

Individual Decision

The attached reports will be taken as
Individual Portfolio Member Decisions on:

Thursday, 28th March, 2013

Ref:	Title	Portfolio Member(s)	Page No.
ID2615	West Berkshire Forward Plan - May 2013 to August 2013	Councillor Pamela Bale	1 - 20
ID2601	Rights of Way Case Programmes	Councillor Hilary Cole	21 - 44



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Individual Executive Member Decision

Title of Report:	West Berkshire Council Forward Plan - 01 May 2013 to 31 August 2013
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	28 March 2013
Forward Plan Ref:	ID2615

Purpose of Report: To advise Members and residents of key decisions to be considered by West Berkshire Council over the next 4 months.

Recommended Action: That the Deputy Leader of the Council agrees and where appropriate amends the West Berkshire Council Forward Plan.

Reason for decision to be taken: It is a statutory requirement that a Forward Plan be produced.

Other options considered: Not applicable.

Key background documentation: Forward Plan.

Portfolio Member Details	
Name & Telephone No.:	Councillor Pamela Bale
E-mail Address:	pbale@westberks.gov.uk

Contact Officer Details	
Name:	Moira Fraser
Job Title:	Democratic Services Manager
Tel. No.:	01635 519045
E-mail Address:	mfraser@westberks.gov.uk

Implications

Policy:	The Forward Plan details the Policies to be adopted by West Berkshire Council.
Financial:	The Forward Plan has no financial implications.
Personnel:	The Forward Plan has no personnel implications.
Legal/Procurement:	The Forward Plan has no legal or procurement implications.
Environmental:	The Forward Plan has no environmental implications.
Property:	The Forward Plan has no property implications.
Risk Management:	The Forward Plan has no risk management implications.

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia			<input type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>

Consultation Responses

Members:

Leader of Council:	Councillor Gordon Lundie
Overview & Scrutiny Management Commission Chairman:	Councillor Brian Bedwell at OSMC
Ward Members:	All Members.
Opposition Spokesperson:	Councillor Jeff Brooks at OSMC

Local Stakeholders: The West Berkshire Forward Plan will be published the first working day after the Individual Decision is signed.

Officers Consulted: Nick Carter, John Ashworth, Margaret Goldie, Rachael Wardell, Heads of Service, Group Executives.

Trade Union: Not sought.

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input checked="" type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input checked="" type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

Supporting Information

1. Background

- 1.1 West Berkshire Council's Forward Plan, which is published monthly, sets out the key decisions that the Executive (either collectively or by Individual Executive Members) are expected to take over the next four months.
- 1.2 Key decisions are defined by the Government (Regulation 8 of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2001) as:
- (i) Those which result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which the decision is related.
 - (i) Those which are significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Local Authority.
- 1.3 The introduction of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in September 2012 replaced the 2000 Executive Access to Information Regulations. As a consequence a requirement to publish a rolling forward plan at least 14 days before the start of each month has been replaced by a requirement to publish 28 clear days' notice of any intended key decision. It should be noted that "clear days" means working days, from midnight to midnight, and excludes weekends and public holidays, so 28 clear days equates to around 5½ normal weeks.
- 1.4 On occasions, however, situations may arise where an urgent decision needs to be made in respect of an item that does not appear on the Forward Plan. There are two different ways in which this can be done:
- (i) the authority can take an urgent key decision without giving 28 days' notice where it is impracticable to give the full notice, provided that the authority gives at least five days' clear notice to all Members of the Overview and Scrutiny Management Commission, which can then call in the decision to check that it was genuinely urgent; or
 - (ii) where a key decision is so urgent there is not even time to give five clear days' notice, the authority can take the decision if the Chairman of the Overview and Scrutiny Management Commission has agreed that the key decision is urgent and cannot reasonably be deferred.
- 1.5 In addition The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 have introduced an entirely new requirement for the Council to publish 28 clear days' notice of the intention to hold a private meeting (or part of a meeting) of the Executive. This 28 day notice must be reinforced by a five day notice which sets out the reasons for the meeting to be held in private, details of any propositions received as to why the meeting should be open, and the Council's response. The response will be provided by the Monitoring Officer. The regulations again provide for an urgency procedure, under which the Council can decide the matter with shorter than 28 or five days' notice, provided that it has first obtained the consent of the Chairman of the Overview and Scrutiny Management Commission.

- 1.6 There are currently no confidential items scheduled for the 09 May 2013 Executive.
- 1.7 Details of decisions that Full Council, the Governance and Audit Committee and the Personnel Committee are going to take are also included for ease of reference. It should, however, be noted that the new requirements only apply to Executive meetings.
- 1.8 The Work Programme of Overview and Scrutiny Management Commission and its Sub-Committees is attached as a separate document.
- 1.9 Publication of the Forward Plan remains a statutory requirement of the Local Authority. The Forward Plan, any General Exception Decisions Notices and Notices of Private Decisions have to be available for inspection and also have to be published on the Council's website.

Appendices

Appendix A – West Berkshire Council Forward Plan – 01 May 2013 to 31 August 2013

Appendix B – Overview and Scrutiny Management Commission and Sub-Committees Work Programme.

West Berkshire Council Forward Plan



West Berkshire Council Forward Plan – 1st May 2013 to 31st August 2013

Reference	Decision and Purpose	Decision Body	Decision Path	Directorate	Contact	Lead Member (Porfolio Holder for . . .)	Part II	Date Report Published	Consultee(s)	Notes	Decision Month
May 2013											
ID2438c	Adoption of Parish Plans - (c) Hungerford <i>To adopt Parish Plans.</i>	ID	01/05/13	Resources	Jo Naylor	Partnerships, Equality, The Visions, Communities, Emergency Planning		TBC	Local Members and Stakeholders	This report has been deferred from March to allow for further community consultation	May 2013
ID2642	Access to Information Policy Revision <i>To approve the revised Access to Information Policy</i>	ID	01/05/13	Resources	Sue Broughton	Council Strategy and Performance, Housing, ICT, Corporate Support, Strategic Support, Legal		TBC			May 2013
ID2643	Corporate Complaints Policy Revision <i>To approve the revised Corporate Complaints Policy</i>	ID	01/05/13	Resources	Sue Broughton	Council Strategy and Performance, Housing, ICT, Corporate Support, Strategic Support, Legal		TBC			May 2013
ID2644	Records Management Policy Revision <i>To approve the revised Records Management Policy</i>	ID	01/05/13	Resources	Sue Broughton	Council Strategy and Performance, Housing, ICT, Corporate Support, Strategic Support, Legal		TBC			May 2013

The items included in the Forward Plan were correct at the time of publication. The Forward Plan may, however, change and you are advised to contact Moira Fraser – Tel: 01635 519045 or e-mail: mfraser@westberks.gov.uk to confirm the contents of any agenda before attending a meeting. **Executive decisions may be taken by the Executive acting as a collective body or by officers acting under delegated powers.**

KEY:	
ID	= Individual Executive Member Decision
EX	= Executive
C	= Council
GA	= Governance & Audit Committee
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West Berkshire Council Forward Plan – 1st May 2013 to 31st August 2013

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ID2440	Adoption of Parish Plans <i>To adopt Parish Plans.</i>	ID	01/05/13	Resources	Jo Naylor	Partnerships, Equality, The Visions, Communities, Emergency Planning		TBC	Local Members and Stakeholders		May 2013
ID2452	Approval of Village Design Statements <i>To approve Village Design Statements.</i>	ID	01/05/13	Environment	Paula Amorelli	Planning, Property, Highways, Transport		TBC	Local Members and Stakeholders		May 2013
ID2658	Almond Avenue, Newbury – Petition for Traffic Calming Measures <i>To respond to a petition that has been submitted to the Council.</i>	ID	01/05/13	Environment	Andrew Garratt	Planning, Highways, Transport, Policy		TBC			May 2013
ID2659	A340 Aldermaston Wharf - Petition for a Pedestrian Crossing <i>To respond to a petition that has been submitted to the Council</i>	ID	01/05/13	Environment	Andrew Garratt	Planning, Highways, Transport, Policy		TBC			May 2013
ID2666	Draft SEN & Disability Strategy for consultation <i>To seek approval to consult on the draft SEN & Disability Strategy</i>	ID	01/05/13	Communities	Jane Seymour	Children and Young People, Education, Youth Service		TBC			May 2013
ID2664	Flood Investigation Policy under S19 of the Flood and Water Management Act 2010 <i>To approve the Council's Policy for investigating flood incidents as Lead Local Flood Authority</i>	ID	09/05/13	Environment	Jon Winstanley	Partnerships, Equality, The Visions, Communities, Emergency Planning		30/04/13			May 2013
ID2661	Community Learning and Skills Plan <i>To seek approval for the future vision and purpose of Community Learning and Skills in West Berkshire</i>	ID	15/05/13	Communities	Sara Hanson	Children and Young People, Education, Youth Service		07/05/13			May 2013

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ID2662	Home to School Transport Poilcy 2013-2014 and 2014-2015 <i>To approve the revised policy.</i>	ID	15/05/13	Communities	Caroline Corcoran	Children and Young People, Education, Youth Service		07/05/13			May 2013
ID2617	West Berkshire Forward Plan – 01 July to 31 October 2013 <i>To advise Members of items to be considered by West Berkshire Council over the next four months.</i>	ID	16/05/13	Resources	Moira Fraser	Leader of Council		08/05/13	Corporate Directors, Heads of Services, Overview and Scrutiny Management Commission	Not subject to call-in	May 2013
EX2491	Schools Place Strategy 2013-2018 <i>To determine a strategy for managing school organisation and ensure that there are sufficient school places to meet overall demand; there are sufficient school places in the right locations to meet demand; the provision of school places are managed in a cost effective manner.</i>	EX	09/05/13 EX	Communities	Caroline Corcoran	Children & Young People, Youth Service, Education		30/04/13	Schools, relevant Council Officers		May 2013
EX2580	Adoption of the Homelessness Review and Homelessness Strategy 2013-2018 <i>For Executive to approve and adopt the Homelessness Review and Homelessness Strategy 2013-2018 for West Berkshire</i>	EX	09/05/13 EX	Communities	Mel Brain	Council Strategy and Performance, Housing, ICT, Corporate Services, Strategic Support, Legal		30/04/13			May 2013
EX2610	WBC/BBOWT Partnership for the Future Management of the WBC Countryside Estate <i>To seek approval to enter into a formal partnership with the Berks, Bucks and Oxon Wildlife Trust (BBOWT)</i>	EX	09/05/13 EX	Environment	Paul Hendry	Environment, 'Cleaner Greener,' Public Protection, Customer Services, Culture & Leisure		30/04/13			May 2013

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EX2628	Memorandum of Understanding between the Waste Planning Authorities of the South East of England <i>To agree the Memorandum of Understanding</i>	EX	09/05/13 EX	Environment	Bryan Lyttle	Planning, Property, Highways, Transport		30/04/13			May 2013
EX2665	Museum Redevelopment Project - Fire Suppression System <i>To present the issues relating to the installation of an automatic fire suppression system into the museum buildings on The Wharf, Newbury</i>	EX	09/05/13 EX	Environment	Amanda Loaring	Environment, "Cleaner Greener", Public Protection, Customer Services, Culture & Leisure		30/04/13			May 2013
C2651	Amendment to the Constitution - Scheme of Delegation <i>To propose amendments to the Scheme of Delegation (part 3 of the Constitution) following the transfer of Public Health into the Council.</i>	C	14/05/13 C 29/04/13 GA	Resources	Andy Day	Leader of the Council		19/04/13			May 2013
C2508	Standards Committee Annual Report 2012/13 <i>To present the Annual Standards Committee report to the Council.</i>	C	14/05/13 C	Resources	Moira Fraser	Chairman of the Standards Committee		03/05/13			May 2013
C2512	Appointment and Allocation of Seats on Committees <i>To consider the appointment of and allocation of seats on Committees and associated bodies for the 2013/14 Municipal Year and to agree the Council's Policy Framework for 2013/14.</i>	C	14/05/13 C	Resources	Moira Fraser	Leader of the Council		03/05/13			May 2013

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C2641	Amendment to the Constitution - Part 7 Speaking Rights at Planning Meetings <i>To propose an amendment to speaking rights for adjoining parish councils at Planning Committee meetings.</i>	C	14/05/13 C 29/04/13 GA	Resources	David Holling	Leader of Council		19/04/13	Planning Policy Task Group		May 2013
C2509	Election of Chairman for the Municipal Year 2013/14 <i>To elect a Chairman of the Council for the 2013/14 Municipal Year.</i>	C	14/05/13 C	Resources	Moira Fraser	Leader of the Council		N/a			May 2013
C2510	Appointment of Vice Chairman for the 2013/14 Municipal Year <i>To appoint a Vice Chairman for the 2013/14 Municipal Year.</i>	C	14/05/13 C	Resources	Moira Fraser	Leader of the Council		N/a			May 2013
C2511	Announcement of Executive <i>To receive notification from the Executive Leader on the Members appointed to the Executive.</i>	C	14/05/13 C	Resources	Moira Fraser	Leader of the Council		N/a			May 2013
JUNE 2013											
ID2629	Adoption of Parish Plans <i>To adopt Parish Plans.</i>	ID	01/06/13	Resources	Jo Naylor	Partnerships, Equality, The Visions, Communities, Emergency Planning		TBC	Local Members and Stakeholders		June 2013
ID2517	Appointment of Thames Valley Police and Crime Panel Representative <i>To appoint the Council's representative on this Outside Body.</i>	ID	06/06/13	Resources	Moira Fraser	Leader of the Council		29/05/13			June 2013

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West Berkshire Council Forward Plan – 1st May 2013 to 31st August 2013

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ID2618	West Berkshire Forward Plan – 01 August to 30 November 2013 <i>To advise Members of items to be considered by West Berkshire Council over the next four months.</i>	ID	20/06/13	Resources	Moira Fraser	Leader of Council		12/06/13	Corporate Directors, Heads of Services, Overview and Scrutiny Management Commission	Not subject to call-in	June 2013
EX2532	Financial Performance Report Year End <i>To inform Members of the latest financial performance of the Council.</i>	EX	20/06/13 EX	Resources	Melanie Ellis	Finance, Economic Development, Health & Safety, Pensions, Human Resources		12/06/13			June 2013
EX2667	SEN & Disability Strategy 2013 - 2016 <i>To seek approval of the draft SEN & Disability Strategy 2013 - 2016</i>	EX	20/06/13 EX	Communities	Jane Seymour	Children and Young People, Education, Youth Service		12/06/13			June 2013
C2585	Community Infrastructure Levy - Draft Charging Schedule <i>To consider and approve the Draft Charging Schedule for public consultation</i>	C		Environment	Caroline Walsh	Planning, Property, Highways, Transport				Special meeting date to be agreed	June 2013
C2586	Supplementary Planning Document for Developer Contributions - Adoption of updated Topic Papers <i>To adopt the updated Developer Contributions Supplementary Planning Document</i>	C		Environment	Caroline Walsh	Planning, Property, Highways, Transport				Special meeting date to be agreed	June 2013
C2599	Greenham Control Tower <i>To report back on the deliberations of the Planning Policy Task Group following the referral of a motion to the group at Full Council on the 13 December 2012.</i>	C		Environment	Gary Lugg	Planning, Property, Highways, Transport			Planning Policy Task Group	Special meeting date to be agreed	June 2013

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C2600	GAMA Site <i>To report back on the deliberations of the Planning Policy Task Group following the referral of a motion to the group at Full Council on the 13 December 2012.</i>	C		Environment	Gary Lugg	Planning, Property, Highways, Transport			Planning Policy Task Group	Special meeting date to be agreed	June 2013
C2650	Compton Institute for Animal Health Supplementary Planning Document <i>To adopt the SPD</i>	C		Environment	Sarah McCullough	Planning, Property, Highways, Transport				Special meeting date to be agreed	June 2013
JULY 2013											
ID2660	Speed Limit Review – May 2013 <i>To approve the statutory consultation for alterinmg the speed limit on a number of roads following a meeting of the Speed Limit Task Group.</i>	ID	01/07/13	Environment	Andrew Garratt	Planning, Property, Highways, Transport		TBC			July 2013
ID2630	Adoption of Parish Plans <i>To adopt Parish Plans.</i>	ID	01/07/13	Resources	Jo Naylor	Partnerships, Equality, The Visions, Communities, Emergency Planning		TBC	Local Members and Stakeholders		July 2013
ID2663	Community Care (Adult Social Care) Compliments and Complaints Report <i>To outline the approach to handling complaints for Adult Social Care and to provide information about the number and type of complaints within Community Care (Adult Social Care). To highlight the number and nature of compliments received from April 2012 to March 2013. To illustrate how complaints and compliments are logged and monitored, and review the actions taken as a result of the lessons learned.</i>	ID	01/07/13	Communities	Mary Page	Community Care, Insurance		TBC			July 2013

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ID2619	West Berkshire Forward Plan – 01 September to 31 December 2013 <i>To advise Members of items to be considered by West Berkshire Council over the next four months.</i>	ID	25/07/13	Resources	Moira Fraser	Leader of Council		17/07/13	Corporate Directors, Heads of Services, Overview and Scrutiny Management Commission	Not subject to call-in	July 2013
EX2481	Annual Employment Report 12/13 <i>To provide information on staffing trends.</i>	EX	25/07/13 EX	Resources	Robert O'Reilly	Finance, Economic Development, Health and Safety, Pensions, Human Resources		17/07/13			June 2013
EX2538	Key Accountable Measures and Activities 2012/13. Update on progress: Q4 outturns	EX	25/07/13 EX	Resources	Jason Teal	Council Strategy and Performance, Housing, ICT, Corporate Services, Strategic Support, Legal		17/07/13			July 2013
AUGUST 2013											
ID2631	Adoption of Parish Plans <i>To adopt Parish Plans.</i>	ID	01/08/13	Resources	Jo Naylor	Partnerships, Equality, The Visions, Communities, Emergency Planning		TBC	Local Members and Stakeholders		August 2013

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ID2620	West Berkshire Forward Plan – 01 October 2013 to 31 January 2014 <i>To advise Members of items to be considered by West Berkshire Council over the next four months.</i>	ID	22/08/13	Resources	Moira Fraser	Leader of Council		14/08/13	Corporate Directors, Heads of Services, Overview and Scrutiny Management Commission	Not subject to call-in	August 2013

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OVERVIEW & SCRUTINY MANAGEMENT COMMISSION WORK PROGRAMME 2012/13

Reference	Subject/purpose	Methodology	Expected outcome	Review Body	Dates	Lead Officer(s)/ Service Area	Portfolio Holder(s)	Status: In Progress Completed	Comments
OSMC/11/105	Dignity and Nutrition – CQC Standards To review the standards of dignity and nutrition in local hospitals - survey evidence to be provided by West Berkshire LINK (HealthWatch).	To survey and hold focus groups detailing information		HSP	Start: July 2011 End: March 2013	LINK, Age UK	Cllr Graham Jones	In Progress	Additional survey of the Royal Berkshire Hospital outpatients being undertaken in October 2012. Update from LINKs required at March 2013 meeting.
OSMC/11/107	Update on the Health Service in West Berkshire	To update members on the changes to Health Service in West Berkshire	Monitoring item	HSP	Ongoing	Julie Curtis - Interim Director Joint Commissioning	Cllr Graham Jones	In Progress	Julie Curtis to be contacted about attendance at the next meeting.
OSMC/11/119	Continuing Healthcare (CHC) assess the effect of the CHC operations policy and procedures in practise	In meeting review		HSP	Start: March 2013 End: March 2013	Jan Evans – 2736 Adult Social Care	Cllr Graham Jones	In Progress	Monitoring of the CHC independent review action plan. Update against actions required at next meeting.
OSMC/12/122	Home Care To understand and critically appraise the processes in place for the provision of Home Care.	TBD		HSP	Start: Oct 2013 End: Oct 2013	Jan Evans–2736 Adult Social Care	Councillor Joe Mooney	In Progress	Established within the ASC Efficiency programme with a review of inhouse service and a new procurement mechanism for external domiciliary care - to be reviewed in Oct 2013
OSMC/12/133	PCT Quality Handover To examine the PCT's arrangements for the handover of its quality responsibilities to Clinical Commissioning Groups	In meeting review.	Members satisfied with arrangements	HSP	Start: March 2013 End: March 2013	Sam Otoropec, PCT	Cllr Graham Jones		
OSMC/12/143	Adult Social Care Eligibility Criteria To conduct a review of the Council's Fair Access to Care Services policy			HSP	Start: December 2012 End: Summer 2013	Jan Evans–2736 Adult Social Care	Councillor Joe Mooney	In Progress	Terms of Reference for the review agreed to take place across five sessions.
OSMC/09/02	Performance Report for Level One Indicators To monitor quarterly the performance levels across the Council and to consider, where appropriate, any remedial action.	In meeting review with information supplied by, and questioning of, lead officers.	Monitoring item	OSMC	Start: each Q End:	Jason Teal – 2102 Policy & Communication	Councillor Roger Croft	In Progress	Quarterly item. Q3 2012/13 to April meeting
OSMC/11/129	Housing Allocations policy To contribute to the development of a new policy	In meeting policy development supported by task group and individual Member activity.		OSMC	Finish August 2013	Mel Brain - 2403 Social Care Commissioning and Housing	Councillor Roger Croft	In Progress	- Added to work programme at the 10 January 2012 meeting, following a suggestion by Corporate Board - Following consultation exercise by Housing Service, expected to return to OSMC in mid 2013
OSMC/12/128	Youth Justice To review the outcomes being achieved following the changes made to police interventions with young people and the resultant drop in people entering the youth justice system.	In meeting review with information supplied by, and questioning of, lead officers.		OSMC	Start: 16 April 2013 End: 16 April 2013	Davy Pearson, Robin Rickard	Councillor Graham Jones	In Progress	- Item raised in response to performance reported at Q2 2011/12. See agenda and minutes of 21/02/12.

OVERVIEW & SCRUTINY MANAGEMENT COMMISSION WORK PROGRAMME 2012/13

Reference	Subject/purpose	Methodology	Expected outcome	Review Body	Dates	Lead Officer(s)/ Service Area	Portfolio Holder(s)	Status: In Progress Completed	Comments
OSMC/12/130	Consultation The effectiveness of consultation undertaken by the Council	Task group review with information supplied by, and questioning of, lead officers and external partners.		OSMC	Start: TBD End: TBD	Jason Teal – 2102 Strategic Support	Councillor Roger Croft	To be scheduled	item incorporated at OSMC meeting of 2012-04-17
OSMC/12/135	Annual target setting To examine the annual targets being set for 2013/14.	Task group working directly with PM officers	Annually recurring	OSMC	Start: End:	Jason Teal – 2102 Strategic Support	Councillor Roger Croft	In Progress	Independent work, unsupported by scrutiny officers. Output directly into the following year's Council Plan.
OSMC/12/139	Schools and early years To contribute to the development of the strategy for managing school organisation that ensures there are sufficient school places and in the right locations to meet demand	In meeting review		OSMC	Start: 21 May 2013 End: 21 May 2013	Ian Pearson - 2729 Head of Education	Councillor Irene Neill	In Progress	Agreed at the meeting of 18 September 2012
OSMC/12/140	Schools Performance To discuss progress in school performance, particularly in English and Mathematics.	in meeting review		OSMC	Start: 16 April 2013 End: 16 April 2013	Ian Pearson - 2729 Head of Education	Councillor Irene Neill	In Progress	- Item incorporated at OSMC meeting of 30/10/12. - Schedule for early 2013.
OSMC/13/146	Fire Service To understand how the RBFRS provides cover for the West Berkshire area	In meeting review		OSMC	Start: End:		Councillor Graham Jones	To be scheduled	- item incorporated at OSMC meeting of 26/02/13
OSMC/09/57	Revenue and capital budget reports To receive the latest period revenue and capital budget reports To consider any areas of concern.	Information supplied by, and questioning of, lead officer via in meeting review	Monitoring item	RMWG	Latest report to each meeting	Andy Walker – 2433 Finance	Councillor Alan Law	In Progress	May lead to areas for in depth review.
OSMC/11/110	Energy Saving To review the Council's policies and procedures for Energy Saving.	In a meeting review the Council's procedures to Energy Saving		RMWG	Start: April 2014 End: April 2014	Adrian Slaughter	Councillor Hilary Cole	Complete	Completed in April 2012. Review to be undertaken in April 2014.
OSMC/11/111	Risk Register To scrutinise individual items on the Risk Register on an annual basis. Annual recurrence	In meeting review and scrutinise individual items on Risk Register.	Monitoring item	RMWG	Start: TBD End: TBD	Ian Priestley	Councillor Roger Croft	To be scheduled	Annual Item for November
OSMC/11/112	Medium Term Financial Strategy To review the role and format of the MTFS Annual recurrence	In meeting review of the MTFS		RMWG	Start: Oct 2013 End: Oct 2013	Andy Walker	Councillor Alan Law		Annual item for October
OSMC/11/113	Procedures for Blue Badge Holder To review the operation of the new procedures, criteria and rules of use for Blue Badge holders following the introduction of them in January 2012	In meeting review.		RMWG	Start: 12 Mar 2013 End: 12 Mar 2013	Mark Edwards	Councillor Keith Chopping	In Progress	Requested by RMWG on 26 July 2011. Update received Mar 2013. Financial update required after full year in operation (April 2013)

OVERVIEW & SCRUTINY MANAGEMENT COMMISSION WORK PROGRAMME 2012/13

Reference	Subject/purpose	Methodology	Expected outcome	Review Body	Dates	Lead Officer(s)/ Service Area	Portfolio Holder(s)	Status: In Progress Completed	Comments
OSMC/12/144	Shaw House To understand the utilisation and income generated	in meeting review		RMWG	Start: Mar 2013 End: Mar 2013	Steve Broughton - 2837 Head of Culture & Environmental Protection	Councillor Hilary Cole	Scheduled	Item incorporated at OSMC meeting of 11/12/12. Discussed at RWMG March 2013

Key:

OSMC Overview and Scrutiny Management
Commission
RMWG Resource Management Working Group
HSP Health Scrutiny Panel

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Individual Executive Member Decision

Title of Report:	Rights of Way Case Programmes
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	28 March 2013
Forward Plan Ref:	ID2601

Purpose of Report: To report progress on the Case Programmes for 2012/13 and to recommend Case Programmes for 2013/14 .

Recommended Action: To note progress in dealing with the cases assigned for 2012/13. To agree recommended cases for 2013/14.

Reason for decision to be taken: To monitor progress on the Case Programmes

Other options considered: N/A

Key background documentation: Public Rights of Way Case Programmes
Report to Management Board - 11th September 2008
Statement of Prioritisation for Claims and Path Orders
Rights of Way improvement Plan 2010 - 2020

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk

Contact Officer Details	
Name:	Elaine Cox
Job Title:	Senior Rights of Way Officer
Tel. No.:	01635 519069
E-mail Address:	elcox@westberks.gov.uk

Implications

Policy: Promoting and acting in the interests of the communities, people and businesses of the district.
Promoting a vibrant district.
Protecting the environment.
Putting people first.

Financial: None

Personnel: None
Legal/Procurement: None
Environmental: Limited environmental impact of maintenance and improvement works
Property: None
Risk Management: None
Equalities Impact Assessment: N/A

Consultation Responses

Members:

Leader of Council: Gordon Lundie
Overview & Scrutiny Management Commission Chairman: Brian Bedwell
Ward Members: N/A
Opposition Spokesperson: Jeff Brooks
Local Stakeholders: Tony Vickers
Officers Consulted: Paul Hendry, Jon Thomas, Sallie Jennings, Stuart Higgins
Trade Union: Rosemary Culmer

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

Supporting Information

1. Background

- 1.1 The Council possesses statutory duties to maintain the public rights of way network; keep it open for public use; and to record it and then to keep the records under continuous review (the 'Definitive Map' process). These duties have been translated into three public rights of way case programmes, concerned with 'Maintenance and Improvement', 'Enforcement', and 'Path Orders'.
- 1.2 The Council also has a statutory duty to prepare a Rights of Way Improvement Plan ROWIP, which is the means by which the council identifies the changes to be made to its rights of way networks, in respect of management and improvement, in order to improve provision for walkers, cyclists, equestrians and people with restricted mobility. Implementation of the ROWIP is not a duty, and it is therefore recommended that a ROWIP case programme be compiled so that progress can be made within the available resources.
- 1.3 The Maintenance and Improvement Case Programme is concerned with ensuring that the standard of public rights of way is suitable for their public use. It is drawn up each year from requests and complaints from the public; from surveys; and incorporates strategic improvements which enhance the network in accordance with the objectives of the Rights of Way Improvement Plan.
- 1.4 The Enforcement Case Programme is concerned with ensuring that the network remains free from obstruction and interference. The Council possesses extensive legal powers to assist it to carry out enforcement work if necessary. The Enforcement Case Programme is compiled from complaints from the public; from surveys; and interferences noted by officers. Some categories of enforcement work can be grouped together so as to utilise economies of scale, and these are termed 'projects'. An example of an annually active project is ploughing and cropping.
- 1.5 The Path Order Case Programme comprises two processes: 1. the investigation of evidence to support the existence of a public right of way which has not yet been recorded on the Definitive Map (a 'claim'); 2. the legal diversion, extinguishment or creation of a right of way. Both processes are usually carried out on receipt of an application from the public. The Council is under a statutory duty to investigate claims, but only a discretionary power to divert, extinguish or create.

2. Details of the three existing case programmes

Maintenance Case Programme.

- 2.1 There are many outstanding requests and needs for maintenance and improvements on the network, but limited resources require a method for prioritisation. As a general approach, relative priorities for attention are determined through a matrix, attached as Appendix A, through which benefits to the public and value for money are assessed. The priorities are listed in the recorded Cased Programme, attached at Appendix B. This Case Programme is updated continually as new requests and needs come to light. Funding comes via the annual revenue rights of way works budget, and the capital programme (including S.106). There are plans to seek increased external funds where appropriate. Most surface works

projects are carried out by contractors. There is, however, a large amount of maintenance work carried out by the team of rights of way Rangers, e.g. vegetation clearances and winter signposting. Volunteers also carry out simple tasks to keep the network open and easily useable.

Enforcement Case Programme.

- 2.2 There are many outstanding enforcement matters recorded on the rights of way network, and present resources do not allow the Council to resolve them all. A monthly prioritisation process takes place, from which the highest priorities are selected for attention. The prioritisation matrix used is attached at Appendix A. The resulting case programme is represented at Appendix C, showing progress and work yet to be done. Timescales for dealing with cases can sometimes become extended if legal procedures are required.

Path Order Case Programme.

- 2.3 The Path Order Case Programme is determined each year with close reference to the prioritisation procedure which was agreed between Countryside and Environment and Legal Services in 2008/09 (see background papers). Claims are generally dealt with in chronological order of receipt. For diversion, extinguishment or creation of public rights of way, the case will only be accepted if it is clearly in the interests of the public.
- 2.4 Appendix D lists all path order cases being dealt with in the current year. Appendix E lists the path order cases yet to be processed - the case programme for 2013/14 has been compiled from this list and is attached at Appendix F. If a new case is presented in the current year which meets the Statement of Prioritisation for Claims and Path Orders, then officers have agreed to make a request to the portfolio and relevant ward member, for permission for it to replace an agreed lower-priority case in the current Case Programme.
- 2.5 For claims, the Council has 12 months, from the date that the landowner was notified of the possibility that a right of way exists, to decide whether the evidence is sufficient for a Definitive Map Modification Order to be made. This timescale allows for the due legal processes to be followed. There is a right of appeal to the Planning Inspectorate if the Council either declines to make an Order or if there is a delay of more than one year in reaching a decision. A public inquiry procedure will be required if an Order is made and objections received.
- 2.6 For diversions, extinguishments and creations, there is no right of appeal to the Planning Inspectorate, but a public inquiry procedure will be required if an Order is made and objections received.
- 2.7 In addition to the cases, a project to re-digitise the Definitive Map of Public Rights of Way has been added. The present Definitive Map is accurate to a scale of 1:10,000 only, and this restricts the scale at which it can be viewed accurately, therefore limiting its use for both the public and council staff. Re-digitisation at 1:1250 also is consistent with British Standard 7666 Pt. 4 and will be needed prior to the statutory re-publication of the Definitive Map so that legal changes can be incorporated at the correct scale. It will enable the rights of way to be shown on the National Street Gazetteer, which is used by utility companies to identify and protect highways

planned for excavation. This project has been left for several years whilst the rights of way case programme backlog was reduced.

3. The new Rights of Way Improvement Plan case programme

- 3.1 The ROWIP contains 63 strategic objectives, concerned with improving access provision for users and also improving the efficiency of service delivery. Many of these objectives are ongoing, and are incorporated into the normal day-to-day work. Some require special effort in order to progress, and a manageable number have been recommended for additional effort in 2013/14. These are attached as Appendix G.

4. Equalities Impact Assessment Outcomes

- 4.1 The Equality Impact Assessment has been undertaken and is attached.

5. Conclusion

- 5.1 Progress on the three rights of way Case Programmes has been set out in this report. If the recommended ROWIP Case Programme is approved, a further ID will be produced in March 2014 to report on progress of all four programmes.

Appendices

Appendix A – Prioritisation matrix for maintenance and enforcement

Appendix B – Maintenance and Improvement Case programme

Appendix C - Enforcement Case Programme

Appendix D – Path Order Case Programme - path order cases being dealt with in the current year

Appendix E - Path Order Case Programme - path order cases yet to be processed

Appendix F – Proposed Path Order Case Programme 2013/14

Appendix G – Rights of Way Improvement Plan Case Programme

Appendix H – Equalities Impact Assessment

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Add your ratings for each parameter in this column

PROW Priority Matrix Calculator Spreadsheets

	Factor	Circumstances which would produce a score of 0	Circumstances which would produce a score of 5	Score for your path	With Multiplier
1	Danger level along used route	No danger	Severe danger on a well-used path		0
2	Usage level	Not used	Very well used		0
3	Degree of obstruction of Definitive line	No obstruction	Completely obstructed		0
4	Benefit to general public once resolved	No benefit	Great benefit		0
5	Cost/time effectiveness in resolving	Major works on little-used path / poor evidence for enforcement action	Minor works on little-used path/ good evidence for enforcement action		0
6	Level of complaint	Minor problem noted by staff member / very low number of complaints	Many complaints received and/or representation from Parish Council		0
7	Potential for deterioration	Unlikely to deteriorate	Rapid deterioration could be stopped by prompt action		0
Score of 45 or over: high priority / 44 or less: low priority				Total with Multiplier	0

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APPENDIX

MAINTENANCE AND IMPROVEMENT CASE PROGRAMME 2012/13 and 2013/14 (Note - to be cross-referenced with S.106 PROW contributions list)

WORKS COMPLETED SO FAR IN 2012/13

Basildon Footpath 5 – school end as route to school
Bucklebury Byway 23 – 4WD ‘ playground area’, surface problems
Bucklebury Byway 50 – rutted surface and surface water
Burghfield Footpath 23 – new bridge needed on Definitive line (path diverted)
Chieveley Byway 7 (Green Lane) – poor surface for residents
Chieveley Bridleway 28 – waterlogging - surface aggregate possibly needed to raise surface
Cold Ash Byway 5 (Drove Lane) – pothole repairs eastern end
East Ilsley Byway 1 – rutted surface - finish 2011 works in area by extending to this section
Farnborough Byway 12 – rutted surface
Inkpen Byway 11 – near Coombe Gibbet – byway repairs
Lambourn Byway 38 (Long Hedge) - very poor surface due to excessive horse and vehicle use
Leckhampstead Byway 16 – rutted surface
Purley Access Project works – gates and surfacing at sites B, G and H
Stratfield Mortimer Footpath 10 - badly falling away path on promoted route
The Ridgeway – annual maintenance to comply with Natural England 10 year commitment
The Ridgeway – Bury Down Car Park - surface in poor condition at entrances
Sustainable practices - find out about appropriate materials to use in woodland environments, use appropriate materials for all environments. Consider ecological surveys where appropriate

WORKS PLANNED FOR 2012/13 IF SUFFICIENT FUNDS

Basildon Footpath 3 – route to school - surface aggregate needed
Basildon Footpath 5 – siding out and possible resurfacing, route to school all the way to Bethesda Street
Beedon Byway 2 – rutted surface - surface discing for cyclists
Beenham Byway 1 (Clay Lane) – drainage works needed to protect 2011 surface works
Bucklebury Byway 56 – route to school, residents seeking funding
Bucklebury Byway 57 – see John Walmsley’s report 2010 – vehicle damage (LTP target for 2012/13). JT dealing.
Bucklebury Byway 67 – either side of driveway to ‘Marywell’ – await landowner views
Bucklebury Byway 67 – interference with route, poor drainage
Chieveley Bridleways 20 and 48 - Copyhold Farm Quarry – surface works still needed by operator on some new path sections
Chieveley – Old Kiln Quarry – diverted paths need some work, contact Raymond Brown
Chieveley new bridleway link– new link through woodland adjacent to Ardington Lane
East Ilsley Byway 7 – reported deep ruts, quite close to the village

Enborne Byway 12A – very bad drainage and surface ruts problem
Greenham Footpath 6 – surface potholes due to private vehicular access – identify which parties have legitimate access and discuss a repair and maintenance process
Inkpen Byway 11 (Wayfarers Way) – bad condition from road, past Gibbett to Wiltshire border – very expensive
Inkpen - Walbury Hill car park – needs archaeological liaison
Kintbury Byway 34 (Lip Lane) – sunken path, ruts

Newbury Footpath 19 – waterlogging, ditch work needed, landowner needs identifying

Newbury Footpath 28 (towpath) – wheelchair user request - acquire funds for sealed 'rural' type surface to Monkey Bridge / Dysons Close. Seek S.106 funds
Shaw Footpaths 13 / 16 (Honeybottom) – steps needed along woodland slope
Shaw Restricted Byway 14/1 – vegetation encroachment - clearance following bird nesting
Stanford Dingley Footpath 11 – cross-fall on recreational route
Stratfield Mortimer Footpath 9/4 – waterlogging, chase up landowner (letter of 3/2/11)
Theale Footpath 4 – south end near bridge – muddy in winter ? If so, assess and arrange works
Tilehurst Footpath 7 – muddy, needs ditch and surfacing (recreational route)
Tilehurst Footpaths 3 and 19 – resurfacing, preferably tarmac, as routes to school. Seek S.106 funds
Winterbourne Footpath 11A – steep slippery slope next to Ducksbridge Cottage

TO DO / ASSESS IN 2013/14

Basildon Restricted Byway 13A – muddy – need to assess for horse use, alleged 'slippery' at western end
Basildon Bridleway 12 – muddy through horse use
Beedon Byway 22 - north of Hailey Lane – needs patching of soft spots and winter TRO to follow ?
Beenham Bridelway 18 – north from A4 – signs required as part of Grundon planning agreement in 2000– need to be checked and reinstated if needed
Bucklebury Byway 11/2 – drainage work possibly needed. Officer: JT.
Bucklebury Byway 66 – vehicle ruts, needs basic maintenance. Promised 2013, local riders cannot use it and a useful link away from road
Bucklebury Bridleway 73 – bog by gate
Burghfield Bridleway 9 – muddy. Recent request for S.106 funds
Burghfield Bridleway 16 – route to Garlands school – surfacing, tidy up vegetation, mowings dump. Do as soon after April 2013 as possible to remove mud from running into new drainage system at S end.
Chieveley Footpath 1 – ponding on route to school. Promised parish council work in April 2013. Also consider patches through churchyard.
Chieveley Byway 29 – Curridge Green – promised assessment of potholes April 2013 and levelling probably needed April. Note that Rookery Farm may do the work.
Cold Ash Footpath 11 – tractor damage headland path
East Ilsley Byway 2 – some ruts – harrow and roll ?
Compton Footpath 23 – surface silts, "damage by school runs" – question over whether action needed
Inkpen Restricted Byway 49/4 – S end of Bitham lane – very muddy, allegedly difficult for elderly
Lambourn Byway 47/3 – wheel ruts
Newbury Footpath 28 – towpath – W of Northbrook Street – reported as to muddy for its heavy use in winter
Speen Byways 22/1 and 22/2 – very muddy and flooded, low lying area
Thatcham Footpath 9 – eastern end – experimental re-lay with recycled tyre material
Winterbourne Byway 1A – almost impassable - previous work was only to level surface material. Additional aggregate needed to strengthen surface and remove ruts.
Wokefield Byway 13 – vehicle ruts

REQUESTS ARISING OUT OF RIGHTS OF WAY IMPROVEMENT PLAN – NEED TO INCORPORATE INTO CASE PROGRAMME

Surface improvements:

Aldermaston Footpath 8

Ashampstead Restricted Byways 25 and 30 (damage by shooting traffic)

Ashampstead Restricted Byway 1 – eastern two-thirds

Ashampstead Footpath 4 – southern end

Ashampstead Bridleway 10 – clearance / better drainage

Ashampstead Footpath 13 – clearance / better drainage

Ashampstead Footpath 45 – western end – clearance / better drainage

Frilsham Bridleway 17 – improve surface

Hermitage Footpath 16 – improve surface and vegetation clearance

Inkpen Byway 11 – whole length, Wayfarers Way

Inkpen Footpath 14 – boardwalk needed between western end of Manor Farm land and the brook

MONITOR / PENDING

Basildon Bridleway 10 – surface damage by stables ? JT monitoring.

Basildon Restricted Byway 13A – does the surface improve after installation of Kent Carriage Gap 2011 ?

Beedon Byway 22 - south of Hailey Lane – requires surface discing ? TRO bans four wheeled vehicles but not motorcycles – is it working ? Motorcycles causing narrow deep ruts ? Remember management options agreed (Option 2) (I//PROW/Maintenance / Management Plans / Beedon BW 22).

Beedon Byways 22/1, 22/3 and 23/2 - north of Hailey Lane – following works 2011 and single seasonal closure to vehicles winter 2011/12.

Beenham Bridleway 10 – flat muddy field-edge. Ploughed field has removed water, the field size has been increased and the path moved back to its official line along hedgerow. Monitor to see if problem now solved.

Bucklebury Restricted Byway 20 – big hole – maintain plastic guarding.

Hungerford FP 2 – renovation as a link to town - S.106 developer contributions coming?

Newbury Flood Alleviation Scheme 2009 – associated works affecting FP 28 (towpath).

Shaw Footpath 13/16 (Honeybottom) – agreed with parish council 2011 to monitor the section subject to the maintenance agreement with the landowner through winter 2011/12.

Speen Footpath 2 – flooding as a result of A34 construction - bridge too high and path too low? – Highways Agency responsibility, level of path needs raising (no vehicles require access).

Speen Footpath 30 under A34 – still flooding ? If so, bank work and path raising needed, and also EA approval.

RESIDENTIAL ACCESSES TO MONITOR

Beenham Bridleway 18 - north from the A4

Beenham Byway 1 – Clay Lane – south from Beenham village

LOW PRIORITY / LITTLE PRESSURE TO DEAL WITH

Basildon Footpath 5 – muddy where narrows by fence

Boxford Footpath 6/1 – parish council asking to remedy mud. Little mud observed Jan 2012

Lambourn Byway 63 – ROW Rangers reported ruts and water 2011 – surface is safe but rutted Jan 2012

Stratfield Mortimer Footpath 30 – ditch to get across at road end – is OK for able-bodied people

****Many other cases** - see papers in 13/24/002-109 (A) Pending Maintenance Contract Cases. Review priorities each year when compiling new high-priority list.

IN THE HANDS OF OTHERS

Newbury Footpath 28 – Lock Island towpath (disability action plan target) -responsibility of British Waterways (owner).

ROW RANGERS - ROUTINE GRIP / DRAINAGE MAINTENANCE

List in preparation – a new team initiative.

Welford Footpath 17/1 - grips

ROW RANGERS - ONGOING ANNUAL WORKS

Winter signposting project

Summer vegetation clearances and routine clearance schedule

Winter clearances

Volunteer group site preparations

Step construction and maintenance

Tree clearances

Gate deliveries

Stile and gate maintenance

ROW RANGERS - ROUTINE CARRIAGE GAP MAINTENANCE

Vegetation clearance around bollards following installation of anti-vehicle Carriage Gaps on various Restricted Byways and other paths: Also inspections to check condition of structures and warnings.

Aldermaston	Bridleway 4/1	west end near Raghill road
Beedon	Byway 22	south of Hailey Lane – north and south ends
Chaddleworth	Restricted Byway 7/2	at Parish Boundary
Chieveley	Restricted Byway 13/1	just west of junction with Footpath 40/1
Chieveley	Restricted Byway 18/1	at Oxford Rd and
	Restricted Byway 18/3	at arable field entrances 448585 175850 and
	Restricted Byway 18/6	at Bradley Court Cottages
East Ilsley	Restricted Byway 34/1	just east of junction with Ashridge Fm track
Farnborough	Restricted Byway 15/2	west end near junction with Footpath 2/1
Farnborough	Restricted Byway 10/1	north end where Byway 10/1 finishes at a dead end with
	Restricted Byway 15	
Hampstead Norreys	Restricted Byway 29/1	at south end junction with C road from Four Elms to Worlds End
Hermitage	Footpath 16/1	south end with Marlston Rd
Winterbourne	Bridleway 4/4	one south of junction with Footpath 13/3 and
	Bridleway 4/4	one north of junction with Footpath 16/2

ROW RANGERS – BOLLARD REMOVAL FOR TROs

Beedon Byway 22 – south of Hailey Lane – seasonal TRO required central post to be removed end May and replaced end September.

Hermitage Restricted Byway 2 - Fence Lane – lock and unlock gate for seasonal TRO

PROW Enforcement Case Programme – March 2013 update

Green – on course to be completed 2012/13

Amber – aim to complete 2012/13 if possible

Red – will not be completed 2012/13

No	Case	Overriding Issue	Priority	Action	Consequences if not dealt with	Traffic Lights
1	Lambourn/ East Garston DWF Tulloch land, three unauthorised gates recently erected	User complaints	Medium	Part resolved – JT dealing with agent	Increased complaints, precedent.	
2	Stanford Dingley BR17 line of dead oaks adjacent to promoted route.	Hazard over promoted route User complaint and Officer inspections	Med	Contractor quote passed to farmer recently, no response	Possible injury to path user.	ongoing
3	Tilehurst BR11 visual tree inspection needed	Hazard - high target path	High	Survey carried out and enforcement begun, works scheduled	Possible injury to path user. WBC liability.	High target
4	Newbury FP22 Locked gate obstruction	User complaint	Medium	Direct action by Rangers	Increased complaints, precedent.	Sensitive
5	Ploughing & Cropping	Network problem	High	Autumn Round Robin done	Increased complaints	

PROW Enforcement Case Programme – March 2013 update

No	Case	Overriding Issue	Priority	Action	Consequences if not dealt with	Traffic Lights
6	Hampstead Norreys BR3 <i>Rising bollard</i>	Insurers Legal and Highways very concerned	High	S143 HA80 Notice issued and JR received	Injury to road user/ path user. WBC liability. Precedent.	
7	Beenham BR15 Obstructions	Further user complaints on popular route	Low	To write to landowner suggesting diversion or creation order	Increased complaints	
8	Visual tree inspection project	Safety of users, particularly on popular routes and routes to school	High	Inspection programme has started	Safety implication	
9	Stiles and gates project	Need to increase accessibility of the network	Medium to high / ongoing	Ongoing work with landowners and volunteers to replace stiles and inaccessible structures with more accessible replacements	Equalities implications, continued requests from the public	
10	Tree Obstructions Various locations throughout District	Laid down by farmers/ landowners to prevent illegal vehicle access – paths may be obstructed however.	Medium	Enforcement begun, but steer needed on Yattendon Estates	Possible WBC liability if member of public injured. Paths obstructed.	
11	Electric fences	Safety of public	High	Inspected on receipt of complaint and dealt with according to priority	Potential safety hazards	
12	Chaddleworth RB7	Gallops owner excavated ditch in unmade carriageway	Medium	Gallops owner warned faces Notice requiring reinstatement.	Safety hazard	Recently in may run past April 2013
13	Electric structures on PROW	Liability on WBC / public accessibility	High	Owners first to be informed that electric structures are not acceptable	Liability on WBC / public accessibility/ safety	New problems

APPENDIX D

West Berkshire Council Public Rights of Way Case programme April 2012-April 2013

These are the cases that West Berkshire Council have prioritized for attention for April 2012-2013. Each case is to be investigated, and a formal decision made on how to proceed. Wherever necessary Orders will be made, advertised and confirmed the same financial year. Greyed out cases are complete.

DMMO or PPO*	Ward	Parish/Case	Path/location	Details
DMMO	Burghfield	Burghfield	Burghfield 27 (Green Farm, Burghfield Hill)	Diversion Order CONFIRMED 27th September 2012 , new bridge built, Order certified and in effect 15th January 2013 .
DMMO	Aldermaston	Brimpton	Brimpton Common short path	Decision made 16th October 2012 NOT to make an Order on the basis of insufficient supporting evidence. No Appeal - case closed.
DMMO	Victoria	Newbury	Newbury, White House Wharf (The Narrow Boat)	Decision made 26th February 2013 NOT to make Order to record public footpath from London Road through Narrowboat public house carpark onto towpath. Applicant will have 28 days to appeal once notified of decision by post.
DMMO	Victoria	Newbury	Kennelside (Bone Lane to canal towpath)	Claimed public right of way from Bone Lane to canal towpath by footbridge opposite Narrowboat Inn. New application, summer 2012. Evidence has been investigated. Legal opinion is being sought on whether the route is a single way.
DMMO	Mortimer	Padworth	Padworth 21	Decision made on 21st August 2012 NOT to make an Order due to insufficient supporting evidence and also some evidence of a lack of intention to dedicate the route was a public bridleway. APPEAL AGAINST WBC DECISION MADE TO PLANNING INSPECTORATE SEPTEMBER 2012 - ONGOING
PPO	Lambourn Valley	Great Shefford	Great Shefford 11	Order CONFIRMED and in effect from 9th January 2013 .
These are 2011-2012 cases where administrative action is required...				
PPO	Kinbury	Welford 16	Diversion to allow permitted development to take place	Order CONFIRMED 7th February 2013 by Planning Inspectorate following written representation case into objections. Order in effect once work to tidy the new route up is certified by WBC - due April 2013.
These are 2010-2011 cases where administrative action is required...				
PPO	Birch Copse	Tilehurst 13	Extinguishment application - but now to be processed as a diversion as extinguishment unlikely to succeed	Extinguishment application refused but a diversion application form was submitted February 2011 to resolve this matter. Applicant has not responded to request for landownership clarification and has built a garage on legal line of path without planning permission - matter on hold.
PPO	Purley-on-Thames	Thames Path creation agreements or orders	Creation Agreement/Order	Further Public Footpath Creation Agreements are being negotiated by West Berkshire Council to complete the Thames Path route approved by the Secretary of State for Environment in 1989. Creation Orders may also be considered. Case ongoing...
PPO	Hungerford	Hungerford 36	Public Footpath	Diversion Order made and unopposed but only comes into effect once works to create new path are certified by the Council - although planning permission was granted, the marina development has been postponed for foreseeable future. Land has changed hands since, and new landowners have fenced the route - further action needed as they have put barbed wire on pedestrian side of the fence and it appears to encroach on the new route in one area. October 2012.

Public Rights of Way, Countryside, West Berkshire Council Offices, Market Street, Newbury RG14 5LD
 * DMMO=Definitive Map Modification Order (statutory duty) PPO=Public Path Order case (discretionary power)

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APPENDIX E

Future Public Right of Way cases remaining after 2012-2013 case list - West Berkshire

Ward	DMMO or PPO*	Case Title	Proposal	Applicant	Receipt date	Notes
1 Aldermaston	PPO	Public Footpath Brimpton 4	Temporary Diversion	Mineral Extraction Company	2006	Mineral Extraction diversion request
2 Aldermaston	PPO	Public Footpath Brimpton 21	Diversion	Mr C Haynes	09/01/2008	This diversion should be deferred as there is a formal claim that the proposed new route is already a public footpath - Council determination of the claim is required first.
3 Aldermaston	DMMO	Brimpton, Little Park Orchard	Claimed Public Footpath	ex local resident	01/02/2006	applicant no longer interested and wishes to withdraw application - on indefinite hold
4 Aldermaston	DMMO	Padworth, Mill Lane, Aldermaston Wharf	make Order to modify Def. Map	Padworth Parish Council	17/06/2008	Currently open for use - issues between local residents and landowner who is seeking planning permission that would not affect claimed path. Received June 2008
5 Birch Copse	DMMO	Tiehurst, Farm Drive to Calcot	Investigate whether to make Order to modify Def. Map	local path user	13/08/2009	Claimed public footpath across open land behind Sainsburys. Calcot
6 Birch Copse	DMMO	Tiehurst, Pincent's Manor	Investigate whether to make Order to modify Def. Map	local path user	01/07/2012	Claimed public footpath across open land behind Sainsburys. Calcot
7 Bucklebury	DMMO	Bradfield 26 (beach)	Investigate whether to make Order to modify Def. Map	Bradfield PC	08/01/2008	Legal line of nearby public footpath is obstructed. Received January 2008
8 Bucklebury	DMMO	Bradfield 26 (ford)	Investigate whether to make Order to modify Def. Map	Bradfield PC	08/01/2008	Legal line of nearby public footpath is obstructed. Received January 2008
9 Bucklebury	PPO	Public Bridleway Bucklebury 54a	Diversion	WBC	n.a.	Possible diversion to resolve farm buildings on path, but possible development may resolve this so matter on hold
10 Burghfield	PPO	Public Footpaths Burghfield 15 & 24	Diversion	WBC	n.a.	Bridge over Kennet&Avon canal was replaced on new alignment several years ago. Diversion required to re-route legal line onto walkable alignment.
11 Burghfield	PPO	Public Footpath Burghfield 22	Extinguishment	WBC	n.a.	Path runs through man-made lake and would link to nowhere if walkable - extinguish.
12 Burghfield	PPO	Public Footpath Burghfield 5	Temporary Diversion	Mineral Extraction Company		Mineral Extraction diversion request
13 Chieveley	DMMO	Cheveley, Crabtree Lane (Curridge)	Investigate whether to make Order to modify Def. Map	ex-local resident	15/03/2002	
14 Chieveley	PPO	Byway Open to All Traffic Cheveley 49	Diversion	Mineral Extraction Company	n.a.	Path was temporarily diverted (12 years) for mineral extraction - this has expired - the landowners have inquired about a diversion through the Magistrate's Court (WBC has no direct powers for Orders or Byways Open to All Traffic)
15 Downlands	DMMO	Beesdon Manor Farm	Investigate whether to make Order to modify Def. Map	Mr V Pocock	01/10/2004	path not deemed necessary by applicant since nearby link path has been improved by Council.
16 Downlands	DMMO	East Ilsley, Stammers Road	Investigate whether to make Order to modify Def. Map	local path user	01/05/2008	Would form useful bridleway link- currently open. Received May 2008
17 Kintbury	PPO	Public Footpath Inkpen 22	Concurrent Creation-Extinguishment	WBC - due to be resolved by WBC?	01/06/2005	A cul-de-sac has been created on the network following diversion of a road that needs to be resolved by means of a creation-extinguishment. Will not change the situation on the ground.
18 Kintbury	DMMO	Cassian downs Wallington Road	make Order to modify Def. Map	ex-local resident	02/10/2006	
19 Kintbury	PPO	Public Footpath Weiford 15	Divert public footpath for benefit of landowner	Mr Charles Puxley	17/08/2012	proposal to divert path from a garden by a house onto a private access road for the benefit of the house, which has had its garden extended over the public footpath.
20 Kintbury	PPO	Inkpen 14a	Proposed public footpath creation	WBC - due to WBC oversight	n.a.	there is a gap in the PROW network due a badly thought out WBC highway diversion Order.
21 Lambourn Valley	DMMO	Lambourn, Lynch Lane	Investigate whether to make Order to modify Def. Map	Lambour PC	28/03/2011	claimed public footpath across land possibly due for development, alongside village recreation area
22 Mortimer	DMMO	Stratfield Mortimer, Leighfield to Victoria Road cut-through	Investigate whether to make Order to modify Def. Map	Stratfield Mortimer Parish Council	15/05/2008	
23 Mortimer	DMMO	Padworth, Mill Lane, Aldermaston Wharf	investigate whether to make Order to modify Def. Map	Padworth Parish Council	17/06/2008	
24 Mortimer	DMMO	Padworth Gully	Claimed Public Footpath	Mr M Warner	05/03/2013	

Future Public Right of Way cases remaining after 2012-2013 case list - West Berkshire

25	Speen	PPO		Public Footpath Shaw-cum-Dorrington 20 Public Bridleway Sulhamstead 16	Diversion Extinguishment	Mr & Mrs Newman, Honeybottom House RG20 8AL WBC	03/02/2008	Small diversion to benefit owner of adjacent house. No real benefit to walkers. Path not needed for public use (covered by housing estate)
26	Sulhamstead	PPO		Public Footpath Thatcham 20	Diversion	WBC	n.a.	Private housing built on public footpath - simple alternative route adjacent. Path to be diverted or extinguished.
27	Thatcham Central	PPO		Public Footpath Thatcham 16	Diversion	landowner	26/09/2011	request to divert path from field onto riverbank as landowner keeps cropping the path and walkers use the riverbank alternative - JJ prefers Perm path here please
28	Crookham	PPO		Public Footpath Thatcham 16	Diversion			

APPENDIX
PROPOSED PATH ORDER CASE PROGRAMME 2013/14

1. Kintbury 43 (St. Cassians) – report to turn down
2. Crabtree Lane (Curridge) - claimed public footpath - Heatherpine cattery
3. Bradfield 26 (ford) - claimed public bridleway
4. Bradfield 26 (beach) - claimed public bridleway
5. Bradfield 26 (diversion) - the legal line has been blocked for decades and users do not realised they have been using a non-Definitive route - the above two Bradfield 26 claims link to a route that is not a PROW as a result.
6. Leighfield (Mortimer) - claimed public footpath
7. Stanmore Road (East Ilsley) - claimed public bridleway
8. Lambourn Lynch Lane - claimed public footpath - much local interest and use
9. Boxford Footpath 12 – diversion to regularised the Definitive line with improvement works by landowner
10. Continued digitisation of the Definitive Map at 1:1250 scale.

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**APPENDIX F
RIGHTS OF WAY IMPROVEMENT PLAN CASE PROGRAMME 2013/14**

ROWIP objective	ROWIP objective number	Progress to date	Progress report March 2014
Formally adopt the draft policy governing the maintenance of PROW used for access to residential properties, farms and other private land or establishments.	ROWIP 5	A procedure is in place but adoption by ID is required.	
Produce a published prioritization scheme for dealing with applications for modification orders and applications for path orders.	ROWIP 12	A procedure is in place but adoption by ID is required.	
Carry out risk assessments for trees within PROW and formulate a prioritized plan of action to ensure the safety of PROW users.	ROWIP 13	A number of high priority routes have been completed and work needs to continue.	
Investigate methods to prevent fly-tipping and littering of PROW and also improved methods for clearance of litter and fly-tipping when instances occur.	ROWIP 15	Some signage and CCTV was installed in 2012/13 in conjunction with the waste team.	
Investigate improved sustainable procurement practices.	ROWIP 16	Sustainably-sourced wood is stipulated and recycled surfacing material used where possible.	
Introduce improved environmentally-sustainable working practices, which also protect and enhance biodiversity and historic landscape and features.	ROWIP 17	A checklist has been compiled of environmental aspects to consider when carrying out practical works.	
Increase the availability of PROW / access information and promotional material and explore greater use of a wider range of formats, to compliment relevant work carried out by others.	ROWIP 18	A major report has been produced by a rights of way volunteer as part of his work towards an MSc. Work on improved use of electronic media is a particular priority for the future	
Produce a formal policy for the management of vehicular use and vehicular surfaces, with the aim of improving the condition of PROW used by recreational vehicles.	ROWIP 21	A procedure is in place which has been approved by the Local Access Forum. Adoption by ID is required.	
Implement measures to ensure that all gates on equestrian routes are easily-openable from horseback, using best practice gate and latch	ROWIP 33	Some work has already been done but more similar work is a priority.	

ROWIP objective	ROWIP objective number	Progress to date	Progress report March 2014
designs and gate configurations. Consider the installation of mounting blocks where dismounting cannot be avoided.			
Increase the numbers of PROW signposts indicating destinations, distances and local attractions.	ROWIP 34	Some signposts already show these from an old project with parish councils. The feasibility of extending this needs to be established first by liaison with other local authorities who have such signposts as routine.	
Improve the signage of PROW in and around West Berkshire's countryside sites.	ROWIP 35	A simple audit is first needed of if and where any improvements are required .	
Identify routes and circuits which are suitable for promotion for use by those with restricted mobility, including within countryside sites. Promote and sign the routes in terms of grading and carry out works, where needed.	ROWIP 38	A scheme has already nearly been completed in Purley. Another priority location needs to be identified, preferable in an urban fringe location so as to provide maximum benefit.	
Arrange formal rights of way training for parish public rights of way officers, parish plan teams and voluntary groups.	ROWIP 48	Advice sheets have been sent to parish councils on several occasions, but more formal training might be beneficial where a council has its own rights of way officer.	
Investigate the feasibility of a grant scheme for access work by parish councils, parish plan groups and others, taking into account funding already available.	ROWIP 56	Successful schemes already run in Hampshire and Wiltshire.	
Investigate opportunities for external and grant funding for PROW/ access projects.	ROWIP 58	Some AONB funding has been acquired in the past but effort needs to be made to source more	
Complete and formally adopt an enforcement protocol	Additional priority	A need has arisen for such a protocol, to help defend legal challenges. Work has already started.	
Make further progress on the Snelsmore to Chieveley new bridleway links	Specific project	Landowners and stakeholders have been consulted and routes identified.	

Equality Impact Assessment

Name of item being assessed:	Public Rights of Way Case Programmes
Version and release date of item (if applicable):	March 2013
Owner of item being assessed:	Elaine Cox
Name of assessor:	Elaine Cox
Date of assessment:	13 March 2013

1. What are the main aims of the item? (What does the item try to achieve?)

Improvement of public rights of way network and ensuring ease of use.

2. What are the results of your research?

Note which groups may be affected by the item. Consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Older people	Inaccessible structures, e.g. stiles, and uneven PROW surfaces, exist on the PROW network.	Works take place following EIA and consultation with local people, parish councils and the Local Access Forum
Physically disabled/ pregnancy and maternity	Inaccessible structures, e.g. stiles, and uneven PROW surfaces, exist on the PROW network. For the blind or partially-sighted, there may be trouble reading promotional information.	Works take place following EIA and consultation with local people, parish councils and the Local Access Forum
Race	For those who are unable to read English, the case programme contains steps to introduce greater use of QR codes and interactive web pages.	Works take place following EIA and consultation with local people, parish councils and the Local Access Forum

Further comments relating to the item: Those managing the public rights of way (PROW) network are legally obliged to ensure that all PROW are maintained in a suitable condition for those who wish to use them. There is a network of 700 miles of rural, urban and suburban PROW. When managing and maintaining this network, each PROW is considered on a case-by-case basis and reasonable adjustments are made to for access for the disabled.

3. What actions will be taken to address any negative effects?			
Action	Owner	By When	Outcome
Inaccessible structures, e.g. stiles, and uneven PROW surfaces, are to be removed/improved as part of the case programmes.	PROW team	Ongoing	A gradual improvement in accessibility across the network, with priorities in the case programme for replacement of stiles with gates and for identification of new routes for easy access by those with reduced mobility.
The case programme contains steps to introduce greater use of QR codes and interactive web pages, to benefit the partially-sighted and those unable to read English.	PROW team	Ongoing	There is a priority in the case programme for promotional work, so there will be an improvement in accessibility to such material.

4. What was the final outcome and why was this agreed?
 (Was the item adjusted, rewritten or unchanged? Refer to page 15 of *Meeting the Equality Duty in Policy and Decision Making* for more information.)
 N/A

5. What arrangements have you put in place to monitor the impact of this decision?
 N/A

6. What date is the Equality Impact Assessment due for Review?
 March 2014

Name: Elaine Cox

Date: 13/3/13