

Individual Executive Member Decision

Title of Report:	Vehicle management policy for public rights of way
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	27 March 2014
Forward Plan Ref:	ID2789

Purpose of Report: To seek approval for the draft policy

Recommended Action: Approval of the draft policy

Reason for decision to be taken: To enable the policy to be adopted and officially implemented

Other options considered: N/A

Key background documentation: 'Making the Best of Byways' – a practical guide for local authorities managing and maintaining byways which carry motor vehicles'. DEFRA 2005

Portfolio Member Details	
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Implications

Policy:	<p>The proposed policy contributes to the following corporate objectives, through stating WBC's approach clearly and attempting to act in the best interests of the community which values these PROW for recreation and enjoyment:</p> <p>Promoting and acting in the interests of the communities, people and businesses of the district.</p> <p>Promoting a vibrant district.</p> <p>Protecting the environment.</p> <p>Putting people first.</p>
Financial:	<p>Where maintenance or improvement work is required as part of this policy, it will be managed within overall budgets according to relative priorities. A minimum amount of funds are required however to keep the PROW network of 700 miles safe for the public, and the PROW capital programme is a key part of meeting this basic core duty.</p>
Personnel:	None
Legal/Procurement:	None
Property:	None
Risk Management:	Policy is intended to reduce damage to public rights of way
Corporate Board's Recommendation:	N/A

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 checked="" type="checkbox"/>	<input type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?		<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>
Not relevant to equality			<input type="checkbox"/>

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; Local Access Forum (already approved following consultation)

Officers Consulted: Paul Hendry, Jon Thomas, Sallie Jennings, Stuart Higgins

Trade Union: Rosemary Culmer

Is this item subject to call-in?	Yes: <input checked="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 Vehicles on public rights of way, most notably four wheel drive vehicles, have caused damage to many byways and restricted byways in West Berkshire. The effect ranges from parallel ruts, which make use difficult for cyclists, equestrians and carriage drivers in particular, to major or deliberate damage, rendering use by any other types of user difficult or impossible. Such surface defects may deter increased participation by other users of rights of way, and there may be other detrimental effects, such as deviation of users onto adjacent private land.
- 1.2 In 2008/09, West Berkshire spent approximately 50% of its works budget repairing damage caused by four wheel drive vehicles. It was clear that steps had to be taken to reduce the amount spent on repair through better management, and this draft policy has gradually been formulated for that purpose. In 2013/14 the approximate spend on repairing damage caused by off-road vehicles was £19,400 (including on The Ridgeway National Trail).

2. Legal background

- 2.1 West Berkshire Council has a duty to 'assert and protect the rights of the public to the use and enjoyment of any highway for which it is the highway authority, including any roadside waste which forms part of it' (Section 130 Highways Act 1980). This duty extends to all legitimate public users of public rights of way, including vehicular users of byways
- 2.2 At the same time there are offences which can be committed by those who use vehicles on public rights of way. These are related to driving without lawful authority; careless and inconsiderate driving; driving away from highways, and damaging highways.

3. Proposed policy

- 3.1 Following Government guidance and in recognition of the council's duties to protect the rights of vehicular users, the proposed policy recommends a staged process to tackle a problem of illegal vehicular activity. The first stages are signage, identification, policing, use of local wardens, CCTV, installation of barriers where legal and surface repairs where the Council accepts that lack of drainage and surfacing might be a contributory factor. There is also the option of applying peer pressure through responsible vehicle clubs and societies.
- 3.2 If these measures are not effective, then there is the option of seasonal or permanent traffic regulation orders (TROs) on byways if vehicular use is damaging the environment. The guiding principle should be, however, that the least restrictive option should be tried first. For instance, first of all, any restriction would be for as short a period as is necessary and should only apply to the most damaging types of users and at the most vulnerable times of year. An experimental TRO could also be used, but this would only be for a maximum of 18 months. A TRO would normally be accompanied by physical barriers.

3.3 There are longer-term / ongoing high priorities in the policy, chiefly concerned with monitoring the effectiveness of the approaches taken, reviewing them and making continued efforts to implement the most effective measures. There is also a place for general education of vehicular users through the web site and leaflet. It is also suggested that some effort might be made to find an alternative site for off-road use in the District.

3.4 The proposed policy is attached at Appendix A and some case studies where similar approaches have been tried is at Appendix B.

4. Equalities Impact Assessment Outcomes

4.1 An Equalities Impact Assessment has been carried out and is attached.

5. Conclusion

5.1 The proposed policy has been in use for some time but only where staff resources have permitted. It is considered therefore that there is scope to implement the measures more widely and a formal policy would assist with this progress.

Appendices

Appendix A - Policy for the management of damage of West Berkshire's public rights of way by vehicular use.

Appendix B – selected case studies.