken with other Local Authorities to ascertain the enforcement and prosecution action taken elsewhere for obstruction of Public Rights of Way. This Council's policy should adhere with the expectation of the public and provide clarity of the procedures to be adopted when taking prosecution and enforcement action and should support staff who had to convince landowners of the implications if they refused to take action and remove obstructions to the Public Rights of Way.
- (12) The Scrutiny Panel emphasised the importance in ensuring the Public Rights of Way network was available for use by all members of community and with reference to disabled access recommended that a review should be undertaken to identify where disabled access on paths could be achieved and that this should be promoted.
- (13) The Scrutiny Panel were concerned in relation to the backlog of applications for claimed paths and acknowledged that a new process had been introduced with the co-operation of Legal Services with the aim to reduce the backlog. The Scrutiny Panel recommended that as a matter of urgency for Legal Services and the Environment and Transportation Service to produce a strategy and action plan for the backlog of applications to be eliminated within 18 months of the development and introduction of the strategy/action plan.

- (14) The Scrutiny Panel commented on the importance in the development of paths and that this should be co-ordinated with the planning/housing development process and approaches to fund the Public Rights of Way network should be realised through the planning process. It was recommended that the Public Rights of Way Unit should be consulted at an initial stage in relation to Planning Applications to have a significant input into the planning process.
- (15) The Scrutiny Panel noted that publications existed on cycleways and paths in Huddersfield and as part of the publicity and promotion of the Unit it was recommended that a leaflet should be prepared for walks to specific historic/interest sites within the District and that maps should be developed for sale to the public to promote the use of all rights of way. Existing leaflets needed to be updated following consultation with users.
- (16) The Scrutiny Panel recommended that where paths to specific historic/interests sites within the District had been identified then signposting should be introduced highlighting destinations/distances.
- (17) The Scrutiny Panel advocated the practice to focus on and co-ordinate the views of Service users which may influence Service planning and budgets. It was recognised by the Scrutiny Panel that the Public Rights of Way Forum represented a source of expertise, assistance and knowledge that the Council would do well to utilise and that the Public Rights of Way Unit had committed, dedicated and enthusiastic staff.
- (18) The Scrutiny Panel supported the need for a programme of improvements to public paths and advocated the preparation of a priority matrix which should be developed in consultation with user groups, interested parties and the Area Committees.
- (19) That the Public Rights of Way Unit provide leadership and co-ordination to volunteers for large scale works such as maintenance and vegetation removal from the path network.
- (20) The Scrutiny Panel recommended that the provisions of the Countryside and Rights of Way Act 2000 be addressed within the Public Rights of Way Service Plan.

5. RECOMMENDATIONS

5.1 The recommendations of the Transportation Scrutiny Panel in relation to the Review undertaken on the Public Rights of Way Unit are as follows:-

- (1) That the report be referred to the Scrutiny Committee for approval of the recommendations as outlined in the report.
- (2) That the report be referred to the Director of the Environment and Transportation Service and responsible Cabinet Member (Councillor Payne) for consideration of the recommendations as part of the wider Review of the Environment and Transportation Service and specific Review of the Public Rights of Way Unit and a response to the report be submitted to the Cabinet.

- (3) That a report be submitted to the Transportation Scrutiny Panel to be held on 16 April 2002 providing an update on the Review of the Environment and Transportation Service and in particular addressing and responding to the recommendations as outlined in this report in respect of the Public Rights of Way Unit.