

**Golden Valley PACT meeting: 15 October 2009
Action sheet**



Chair: Will Lindesay, Chief Executive, Herefordshire Voluntary Action
Clr P Price
Sgt Tim Dugmore, WMP
PC Chris Griffiths, WMP

David Shepherd, Enforcement Officer, Community Protection Team
 Michelle Morgan, Customer Services Manager, AMEY
 Joe Neil, Small Schemes Technician, AMEY
 Hazel Lavelle, HC PACT Organiser
 Chris Bucknell, Acting Herefordshire Partnership Manager
 Michael Hainge, HC Director of Environment & Culture

Issue	Response
<p>Item 1 (Waste Management presentation at the previous meeting): This item related to the question of whether a household was suitable to be included in the wheelie bin programme. One resident thought his home should be included but had not yet received a wheelie bin.</p>	<p>Response at the PACT: Michael Hainge, the Council's Director of Environment & Culture, took details of the address and undertook to ensure that a wheelie bin was delivered.</p>
<p>Item 2 (Waste Management): This issue related to paper recycling. A resident who routinely disposed of a two sacks of paper asked whether this amount would be too heavy to go into the wheelie bin.</p>	<p>Response at the PACT: Wheelie bins were designed to be easily manoeuvrable and this should not present a problem. However, residents who found, after the first month, that they needed an additional bin, could request one. Some residents, for example, might need one 240 litre bin and an additional 120 litre one. The Council would respond to the needs of the community once the system was up and running.</p>
<p>Item 3 (Waste Management): This issue also related to paper recycling. Because all items for recycling went into the same bin, it was thought that paper could become damp from contact with washed-out tins and jars. It was understood that all items for recycling must be dry.</p>	<p>Response at the PACT: : It was important to ensure that items for recycling should be as dry as possible. However, it was inevitable that paper might become slightly damp sometimes because of rain and other factors, and this would not present a problem.</p>
<p>Item 4 (Waste Management): The teams delivering the new wheelie bins were now placing the rolls of plastic bags on top of the bins, rather than in them. This was in response to comments that the bags were difficult to remove from inside the bins – especially the large 240 litre bins.</p>	<p>Response at the PACT: This was noted.</p>

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<p>Item 5 (Waste Management): Cllr Price noted that the new recycling system chosen by the Council compared very favourably with the systems in operation in many other areas.</p>	<p>Response: This was noted.</p>
<p>Michael Hainge, the Council's Director of Environment & Culture, gave an update on the new waste management system. All the arrangements were expected to be in place for the start of the new system on 2 November. The Council was looking at whether a system could be set up to send text messages to residents to remind them of recycling collection days. This could also extend to reminders of bank holiday arrangements. The recycling facility at Norton would be ready to receive waste on 2 November. Contrary to some press reports about recycling elsewhere in the UK, 96% of the material sent for recycling in Herefordshire would remain in the UK for onward processing. The public would be invited to comment on the new system once it had been in operation for a month.</p>	
<p>Item 6: In view of the low turn-out for this meeting, residents questioned whether there was sufficient publicity for the PACT meetings. There was also some discussion about the methods of publicising meetings, and whether they could be improved.</p>	<p>Response at the PACT: Chris Bucknell, the Acting Herefordshire Partnership Manager, explained that the meetings were publicised by various means, including posters and flyers and the internet. However, the Partnership would be looking at improving publicity and would welcome suggestions from the public about how best to do this and where publicity should be targeted. The Partnership was also keen to receive suggestions about alternative days, times and venues, if that might improve attendance. The next round of meetings would be advertised in the press.</p>
<p>Item 7 (Item 27 on the previous sheet): This issue related to an application that had been submitted to the Council to have the path at Madley Airfield made a public right of way. There had, as yet, been no response to this issue.</p>	<p>Response at the PACT: Michael Hainge undertook to refer this matter to Rob Hemblade, the Council's Parks, Countryside and Leisure Development Manager, for response. Additional response: The Parks, Countryside and Leisure Development Manger wrote to the resident who raised this issue on 18 November setting out various options for progressing it. He explained that Public rights of way can come into existence through creation (either by order or by agreement made with the landowner) or dedication by the landowner (either expressly or by presumption). Full details are attached to the action sheet. Further information regarding the creation of new Public Rights of Way can be obtained from the Public Rights of Way Team on the 01432 842127.</p>

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<p>David Shepherd, one of the Enforcement Officers in the Council's Community Protection Team, outlined the work of the team and the structure. This was followed by a presentation by Michelle Morgan, the Customer Services Manager for AMEY, who explained the new contract between the Council and AMEY, and outlined AMEY's responsibilities. Michelle also explained that AMEY staff were involved in a programme of volunteer work in local communities, with 1.5 volunteer days available for each full-time staff member. The following questions relate to these two presentations.</p>	
<p>Item 8: What could be done to address the problem of chewing gum on roads and pavements?.</p>	<p>Response at the PACT: Joe Neil, the Small Schemes Technician for AMEY, explained that AMEY were purchasing a scrubbing machine that would be used to deal with the problem. The machine had previously been hired, but use had been limited because of the very high hire charges. David Shepherd explained that the Community Protection Team officers had the power to issue £80 penalty tickets to anyone seen dropping chewing gum. (This power also extended to other anti-social behaviour, such as spitting and dropping litter).</p>
<p>Item 9: Although chewing gum on the streets looked unsightly, it did not represent a hazard and the question was raised whether it was worth using resources to pursue offenders.</p>	<p>Response at the PACT: Sgt Dugmore explained that it was important to address littering of any kind, together with graffiti and other defacing of public places, because where an area looked run down and dirty, it would attract further defacing and anti-social behaviour. It was recognised that relatively minor instances of anti-social behaviour frequently led to much bigger problems if they were not stopped.</p>
<p>Item 10: Litter from fast food outlets was a frequent problem. Could anything be done to address this?</p>	<p>Response at the PACT: Sgt Dugmore reported that fast food outlets now had their operating hours restricted to help with this problem. David Shepherd, the Enforcement Officer for the Community Protection Team, went on to explain how it was often possible to trace offenders through the discarded litter, and there had been some success with this. It was important that the message was spread that littering was unacceptable and offenders would face penalties.</p>
<p>Item 11: The police had reported that they were achieving some success in reducing road accident figures in the county. This was queried because there seemed to be many press reports of accidents.</p>	<p>Response at the PACT: Sgt Dugmore explained that 18 months ago, 137 people a year had been killed or seriously injured in road accidents and this had now reduced to 96. However, the police were not complacent and were working hard to reduce that figure still further. They were looking at extending the "Dying to Drive" event in an attempt to educate young people in particular. It was recognised that rural roads present a particular problem, because drivers failed to anticipate hazards.</p>

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<p>Item 12: Would speed limits be reduced to try to reduce accidents?</p>	<p>Response at the PACT: National speed limits were under consideration at present, and locally, many areas were reducing the speed limit from 30mph to 20mph around schools.</p>
<p>Item 13: Were AMEY staff involved in any specific voluntary local projects?</p>	<p>Response at the PACT: AMEY were looking for opportunities to become involved in voluntary projects in the Golden Valley area, and would liaise with parish councils to identify opportunities.</p>
<p>Item 14: Cllr Price raised the issue of how best the police and council could utilise local knowledge to assist their work. He cited instances where resources had been wasted because the public body involved had no knowledge of the history of an area (for example, where pipework had been damaged in the past and now presented problems). There were also instances of police activity which could have been helped by using local residents' knowledge.</p>	<p>Response at the PACT: This was acknowledged by both the local policing team and AMEY representatives. Both Michelle Morgan, for AMEY, and Sgt Dugmore reported that they would be looking at ways to access and use local residents' knowledge of their area. There would be an open evening, which representatives of all parish councils would be invited to attend, to explore this issue.</p>
<p>Item 15: What targets were set for AMEY to achieve?</p>	<p>Response at the PACT: Michael Hainge explained that most targets related to highways issues. Of equal importance were targets related to carbon reduction, bio-diversity, and the local economy. AMEY employed 500 staff, most of whom were local residents, and were introducing apprenticeships for young people. In addition, they aimed to increase their spend on local contractors, to put money back into the community.</p>
<p>Sgt Dugmore gave an update on policing issues. He outlined some of the activities the local policing team was undertaking to engage with the public and raise the profile of the team.</p>	
<p>Item 16: Residents raised a number of vehicle-related issues, such as speeding, illegal number plates and vehicles towing trailers displaying different number plates.</p>	<p>Response at the PACT: Sgt Dugmore explained that these issues were all dealt with when observed by the police or when reported.</p>

Public rights of way

Public rights of way can come into existence through creation (either by order or by agreement made with the landowner) or dedication by the landowner (either expressly or by presumption).

Creation orders: This authority and the Secretary of State have the power to make an order creating any type of right of way over a piece of land where they think it would add to the convenience or enjoyment of the public. A creation order may create a new right of way or establish higher rights over an existing right of way (turning a footpath into a bridleway, for example). The procedure for making a creation order is the same as for any other public path orders. Once a creation order has been confirmed the definitive map should be updated by way of a legal event order.

Creation agreements: This authority can enter into agreements with landowners to create footpaths, bridleways or restricted byways. Unlike with creation orders there's no period set aside for objections to creation agreements; they are simply drawn up and signed, and the right of way comes into existence on the date given in the agreement. Notice of a creation agreement will be published by the highway authority in at least one local paper. Once a creation agreement has been signed the definitive map should be updated by the authority by way of a legal event order.

Express dedication: A landowner may expressly dedicate a right of way over his or her land, but this is rare. Express dedication is a unilateral act on the part of the landowner, there's no agreement with the relevant highway authority (although the highway authority may subsequently agree to adopt an expressly dedicated right of way - i.e. take on liability for its maintenance). Whether express dedication has taken place depends on whether there is evidence of the landowner's intention to dedicate (only the freeholder of a parcel of land can dedicate expressly) and whether the public has accepted the dedication (i.e. they have begun to use the way). Once express dedication has taken place the definitive map should be updated by the authority by way of a legal event or definitive map modification order (DMMO).

Presumed dedication: The most common way rights of way come into existence is through presumed dedication. Presumed dedication refers to a long-established principle that long use by the public without challenge can constitute evidence that the landowner intended to dedicate the used route as a public right of way. Presumed dedication can take place by common law or statute law, which provide slightly different frameworks (see below). Anyone who has evidence that a right of way has come into existence by statute or common law may apply for a definitive map modification order (DMMO) to have the right of way recorded on the definitive map.

Common law: Common law is made up of custom and decisions of the courts over time. Over the centuries the principle of presumed dedication has evolved and it now provides that a person claiming a right of way by common law must be able to demonstrate that public use took place openly and freely for a sufficient period for their claim to succeed. No rule has been established respecting what constitutes a "sufficient period", so each common law claim is decided on the particular facts of each case. The onus is on the person claiming a right of way to show that by the landowner's conduct, or the absence of any action by the landowner to prevent the public from using the claimed route, it can be inferred that the landowner intended to dedicate the way to the public.

Statute law: The lack of clarity in the common law as to what constitutes a 'sufficient period' led Parliament to enact a law about presumed dedication. The law is set down in section 31 of the Highways Act 1980, and says that if a route is enjoyed by the public for twenty years or more, as of right and without interruption, the way is deemed to have been dedicated as a highway, unless there is sufficient evidence that there was no intention during that period to dedicate it. The twenty year period is counted back from the date when the right of the public to use the way was brought into question (usually by a new landowner moving in and challenging the public using the way). The statute did not supplant the common law, so it is possible to claim a right of way by either statute law or common law.