

NEIGHBOURHOODS SCRUTINY AND PERFORMANCE PANEL

Monday 7th April 2008 at 6.00 p.m.

Panel Members present

Councillor C. Towe (Chair)
Councillor C. Creaney (Vice Chair)
Councillor L. Beeley
Councillor J. Beilby
Councillor J. Phillips
Councillor K. Sears
Councillor P. Bott

Other Members Present:

Councillor J. Cook
Councillor P. Hughes
Councillor I. Shires

Portfolio holders present

Councillor A. Harris - Transport

Officers present

Keith Stone – Assistant Director - Built Environment
Mark Rickard – Group Leader -
Transportation Forward Planning
Craig Goodall – Acting Principal Scrutiny Officer
Jody Latham – Performance and Scrutiny Officer

89/07 APOLOGIES

Apologies for non-attendance were submitted on behalf of Councillor V. Woodruff and Councillor D. Shires.

90/07 SUBSTITUTIONS

There were no substitutions for the duration of this meeting.

91/07 DECLARATIONS OF INTEREST AND PARTY WHIP

There were no declarations of interest or party whip identified at this meeting.

92/07 MINUTES OF PREVIOUS

(annexed)

Resolved

That, the minutes of the meeting held on 27 March 2008, copies having previously been circulated, be approved as a true and accurate record.

93/07 CALL-IN OF THE DRAFT RIGHTS OF WAY IMPROVEMENT PLAN

The Chairman welcomed everyone to the meeting to consider the call in of the cabinet decision of 19 March 2008 on the Draft Rights of Way Improvement Plan (the Plan).

He informed the meeting that the decision was called in on 27 March 2008 by the following five Members:

I. Shires, V. Woodruff, P. Hughes, D. Shires and J. Cook

And that the decision was called in for the following reason:

'Lack of formal consultation with Local Neighbourhood Partnerships.'

Members were reminded that a copy of the formal decision, call-in notice, Cabinet report and Rights of Way Improvement Plan had been sent to them all in their agenda papers.

Members were informed that the Panel had previously considered the issue at their meeting on 6 December 2007 where comments were made but no specific recommendations were formulated.

The Chairman invited Councillor Shires to voice his reasons for the call-in in more detail.

Councillor Shires stated that he was not opposed to the plan in principle, and that it was actually a plan he would support, however there were areas of the plan that were deemed to have been poorly thought through and that could possibly prove to become controversial for Walsall Council.

He accepted that many Members and Local Neighbourhood Partnerships (LNP's) had had the consultation document but felt that little constructive consultation had followed on at a local level. It was felt that there should have been formal consultation with LNP's and that more time should have been given to allow for LNP consultation.

He stated that the clearing of certain Rights of Way (RofW) as identified in the Plan and the Definitive Map to make them easier to use could potentially have negative implications for the council in terms of its likely impact on crime and anti-social behaviour levels across the borough. If the Plan had been considered by LNP's then the consequences of its implementation could have been made known. It did not make sense to open up disused RofW if they were to be gated off later due to problems.

Concerns were expressed that the Plan could lead to an increase in demand for extinguishment and gating of RofW leading to pressure on budget and resources resulting in expectations not being met in this area.

The Chairman invited other Members of the Panel to express any concerns they had with the Plan.

Concern was expressed regarding a specific area that had been successfully closed due to anti-social behaviour that could potentially be re-opened in accordance with the

Plan. The potential for opening up potential locations for anti-social behaviour and putting extra pressure on Police and partners was noted.

A Member agreed that a local level consultation was essential when considering any possible improvements to RofW that could potentially have a negative rather than a positive impact on the surrounding area.

The Chairman invited the Portfolio Holder for Transport Councillor A. Harris to respond to the concerns expressed by Councillor Shires and the Panel.

Councillor Harris agreed with the concerns expressed and agreed that consultation with LNP's was essential before any part of the Plan was put into practice but stressed that the Plan in its current form was a higher more strategic level plan based around developing policies and procedures for local level decisions and implementations.

The Panel were informed that further consultation will happen at every decision stage of the Plan and that the views of Community Action Groups (CAGs) and LNP's will continue to be sought.

Councillor Harris informed the Panel that the council has a statutory duty to implement improvements and have RofW open whilst considering the potential for public concern around the opening up of potentially unsafe areas and concluded that this balance could only be secured through consultation with LNP's, other partners and the public.

The Panel were informed that they looked at the issue on 6 December 2007 but no specific recommendations were formulated. Also on the 15 February 2008 a mapping exercise was proposed by Officers with Councillor Ian Shires after approval of the document.

Councillor Harris explained that two consultation exercises had taken place which had seen a shortened version of the Plan along with a questionnaire. 2000 were distributed to stakeholders which included CAGs, LNPs and Members amongst others and copies were made available on the internet. 174 responses were received from the first consultation and 51 from the second. No responses were received from Members.

The Panel were informed of the Local Access Forum (LFA). This was a forum for local RofW users and landowners established 4 years ago. LFA currently had 16 out of a maximum 20 members of which none were Members. Members were encouraged to look into their availability to attend LFA meetings in the future.

The Chairman opened the meeting for a full debate on the issues raised.

In response to a question from the Chairman, Mark Rickard informed the Panel that no actions had taken place on any RofW included on the Definitive Map other than the usual scheduled routine maintenance and in one particular case an intervention method of erecting fencing was needed to combat anti-social behaviour.

Mark Rickard directed Members to themes 4, 8 and 9 within the Plan that clearly identified consultation, including LNPs, regarding specific actions relating to changes to RofW to enable the meeting of set targets.

Councillor Shires expressed concerns that while in context the Plan and its identification of consultations is reasonable the reality may be far different. He used an example of a RofW had been listed for closure since 2003 that had still not been formally closed. If it took over 5 years to close a RofW then the problem could get worse if more RofW closures were requested as part of the Plans implementation. The length of time it took for action to be taken could cause local residents to lose faith in the council and the Members representing them.

It was the opinion of Members that a written procedure for dealing with issues that outlined how and by when action would be taken to stop any issues being left incomplete for lengthy periods was required.

Keith Stone informed the Panel that there have been recent changes in gating legislation procedures and that a new procedure was currently being produced in conjunction with the Plan. The new procedure was not in place but is underway and will be consulted on.

Councillor Shires stated that considerations had to be made towards ensuring those RofW areas that time and resources had been dedicated to securing closure via the Countryside Rights of Way (CROW) Act were not reopened. Not only would this be a waste of public money it may also serve to damage the reputation of the Council and upset the public in close proximity to the RofW.

The Panel were re-assured to learn that footpaths closed following the successful promotion of Extinguishment Orders could not be re-opened.

The Panel discussed issues that some areas had been closed or left unattended to discourage anti-social behaviour, crime, drug and alcohol misuse. To reopen these areas could be of major concern to the public in close proximity to the RofW. The Police and other partners were working to reduce crime in Walsall and the location of some RofW had the potential to increase problems.

The Panel were reassured by Officers that consultation is ongoing and will continue down to a local level once the higher level plan is approved as Council policy. It was made clear that the council has a statutory duty to continue to consult with partners on any proposals affected by the plan.

The Panel recognised the obligation the Council had in balancing the statutory duty to implement improvements and have RofW open whilst considering the potential for public concern around opening up of potentially unsafe areas and concluded that this balance could only be secured through consultation with LNP's, other partners and the public.

The Panel were informed that there were currently over 80 requests for alley gates across the borough. Due to budget constraints less than 10 of these requests had been fulfilled. Due to budgets reducing to historic levels it was unlikely that many of the

remaining requests would be dealt with. Local Area Agreement (LAA) money had been received in previous years to top up the services budget to improve performance which helped to finance certain improvements. However, no funding had been received this year due to changes in the LAA.

Mark Rickard explained that the budget for general RofW maintainance stood at £25,000 for the year. Additional funding of £100,000 was received via the Local Transport Plan however this could only be used for major RofW improvements such as reconstruction and major resurfacing works. It could not be used for general maintenance and improvements.

Keith Stone informed the Panel that due to the small budget available for improvements expectations of the Members, partners and the public would have to be managed carefully. This could be done by keeping everyone fully informed so expectations were realistic so as to avoid problems emanating from budget restrictions.

The Panel accepted this as an issue and that each case would have to be judged on its own merits, so long as this was done at local level and in consultation with LNP's.

Keith Stone explained that the Department of Transport had requested RofW Improvements Plans to be in place by November 2007. The Council had missed this deadline but had not suffered any sanction though it was preferable not to delay it any further. As previously outlined the Plan proposed for LNP's to be involved in any changes to RofW that are proposed in the future. It was not the intention of the Plan to make changes to RofW without first involving local communities.

The Panel proposed to accept the plan with the understanding that LNP's would be consulted when local level decisions on RofW were being considered.

Resolved

That:

- a) the draft Rights of Way Improvement Plan be accepted;**
- b) any future changes to Rights of Way must be referred to the relevant Local Neighbourhood Partnership/s that are affected;**
- and;**
- c) the range of views expressed at the Neighbourhoods Scrutiny and Performance Panel be reported to Cabinet.**

The meeting terminated at 7.15 pm.

Chair:

Date: