

North Tyneside Council

Report to Cabinet

13 April 2015

Item 5(a)(ii)
Title: Public Rights of
Way - Overview, Scrutiny
and Policy Development
Committee Sub Group
Report

Portfolio(s): Housing and Environment

Cabinet Member(s): Cllr J Harrison

Report from: Overview, Scrutiny and Policy Development Committee

Wards affected: All

PART 1

1.1 Purpose:

The purpose of this report is to present the recommendations of the Environment Sub-committee in relation to its study into Public Rights of Way.

In accordance with Section 122 of the Local Government and Public Involvement in Health Act 2007, Cabinet is required to provide a response to the recommendations of the Overview, Scrutiny and Policy Development Committee within two months. In providing this response Cabinet is asked to state whether or not it accepts each recommendations and the reasons for this decision. Cabinet must also indicate what action, if any, it proposes to take.

1.2 Recommendation:

It is recommended that Cabinet consider and formulate a response to the recommendations presented to them as a result of the Overview, Scrutiny and Policy Development Committee's study into Public Rights of Way.

1.3 Forward plan:

The report was included in the forward plan published on 13 January 2015 for the period 13 January – 30 April 2015 under the heading 'matters arising from Overview, Scrutiny and Policy Development Committee and its sub committees'.

1.4 Council plan and policy framework:

The report contributes towards the following priority of the 2014-18 Our North Tyneside Plan:

Our Place A – Be places that people like living in and will attract others to either visit or live.

1.5 Information:

- 1.5.1 As part of the Environment Sub-committee work programme for 2014/15, a report on Public Rights of Way and the implications of the Countryside and Rights of Way Act 2000 was received on 10 September 2014. It was agreed to establish a Sub-group to examine the systems in place to ensure that all Public Rights of Way were recorded on the Definitive Map and Statement, the legal record of the existence of a Public Right of Way.
- 1.5.2 This topic was selected as the Countryside and Rights of Way Act 2000 had introduced a cut off date where all Public Rights of Way which existed prior to 1949 that are not recorded on the Definitive Map and Statement (the legal record of the existence of the right of way) would be extinguished and lost forever. Members were concerned that Public Rights of Way were an important resource for residents and visitors and needed to be protected and properly maintained. It was considered that the Sub-group could make a positive contribution to the formulation of future plans or strategies and would allow for community involvement.
- 1.5.3 The remit of the Sub Group was to review the current situation in relation to the recording of the Public Rights of Way on the Definitive Map and Statement and to assess the implications of the Countryside and Rights of Way Act 2000 and to examine the options for the maintenance and future maintenance of Public Rights of Way.
- 1.5.4 Members held a series of evidence gathering meetings with officers and representatives from user organisations and also examined the information available for walkers, cyclists, horse riders and landowners on various local authority websites.
- 1.5.5 As a result of the study the Sub-group has identified six recommendations for submission to Cabinet which are:
1. That a Rights of Way Sub-group be set up to engage with residents and user groups and to monitor the recording of the Rights of Way on the Definitive Map and Statement.
 2. That Cabinet be requested to arrange for the 4 Definitive Maps and Statements which cover North Tyneside to be reviewed, updated and combined into one North Tyneside Definitive Map and Statement within 18 months.
 3. That Cabinet be requested to arrange for the inclusion of the existing unrecorded rights of way on Council owned land on to the Definitive Map and Statement within 24 months.
 4. That Cabinet be requested to develop a timetable and work programme that will ensure that all existing unrecorded Rights of Way are added to the Definitive Map and Statement before the 31 December 2025.
 5. That Cabinet be requested to ensure that, in line with best practice, the current and up to date Definitive Map and Statement is made available on the Authority's website along with information for walkers, horse riders, and cyclists, landowners and developers. The website should also include a facility for claiming new or modifying existing rights of way and for users to report issues on the rights of way network.
 6. That Cabinet be requested to ensure that a corporate approach (including Planning, Highways, Tourism and Public Health) to the maintenance, preservation and promotion of the Public Rights of Way is adopted.

- 1.5.6 The full report which outlines the key findings, conclusions and recommendations of the review is attached at Appendix 1.
- 1.5.7 Cabinet has a statutory duty to respond to the Overview, Scrutiny and Policy Development Committee's recommendations within 2 months of receiving them. In providing its response Cabinet is asked to provide reasons for any recommendations which are not approved. Overview, Scrutiny and Policy Development Committee feel that accepting the recommendations set out in the report will ensure that all public rights of way are recorded on the Definitive Map and Statement, the legal record of the existence of such a right of way, and will not be lost in the future. This will allow and encourage residents and visitors to make more use of the rights of way network. The corporate approach will also allow the authority to ensure that public rights of way are taken into consideration when developing and refreshing various plans and strategies such as the Local Plan and Green Space Strategy.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet accepts the recommendation set out in paragraph 1.2 above.

Option 2

Cabinet does not accept the recommendation set out in paragraph 1.2 above and provides a response to the Overview, Scrutiny and Policy Development Committee at the meeting.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Cabinet has a statutory duty to respond to the Overview, Scrutiny and Policy Development Committee's recommendations within 2 months of receiving them. Option 1 is recommended as this option allows Cabinet time to consider and formulate a response to the recommendations.

1.8 Appendices:

Appendix 1 – Overview, Scrutiny and Policy Development Committee Report: Public Rights of Way.

1.9 Contact officers:

Dave Parkin, Democratic Services Officer (0191) 643 5316
Alison Campbell, Senior Business Partner (0191) 643 7038

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- [North Tyneside Council Constitution](#)
- [Minutes of Environment Sub-committee meeting held on 10 September 2014.](#)

Background information used in the formulation of the Rights of Way report can be found on page 12 of the report.

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The financial implications associated with each recommendation will be included in Cabinet's response to this report.

2.2 Legal

There are no legal implications at this stage.

2.3 Consultation/community engagement

The Sub Group which undertook this work on behalf of the Overview, Scrutiny and Policy Development Committee met with officers in the Environment and Leisure, Capita and representatives of a number of interest groups. Full details are listed in the Sub Group's report attached at appendix 1.

2.4 Human rights

There are no direct issues relating to human rights arising from this report.

2.5 Equalities and diversity

There are no direct issues relating to equalities and diversity arising from this report.

2.6 Risk management

There are no direct issues relating to risk arising from this report.

2.7 Crime and disorder

There are no direct issues relating to crime and disorder arising from this report.

2.8 Environment and sustainability

There are no direct issues relating to environment and sustainability arising from this report.

PART 3

The following officers and Members have been sent a copy of the report for their information:

- Chief Executive
- Mayor/Cabinet Member
- Chief Finance Officer
- Monitoring Officer