

**REPORT OF THE HEAD OF DEVELOPMENT  
TO THE EXECUTIVE ON 22<sup>ND</sup> SEPTEMBER 2004**

**PUBLIC RIGHTS OF WAY AGENCY AGREEMENT**

**This matter is the responsibility of Executive Cllr C Bishop**

**EXECUTIVE SUMMARY**

Somerset County Council as Highways Authority would in normal circumstances be responsible for the maintenance of all public rights of way (footpaths, bridleways and RUPPs). Under the Agency Agreement the maintenance of unsurfaced public rights of way is discharged by staff employed by Taunton Deane Borough Council. The Borough Council currently contributes £54,160 per annum to this service and the County Council contributes £42,500. The Agreement may be terminated by either party on 31<sup>st</sup> March in any year; providing notice is served on the other not less than six months in advance. The Executive is asked to consider whether the Borough Council should inform the County that it intends to terminate the Agreement on 31<sup>st</sup> March 2005.

**1.0 Purpose of the Report**

1.1 To seek the Executive's views on the possible termination of the Agency Agreement whereby certain of the County Council's functions in relation to footpaths, bridleways and RUPPs (Road Used as Public Paths) are discharged by the Borough Council.

**2.0 Background**

2.1 Responsibility for the maintenance of Public Rights of Way (footpaths, bridleways and RUPPs) normally rests with the County Council as Highways Authority.

2.2 In the early 1990s an Agency Agreement was established whereby certain of the County's functions in relation to Public Rights of Way are discharged by the Borough Council. Similar Agreements were entered into by the other district councils in Somerset. These functions relate to maintenance, signposting, waymarking and diversions of unsurfaced public rights of way.

2.3 The Agreement may be terminated by either the County or Borough Council on 31<sup>st</sup> March in any year providing notice is served on the other not less than six months in advance in writing to that effect. Should the Borough Council wish to terminate the Agreement on 31<sup>st</sup> March 2005 it would be necessary to confirm this in writing to the County Council not later than 30<sup>th</sup> September 2004.

2.4 Faced with the need for economies in the Council's budget, all services are to be reviewed in the light of Corporate Priorities and statutory obligations. It is for this reason that it is timely to consider this matter at the present time.

**3.0 Staffing**

3.1 Two officers are employed by the Borough Council (one full-time and one part-time, ie 1.5 FTEs) to carry out the Public Rights of Way service, as part of the Heritage and Landscape Team within the Planning Services Unit.

- 3.2 The officers have been informed that the Agency Agreement may be terminated by the Borough Council and that they are at risk of redundancy.
- 3.3 The County Council has a statutory duty to maintain public rights of way and it is possible that additional staff will be recruited by them if the Agency Agreement is terminated. Should this be the case our own officers would be able to apply.

#### 4.0 **Budget Implications**

- 4.1 The net annual cost to the Borough Council of operating the Agency Agreement is £54,160. This is the sum that would be saved should the Agreement be terminated.
- 4.2 The County Council makes an annual contribution of £42,500 towards the operation of the service.
- 4.3 Budget details for 2004/05 are as follows:-

##### Rights of Way Agency

Total expenditure	£99,660
Total income	£45,500
Net expenditure	£54,160

##### Income

SCC contribution	£42,500
Footpath Diversions	£3,000

##### Expenditure

Works (maintenance/signposting/waymarking)	£50,500
Employee related expenses	£29,690
Sundries/Internal Recharges	£19,470

- 4.4 In addition to the £54,160 referred to above, the Borough Council also provides an annual sum of £10,580 under separate budget (Highways Miscellaneous) for grants to Parish Councils for footpath maintenance. This budget is administered by the Parish Liaison Officer.

#### 5.0 **Consultations**

- 5.1 The Parish and Town Councils have established a good rapport with the Rights of Way Team and a Voluntary Warden Scheme is operating well in many areas.
- 5.2 The Parish and Town Councils have been invited to comment on the possible termination of the Agreement as have SALC and The Ramblers Association (TD Group). Views were requested not later than 9<sup>th</sup> September 2004.
- 5.3 So far 27 responses have been received from the Parish and Town Councils. A summary of the comments from each Council is set out in the Appendix to this report, together with those from The Ramblers Association and two of the Parish Footpath Liaison Officers (West Hatch and Creech St Michael).

5.4 The Parish and Town Councils' response may be summarised as follows:-

No objection to termination of Agreement – 9 Parish Councils

Combe Florey  
Corfe  
Churchstanton  
Neroche  
Oake  
Staplegrove  
Stoke St Mary  
West Bagborough  
West Monkton

Oppose termination of Agreement – 18 Parish and Town Councils

Bradford on Tone	Pitminster
Chipstable	Ruishton and Thornfalcon
Creech St Michael	Sampford Arundel
Fitzhead	Stoke St Gregory
Lydeard St Lawrence and Tolland	Trull
Milverton	Wellington TC
North Curry	Wellington Without
Norton Fitzwarren	West Hatch
Nynehead	Wiveliscombe

Grounds of Opposition

- The Parish and Town Councils have an excellent relationship with the Deane's Footpath Team and receive very good service from them.
- The quality of the Rights of Way network has improved considerably in recent years as a result of the current arrangements.
- There is concern that the County Council Officers will be too remote and the quality of the service will decline.
- The ability of the County Council to adequately fund the service is questioned.
- The ending of the Agreement as a cost saving measure could cause grave long term damage to the rights of way network throughout Taunton Deane.
- The harm to the rights of way network outweighs the limited saving on the Council's overall budget.
- Concern that the footpath maintenance grants from TDBC may be comprised.

5.5 Similar views were expressed by The Ramblers Association (TD Group) and two of the Parish Footpath Liaison Officers, with the latter suggesting that the voluntary work of the liaison officers may be lost.

## 6.0 **Corporate Priorities**

6.1 The Rights of Way service is considered to impact on the Council's Corporate Priorities in the following way:-

Corporate Priority	Level of Contribution High, Medium or Low	Nature of Impact
CP1 Economy	M	Supporting tourism and the rural economy
CP2 Transport	M	Facilitates walking as a means of access
CP3 Crime	L	Routing can affect vulnerability to crime
CP4 Health	H	Facilitates healthy living and fitness
CP5 Environment	H	Improved access to countryside
CP6 Delivery	M	As detailed above

## 7.0 **Key Considerations**

7.1 The Rights of Way service is a statutory function of County Councils and in normal circumstances they would fund it.

7.2 The Borough Council is having to scrutinise all of its services in view of the budget gap and it is timely that the Agency Agreement should be reassessed now.

7.3 There is no evidence at present to suggest that the level of service provided by the County Council would be less than under the Agency Agreement.

7.4 That said, there is no guarantee that the existing staff will be appointed by the County Council, although it is hoped that this would be the case. Redeployment would be considered as an alternative, but again this cannot be guaranteed.

7.5 The saving to the Borough Council would be £54,160 per annum at current prices.

7.6 The Rights of Way service makes an important contribution to several Corporate Priorities, in particular CP4 Health and CP5 Environment.

7.7 There is opposition from the majority of Parish and Town Councils to the termination of the Agreement. There are concerns that the quality of service will decline, the expertise of the existing officers may be lost, the County Council Officers will be too remote and the rights of way network will deteriorate. Similar views are expressed by The Ramblers Association (TD Group) and two of the voluntary Parish Footpath Liaison Officers.

7.8 Sedgemoor District Council has informed the County that they intend to end their Agreement on 31<sup>st</sup> March 2005. West Somerset DC has already ended theirs and

South Somerset DC is understood to be reconsidering their Agreement. Mendip DC are thought to be continuing with their Agreement.

8.0 **Recommendation**

The Executive is asked to make its recommendation to the Council as to whether or not the Rights of Way Agency Agreement should be terminated on 31<sup>st</sup> March 2005.

**CONTACT OFFICER**

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## APPENDIX

### PUBLIC RIGHTS OF WAY – RESPONSE TO CONSULTATIONS ON THE POSSIBLE TERMINATION OF THE AGENCY AGREEMENT

#### NO OBJECTION

Combe Florey PC	<ul style="list-style-type: none"><li>* It does not matter which authority assumes responsibility provided the same close working relationship with parishes is maintained and adequate funding made available.</li><li>* In some ways, simpler to deal with a single authority.</li><li>* It will still be a cost to the tax payer. A rise in Council Tax would not be considered an improvement by our parishioners.</li></ul>
Corfe PC	<ul style="list-style-type: none"><li>* Will accept the BC's decision.</li><li>* If we are to maintain the same service level we will need to have access to funding at this level each year.</li></ul>
Churchstanton PC	<ul style="list-style-type: none"><li>* In favour of this responsibility being returned to the County Council.</li></ul>
Oake PC	<ul style="list-style-type: none"><li>* Most Councillors seemed happy for this transfer to be made.</li><li>* We have a good rapport with the TD footpath officers and if moved back to SCC we shall have to fight for any priority.</li></ul>
Neroche PC (Chairman's comments)	<ul style="list-style-type: none"><li>* Supportive of proposals to end the Agency Agreement as it would remove duplication and avoid the cost of the scheme being run by the two local authorities.</li></ul>
Staplegrove PC	<ul style="list-style-type: none"><li>* No objection to the termination of the agreement.</li></ul>
Stoke St Mary PC	<ul style="list-style-type: none"><li>* A sad decision, but if needs must, it is hoped that the success the team has built up will not be lost, maybe even transferred to SCC as current system working well.</li></ul>
West Bagborough PC	<ul style="list-style-type: none"><li>* Content for SCC to have overall responsibility.</li></ul>
West Monkton PC	<ul style="list-style-type: none"><li>* Having enjoyed a very good relationship with TDBC, agree with reluctance to termination of Agency Agreement.</li><li>* Would hope for same level of service from SCC in the future.</li></ul>

## **OPPOSE**

Bradford on Tone PC	<ul style="list-style-type: none"><li>* The Parish Council has had good support from your Rights of Way Team.</li><li>* The Agency Agreement should be retained.</li></ul>
Chipstable PC	<ul style="list-style-type: none"><li>* The Parish Council would be sorry to lose our ROW officers who have been most helpful and have given a very good service.</li></ul>
Creech St Michael PC	<ul style="list-style-type: none"><li>* Unanimously agreed that the Parish Council does not support the responsibility for footpaths reverting back to SCC.</li><li>* More than happy with the way TD has looked after the footpaths.</li><li>* Appreciate the need to save money and remain open-minded. However, assurances are sought about the level of maintenance and grant aid.</li></ul>
Fitzhead PC	<ul style="list-style-type: none"><li>* Oppose the ending of the agreement, as the County appears to be under extreme pressure already in terms of staff and funding.</li><li>* The local knowledge built up by the TDBC team would be irreplaceable.</li></ul>
Lydeard St Lawrence and Tolland PC	<ul style="list-style-type: none"><li>* A crucial link has been established with the Rights of Way Officer, will be very sorry to lose this contact.</li><li>* Concern that such close contact may reduce under County Council control, could be more bureaucratic with poorer and more expensive service.</li></ul>
Milverton PC	<ul style="list-style-type: none"><li>* Concerned about potential loss of experienced staff. Current system works well not least because your staff are experienced and knowledgeable.</li><li>* Concerned that transferring the service to a larger organisation with a wider remit might lead to a dilution of effort and change in priorities resulting in a reduction of service.</li><li>* Concerned that the motive behind this may be to save money for TDBC. This will not translate into a saving for the Charge Payer as the same cost will go to SCC, unless the service is to be reduced which would be unfortunate.</li></ul>
North Curry PC	<ul style="list-style-type: none"><li>* Current scheme works very well.</li><li>* We believe that the “local” touch of a district council is more likely to preserve the</li></ul>

ambience of these paths than the more distant control of a county council.

\* There is concern in the rural community that most of the services for which TD is responsible apply to the urban area only. Footpaths is one of the few areas of work which is relevant to the Parishes and the rural areas.

\* The support that we have received has been, and still is, much appreciated.

Nynehead PC

\* Have established good working relationship with the Deane.

\* Concerned about possible ending of Agreement which could lead to reduction in quality of service, administered more remotely.

\* What would happen to the staff in the ROW Team and to projects currently in hand?

Pitminster PC

\* The great majority of footpaths in the Parish are clear and open due to the partnership working with the TD Officers. Danger of undoing all the good work.

\* Urge the Borough Council not to terminate the Agreement – “if it ain’t broke don’t mend it.”

Ruishton and Thornfalcon PC

\* It was unanimously agreed that it would be a retrograde step if the agency agreement between TD and SCC was ended.

\* The staff at TD have done a good job, together with our representative, to keep the footpaths up to standard in the parish.

Sampford Arundel PC

\* Very happy with the existing arrangement and would prefer there to be no change.

\* The local knowledge of the TDBC staff and the rapport built up over the years are invaluable.

Stoke St Gregory PC

\* It would be a retrograde step to terminate the agreement.

\* The PC’s Footpath Officer has built up a good rapport with the Deane’s Officers.

\* Wish to see the present arrangements continue.

Trull PC

\* The PC has had the benefit of good working relationship with TDBC Officers and would ideally like the current situation to continue.

\* In the absence of funding from SCC to enable TDBC to provide the service, would ask that



attention be given to good access/availability to County Officers, adequate resourcing and Partnership working with the PCs.

- |                       |   |   |
|-----------------------|---|---|
| Wellington TC         | * | Would like the BC to continue with the agency agreement as it feels it will get a better service.   |
|                       | * | The TC has an excellent relationship with the Deane's footpath section.   |
| Wellington Without PC | * | Believe that termination of the Agency Agreement would be a retrograde step and would strongly advocate its continuation.   |
|                       | * | Wellington PC has established a very good rapport with the TDBC Rights of Way Team especially during the last 3 years. The parish paths and bridleways are probably in the best state they have been for many years and this has been achieved with the co-operation, support and knowledge of the TDBC Team. |
| West Hatch PC         | * | The Parish Council have found the assistance provided by the TD ROW Team invaluable, and does not support the proposal to terminate the agreement.  |
|                       | * | The healthy professional relationship between the ROW Team and parishes built up over a number of years could not be transferred to SCC.  |
|                       | * | The ending of the Agency agreement as a cost saving measure could cause grave long term damage to the rights of way network throughout Taunton Deane.   |
| Wiveliscombe PC       | * | Concern that the level of service may decline.  |

#### The Ramblers' Association (Taunton Deane RA Group)

- Question the wisdom of this possible termination of the agreement, the money saved must be very small in comparison with the overall budget, but the damage done to the footpath network in the hands of SCC would be enormous, creating a very considerable loss of tourist income over the years as the network of paths deteriorate.
- SCC appear to have neither the will nor the ability to look after the path network in the same way that TD Rights of Way department has done.
- Hope the BC can be persuaded not to go ahead with the termination of this agreement.

Mr F M Emmett OBE, Parish Footpath Liaison Officer (West Hatch)

- If the agency agreement is terminated the goodwill and confidence that your Rights of Way Team have built up over a number of years between TD and the Parishes will be lost.
- May result in parish footpath liaison officers not bothering anymore, if they have to deal with a less personal service at the County. SCC is too remote to be effective.
- It would be a grave error to terminate the agency agreement. An enormous amount of goodwill, built up over a number of years, will be lost. In the long-term, believe that considerable damage will be caused to TD Rights of Way network for what in comparison may prove to be small savings in the BC's budget.

Mr J Hurst, Parish Footpath Officer (Creech St Michael)

- Questions the wisdom of this possible termination as the money saved would be small in comparison with overall budget and damage done to the footpath network would be enormous, creating a considerable loss of tourist income.
- SCC appear to have neither the will nor the ability to look after the path network in the same way TD ROW department has done.
- Hopes the Borough Council can be persuaded not to go ahead with termination of the agreement.