Notes of the Sandwell Local Access Forum

27th January 2004 at 6.00 pm.
at the Sandwell Council House, Oldbury

Present:

Walter Bowdler (Chair) Disabled Access (Wheelchair User);
Steve Chilton Crime and Security (West Midlands Police –
(Vice-Chair) Smethwick);
Peter Beasley Disabled Access (Sandwell Access Group);
Councillor R S Badham Member Representative;
P R Bennett School/Hospitality Property (Menzies High School
Teacher);
Councillor B S Dhallu Member Representative;
Alexandra Downes Canal Undertakings (BW);
Ian Hopkins Environment (Environment Volunteer);
Councillor R L Horton Member Representative;
Pat Riley Off-Road Vehicular Activity (Sandwell Motorcycle
Forum);
John Scott Walking (Sandwell Ramblers);
Dene Stevens Community Trusts (Health Authority Primary Care
Trusts);
Andy White Sports (Harlequins Orienteering Club).

Apology:

Ian Carroll (Agriculture/Open Space - Sandwell Swanwatch).

In Attendance:

John Hawkins and Bill King - Planning and Development Services,
Sandwell Metropolitan Borough Council;
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1/04  
**Notes of the Last Meeting**

The notes of the meeting held on 22nd September, 2003 were approved as a correct record.

2/04  
**Election of Vice-Chair**

It was agreed that Steve Chilton be appointed Vice-Chair of the Sandwell Local Access Forum for the 2003/2004 Municipal Year.

3/04  
**Joint Training Seminar with Sandwell and Walsall Local Access Forums**

It was agreed that subject to the availability of a venue, the Joint Training Seminar with Sandwell and Walsall Local Access Forums be held on Tuesday 24th February 2004 from 6.00 pm until 9.00 pm.

4/04  
**Consultation Paper on Use of Mechanically Propelled Vehicles on Rights of Way**

Members of the Forum received a report on a Consultation Paper issued by the Government, which sought views on proposals to tackle problems arising from the use of mechanically propelled vehicles on rights of way.

It was intended that the proposals would provide clarity about existing public vehicular rights of way that existed and control inappropriate use by motor vehicles.

There were seven proposals in total, as follows:-

- to develop a strategy to better inform the police, local authorities, the courts and others about the extensive powers and penalties that were currently available for dealing with vehicles using rights of way illegally, anti-socially, or, in sensitive areas, harmfully;

- to invite the views on the revision of the advice and guidance on managing the different sorts of traffic on vehicular rights of way in the publication 'Making the Best of Byways (1997)'.
• to use the new category of restricted byway, which was introduced by the Countryside and Rights of Way Act 2000, to enable rights acquired by non-mechanically propelled vehicles to be recorded as such in the definitive map rather than as a public right of way for vehicles;

• to introduce a cut-off date after which it would not be possible to establish the existence of a byway open to all traffic by reference to historic (pre-commencement) use by, or other evidence relating to, non-mechanically propelled vehicles;

• that applications for definitive map modification orders in order to recognise vehicular rights submitted before the cut-off date would be processed to their conclusion;

• that an easement conferring a private right of way for vehicles for the benefit of an owner or occupier be recognised where a public right of way had arisen, which would, before the cut off date, have been treated as a right of way for vehicles, and was now being treated as giving rise to restricted byway rights;

• that views be sought on bringing forward the 2026 cut off date for the purposes of recording byways open to all traffic based on evidence of mechanically propelled vehicle use.

In general, the Forum supported the proposals set out in the document.

With particular reference to restricted byway rights, the Forum supported the proposals for their use. However, it was noted that parts of Sandwell’s RUPP (roads used as public paths) network were used by residents who had no legal interest in the land which they used to access their property. The Forum were concerned that the proposal to make parts of the network publicly maintainable restricted byways with the provision of an easement order to enable residents lawful access to land for the purposes of accessing their property, could mean that the local authority would, in effect, be maintaining these facilities for the benefit of landowner interests, such as private residents, etc.

From a different point of view, however, the Forum also expressed concern at whether urban users of restricted byways would have
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adequate opportunity to apply for easements to gain vehicular access to their property.

The Forum was also concerned that the proposed legislation should take account of the use of rights of way and restricted byways by disabled carriage users, as such carriages could come under the legislation's definition of a mechanically propelled vehicle.

Arising from the discussion, the Forum also expressed a general concern at the increased use of footpaths and public rights of way by unauthorised motorcycles and the nuisance they were causing in both rural and urban areas.

The Forum’s views on the proposals were sought by 19th March, 2004.

Agreed that:-

(1) the Secretary to the Sandwell Local Access Forum draft a response to the consultation paper to take account of the views of the members now expressed, and following consultation with the Chair, to submit the response to the Department for Environment Food and Rural Affairs;

(2) the Cabinet Member for Sandwell Direct be informed of the Forum’s concern at the increasing unauthorised use of public rights of way and open spaces by motor cyclists, and be requested to consider inviting the Chair and the representative of the Walking category on the Forum to attend any meeting at which the issue is discussed.

5/03 Date of Next Meeting

It was agreed that the next meeting of the Forum be held on Tuesday 20th April, 2004 at 6.00 pm.
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(Meeting ended at 7.30 p.m.)