

STOCKPORT LOCAL ACCESS FORUM (OUTSIDE BODY)

Meeting: 13 November 2019

At: 6.00 pm

PRESENT

Edgar Ernstbrunner (Chair) in the chair; Debbi Hall (Vice-Chair); Dave Gosling.

Also in attendance

Sue Stevenson - Head of Highways and Transportation

Damian Eaton - Secretary

1. QUORUM

The Secretary advised the Forum that the meeting was inquorate by virtue of the number of those members present being less than the minimum of four at the commencement of the meeting.

The Forum could therefore not lawfully purport to proceed to consider the business on the agenda, and immediately terminated its proceedings.

Notwithstanding the above, those members of the Forum present had an informal discussion in relation to those items listed on the agenda, and the following constitutes a note of those discussions.

2. MINUTES

The Minutes of the meeting held on 29 July 2019 were noted.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Dave Butler, Liz Morgan, Chris Walsh and Councillor David Sedgwick.

4. DECLARATIONS OF INTEREST

Members of the Forum were invited to declare any interests which they had in any of the items on the agenda for the meeting.

No declarations were made.

5. MATTERS ARISING

Apologies for Absence (Minute 4 of 29 July 2019 refers)

The Chair commented that at the last meeting it had been noted that the membership of the Forum had now fallen to the statutory minimum of ten, and enquired what work had been undertaken to recruit additional members.

The Secretary stated that an advertisement had been placed on the Council's website and that there had been an expression of interest, although this had yet to be translated into a formal application.

6. PUBLIC RIGHTS OF WAY - LEGAL UPDATE

A report of the Deputy Chief Executive was submitted (copies of which had been circulated) providing an update on the activities of Legal Services towards implementing Definitive Map Modification Orders.

It was commented that at the last meeting it had been highlighted that the list of outstanding 'Definitive Map Modification Orders' (DMMOs) actually consisted of a mixture of DMMOs made under the Wildlife and Countryside Act 1981 and diversion or extinguishment orders made under the Highways Act 1980. It was suggested that future such reports should separate out these different categories of order.

RECOMMENDED – (1) That the report be noted.

(2) That the Deputy Chief Executive be requested to revise the format of the report to separate out the various types of order made to make the report more readily understandable by members of the Forum.

7. STATUTORY REGISTERS

A joint report of the Corporate Director for Place Management & Regeneration and the Deputy Chief Executive was submitted (copies of which had been circulated) detailing the Council's responsibility to maintain and publish various statutory registers relating to applications under Section 53 of the Wildlife and Countryside Act 1981 for modification orders; a register of declarations lodged with the Authority by landowners under section 31(6) Highways Act 1980; and a register of town and village greens under the Commons Act 2006 in addition to the requirement under Section 121B Highways Act 1980 to keep a register of applications made under sections 118ZA, 119ZA, 118C and 119C of the Highways Act 1980 .

The following comments were made/ issues raised:-

- The acknowledgment within the report that the current process for maintaining the registers was not fit for purpose was welcomed and reflected the Forum's longstanding concerns with regard to this issue.
- It was stated that the Section 53 Register contained a mixture of claims and other orders which needed to be properly categorised. It was suggested that consideration should be given to using the format employed by Bury or Tameside councils.
- The aim of implementing a new system that allowed information to be updated dynamically on the website was welcomed, but it was stated that work towards regularising any anomalies, errors or deficiencies in the registers in their current format should not be contingent on the completion of this work.

RECOMMENDED – That the report be noted.

8. ASSET MANAGEMENT AND A PUBLIC RIGHTS OF WAY APPROACH

A report of the Corporate Director for Place Management & Regeneration was submitted (copies of which had been circulated) detailing the Council's aim to move to an asset management-based approach to dealing with its different infrastructure requirements.

It was stated that the 'Well Managed Highways Infrastructure Code of Practice' had been published in 2016 and that since then, the Council had been working to implement this code of practice and integrate it into the Council's processes and procedures.

As part of this, the Council had produced a 'Public Right of Way Inspection and Repair Plan 2018' and was working to amend the other parts of the Public Rights of Way procedure so that they were delivered using a risk-based approach.

The following comments were made/ issues raised:-

- The report and proposed approach to the maintenance of assets on the public right of way network was broadly welcomed.
- It was stated that it was anticipated that sealed surface footways would have been inspected, risk assessed and any deficiencies identified by the end of 2020.
- Work was taking place to establish an appropriate standard to assess unsealed footways against.
- A discussion took place in relation to the effectiveness of existing reporting mechanisms for accidents and incidents on the rights of way network.

RECOMMENDED – That the report be noted.

9. PROW SURFACING

The Chair reported that this item had been placed on the agenda at his request.

The Chair stated that he had received advice from the Ramblers' Association Central Office with regard to the ability of a highway authority to take enforcement action against a landowner should they resurface a public right of way with an inappropriate material. It was summarised that the surface of the way is vested in the highway authority for maintenance purposes.

It was stated that the problem arose most frequently with regard to the surfacing of bridleways where bitmac had been used which could pose a safety hazard for equestrians.

The Chair stated that in such circumstances, the Council could take enforcement action against the landowner to remedy the matter. In response, it was stated that the taking of enforcement action was a matter for the planning authority and such decisions were taken on a case by case basis in the light of the prevailing circumstances.

A discussion then took place in relation to the Council's approach to consultation with various stakeholders in advance of any resurfacing works on the rights of way network. The Chair stated that the Forum had previously requested a report detailing the Council's policy on stakeholder engagement in such matters. A member commented on the practicality of undertaking consultation in advance of any resurfacing works on the rights of

way network, and that a more reactive approach to complaints on this issue would be welcome. In response, it was confirmed that the expectation was that any complaints would be fully investigated and members of the Forum were encouraged to forward any such matters to the Head of Highways and Transportation.

RECOMMENDED – That the position be noted.

10. DATE OF THE NEXT MEETING

RECOMMENDED – That meetings of the Forum take place as follows:-

Tuesday, 17 March 2020

Monday, 6 July 2020

Thursday, 19 November 2020

The meeting closed at 7.00 pm