

BROMSGROVE DISTRICT COUNCIL

CABINET

5TH MARCH 2008

DEDICATION OF CYCLEWAY

Responsible Portfolio Holder	Councillor Roger Smith
Responsible Head of Service	Claire Felton

1. SUMMARY

- 1.1 This report seeks Cabinet approval to the proposed dedication of the part of a cycleway at Catshill being part of Sustrans Route 5 Cycle Path between Milton Road and Stourbridge Road (the Cycleway) which is within Council ownership.

2. RECOMMENDATION

- 2.1 That that part of the Cycleway within the Council's ownership be approved for Dedication as a public cycle path; and
- 2.2 That the Scheme of Delegation be amended to delegate authority to the Head of Legal, Equalities and Democratic Services to approve dedications of cycleways, bridleways, footways, footpaths and highways where no objections to the proposal have been received.

3. BACKGROUND

- 3.1 The Council was approached to ascertain ownership of the route of the Cycleway as the area was overgrown and required maintenance. It was subsequently established that part of the Cycleway fell within the Council's ownership (as shown on the plan at Appendix 1) and that the remaining part of the route, which was not owned by the Council, had previously been dedicated as a public cycle path.
- 3.2 The Council has been approached by Worcestershire County Council requesting that the section of the Cycleway owned by the Council be dedicated as a public cycle path to complete the route to regularise the position.
- 3.3 Upon dedication of the Cycleway, any maintenance liabilities for the cycleway will formally pass to the Worcestershire County Council.
- 3.4 It should be noted that part of the Council-owned section of the Cycleway is subject to a restriction requiring the consent of the Secretary of State for

Health to any disposition of the land. This consent will be requested if the Council confirms approval for the Dedication although no difficulty is anticipated in this respect.

4. FINANCIAL IMPLICATIONS

There are no new financial implications for the Council.

The surface of the Cycleway has been made up to the required standard by Sustrans (a registered charity which co-ordinates the National Cycle Network). Although no maintenance of the surface has yet been necessary, the Council is technically responsible for maintenance until dedication. Following dedication, future maintenance of the surface of the Cycleway will be the responsibility of Worcestershire County Council.

However the Council is and has always been responsible for the maintenance of the hedges and other vegetation adjoining the Cycleway; this will be unaffected by the dedication. This maintenance work should, however, be included in the Street Scene and Waste Management work programme.

No financial implications are anticipated in the process of dedication other than administrative costs.

5. LEGAL IMPLICATIONS

- 5.1 Countryside and Rights of Way Act 2000 and The Access to the Countryside (Dedication of Land) (England) Regulations 2003 govern this process

6. COUNCIL OBJECTIVES

- 6.1 Sense of Community and Well Being – to encourage the public to use cycleways

7. RISK MANAGEMENT

- 7.1 The main risks associated with the details included in this report are:

- *If the Cycleway is not dedicated any costs incurred in maintaining the surface of the Cycleway could be this Council's responsibility rather than that of the County Council*

- 7.2 This risk is being managed as follows:

Risk Register: *Legal, Equalities and Democratic Services*
Key Objective Ref No: 4
Key Objective: *Effective legal services*

8. CUSTOMER IMPLICATIONS

- 8.1 It will regularise the existing informal use of the Cycleway by members of the public. If approved, it is proposed that the dedication will be communicated to customers on the Council's website and at the Customer Service Centre.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 None

10. VALUE FOR MONEY IMPLICATIONS

- 10.1 None

11. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director (Partnerships and Projects)	No
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic	Yes

Services	
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

Catshill and Marlbrook

14. APPENDICES

Appendix 1 Plan showing route of Cycleway (coloured blue)

15. BACKGROUND PAPERS

Details about Sustrans

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