



<u>Committee and Date</u>
Communities Overview Committee
21 July 2021

<u>Item</u>
<u>Public</u>

PUBLIC RIGHTS OF WAY – UPDATE TO COMMITTEE

Responsible officer

Danial Webb – overview and scrutiny officer

danial.webb@shropshire.gov.uk

01743 255062

- 1.1 This report provides the Communities Overview Committee with background information on previous scrutiny of Shropshire Public Rights of Way network and actions taken following reports to the Committee in March and September 2019, and January and March 2021.

- 2.0 Background**
- 2.1 On 18 March 2019, the Communities Overview Committee received a report from the Outdoor Partnerships Team regarding their work to maintain public rights of way within the Shropshire Council area. On 16 September 2019 a follow up report was presented, highlighting key service pressures.

- 2.2 The committee heard that Shropshire Council maintains a network of 5,600km of public rights of way, the third largest in the United Kingdom. It heard that the council has a duty under the Highways Act 1980 to “protect and assert” the network, namely, to ensure that it remains open and accessible.

- 2.3 In January 2021 the committee heard that like many services, the team’s funding has reduced in recent years, and the service had faced staffing pressures particularly within the Mapping & Enforcement Team due to the retirement of two of its most senior and longstanding officers.

- 2.4 This combination of funding and staffing pressures had reduced capacity to maintain the network and ensure it remains accessible, resulting in the percentage of the network that is easy to use dropping from 85% in 2009 to 66% in 2019. Surveys have not been undertaken since this date, but it is likely that this percentage has reduced further.

- 2.5 The team also highlighted the issues of maintaining bridges and other infrastructure along rights of way for which Shropshire Council has a statutory responsibility. The service estimates the costs of these repairs to be approximately £1 million, with a similar amount required should the council receive public notices of obstructions or required repairs, which the council is required to respond to within strict deadlines.
- 2.6 The committee also heard that the service has made some effort to mitigate these cuts in funding by growing its team of 340 volunteers through 64 Parish Paths Partnerships, which together provide unpaid work equivalent to 5.5 full-time officers. These groups carry out much of the maintenance work in their parishes, such as cutting back vegetation and repairing stiles. In doing this, they have slowed the rate of decline in the percentage of the network that remains open. Although these groups provide invaluable support, they still require professional support from Shropshire Council Officers to negotiate improvement works with landowners.
- 2.7 Officers also told the committee that the Rights of Way, Maintenance and Mapping and Enforcement teams also generate income annually. This has increased steadily since 2015 when the contracting arm of the Maintenance Team was initiated to make the most of the skills held by the team and to try to offset budget reductions particularly capital funding.
- 3.0 January and March 2021 update**
- 3.1 In January this year, the committee heard that a capital bid was submitted for the maintenance of bridges had resulted in £200k being secured for bridge works on the network. This included allocation within the Mapping and Enforcement Teams budget for a grade 8 Bridges and Rights of Way Inspector Post.
- 3.2 A business case had also been agreed by senior officers for the recruitment of two additional Rights of Way (Legal Orders and Enforcement Officers) within the Mapping & Enforcement Team, pending final approvals. This will reduce the risk of potential claims of maladministration against the Council and address the legislative reforms due to come into force under the Deregulation Act 2015, which intend to simplify, speed up and reduce costs and administrative burdens associated with rights of way procedures.
- 3.3 Additional temporary officers had been recruited within the Maintenance Team to ensure income generation can be sustained through the Contracting Arm of the Team and statutory rights of way functions are maintained.
- 4.0 The impact of Covid-19**

- 4.1 Covid-19 has had a significant impact on the rights of way network and staff. Public rights of way officers have been unable, due to other work pressures to undertake the biannual condition survey to assess the accessibility of the network. Although the survey has not taken place, it is likely that the percentage of the network that remains accessible will have decreased.
- 4.2 The pandemic has had additional adverse impacts on the service and network:
- There has been a 215% increase in the number of issues being logged on the service's management system.
 - A 187% increase in general issues being reported.
 - Issues with being able to work from home due to IT provision and the requirement to have access to legal records and files. A business case had been drafted to highlight the IT requirements.
 - Volunteers have been unable to undertake works.
 - Legal Orders have not been progressed due to the inability to fulfil parts of the statutory function due to restrictions.
- 4.3 During the initial lockdown Outdoor Partnerships staff were fundamental in delivering food boxes, supplies to food banks and public protection equipment. The pandemic was also seen as an opportunity to focus on some of the large-scale contracting works at schools and despite the unprecedented rise in issues being reported the team has maintained health and safety, and public access across the rights of way network.
- 4.4 The pandemic has further highlighted the importance and value of the rights of way network to enable access to the countryside for recreation and people's health and wellbeing.
- 5.0 March 2021 meeting between portfolio holder and scrutiny chair, and subsequent committee meeting**
- 5.1 Following the January 2021 committee meeting, the chair of the Communities Overview Committee met with the council's portfolio holder for leisure to discuss the concerns raised by the committee, in particular:
- An alleged inability of the service to retain the income it has generated over more than one financial year, in order to allow for more efficient capital purchasing.
 - The lack of progress in starting a capital programme of infrastructure repairs throughout the network.
- 5.2 The committee chair heard that the service was ordinarily able to retain income generated across more than one financial year. However the council's priority would always be its legal requirement to balance its budget, and the council would therefore always empty income accounts where necessary to do so. The chair also

heard that the planned £200,000 capital investment outlined in January 2021 would not now happen.

5.3 In March 2021 the portfolio holder informed the committee that following the election, if still in post she would be bidding for a share of £150,000 per year for four years from the proposed additional highways funding proposed by the Conservative administration following the election. She also told the committee that the administration would seek to find ways to ensure the service could retain its earned income across financial years. As well as this there could be a recognition of the inevitable depreciation in value of the service's equipment should be taken into account when agreeing budgets.

5.4 Since this election took place, the portfolio holder in question has been elected as new leader of Shropshire Council. She has been replaced in her portfolio by the former chair of this committee. She will be attending this meeting to provide an update on the council's work to address the funding shortfalls and restrictions on this service.

List of background papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
None
Cabinet Member (Portfolio Holder)
All
Local Member
All
Appendices
None