



Reigate & Banstead
BOROUGH COUNCIL
Banstead | Horley | Redhill | Reigate

REPORT OF:	HEAD OF NEIGHBOURHOOD SERVICES
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TO:	COUNCIL
DATE:	25 JULY 2013

AGENDA ITEM NO:	6	WARD(S) AFFECTED:	TADWORTH AND WALTON
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SUBJECT:	PETITION: WITHYBED CORNER TRACK, WALTON ON THE HILL
PURPOSE OF THE REPORT:	TO RECEIVE A PETITION IN LINE WITH THE COUNCIL'S PETITION SCHEME

RECOMMENDATION:

Council notes the petition and refers it to the Executive to agree further action as necessary.

SUMMARY

Under the Council's Petition Scheme, any petition with more than 400 signatures is referred to Council for debate.

The Council has received a petition of 411 signatures (including 157 off line signatures) relating to the maintenance of the track at Withybed Corner. The Petition asks that the Council "should instigate a proper system of maintenance on the Footpath known as Withybed Corner in Walton on the Hill". The full details are set out in paragraph 6.

Options open to the Council in considering this petition are to:

1. Refer the petition to the Executive for further consideration. (Recommended Option); or
2. Reject the request of the petitioners.

The first option is recommended to ensure that the petition is given full consideration in the appropriate forum.

STATUTORY POWERS

1. The Council approved a Petition Scheme on 24th June 2010, in accordance with the *Local Democracy, Economic Development and Construction Act 2009*. The scheme sets out how the Council will respond to petitions.
2. The Localism Act 2011 revoked requirements placed on Councils in relation to petitions. The Executive in May 2013 agreed to retain its Petition Scheme. Council Procedure Rule 11 requires that the Council adhere to its Petition Scheme.

PETITION SCHEME

3. The scheme sets out the type of response the Council will provide, based on the number of signatories to the petition.
4. The table below summarises the Council's approach:

Number of signatories	Response
less than 20	Response from Officer (treated as standard correspondence).
20 - 199	Response from relevant Member of the Executive.
At least 200	Referred to the Executive.
At least 400	Debated at a meeting of the full Council.

PETITION

5. An e-petition requesting that the council should instigate a proper system of maintenance on the Footpath known as Withybed Corner in Walton on the Hill was received on 30 December 2012. In addition the petition organiser canvassed signatures for a 'paper' version of the same petition. The e-petition closed on 02 April 2013 with a total of 411 signatures including 157 'off-line' signatures. It has therefore been referred to Council for debate.

6. The terms of the petition are as follows:

"Maintenance undertaken on Withybed Corner over the past 5 years has been so poorly planned and executed that it has needed repeating every three to nine months. It should be possible for the council to put in place a longer lasting surface and a maintenance schedule to ensure it doesn't deteriorate to such an extent in the future.

7. In line with the petition scheme, details of the petition have been published and are available from the Council's website along with the e-signatories. The off-line signatures to the petition are available from Democratic Services.

CURRENT POSITION AND ISSUES

8. The track at Withybed Corner is a designated Public Footpath but there are a number of properties along the track, including a public house, so over the years it has developed as a vehicle access and it is now regularly used by such vehicles. The track is the only vehicle access to all these properties, and is used by cars, pub delivery lorries and our refuse freighters.
9. The track runs across Common Land, on the edge of Banstead Heath. The type of surface that can be used on the track is subject to the restrictions of works that are acceptable on Common Land. A tarmac surfaced track is not acceptable. A compacted crushed stone type surface is the most appropriate surface that complies with Common land restrictions.
10. Over recent years repairs have been carried out on the track, to deal with potholes, but these have deteriorated quickly requiring repeated repairs. It is not clear why the repairs have not lasted well here, but it is likely to be a combination of the

ground conditions and that the site is damp and shaded in many areas. The type of repairs that can be carried out are subject to the Common Land constraints, and the budget available. The legal aspects of the vehicular access issues across this area of Banstead Commons will need to be assessed in detail in the event that the Council refer this matter to the Executive for consideration.

11. The residents and the public house are the main users of the track, but currently they make no contribution towards the repairs of the track. Banstead Commons Conservators are responsible for the maintenance of the Common, but as owners of the land, this Council has taken responsibility for maintenance of the track, in recent years, because ultimately the Council is responsible for the Health and Safety of users of the land.

RECEIVING AND RESPONDING TO THE PETITION

12. Under the Petition Scheme, a spokesperson for the petitioners may present the petition and speak at the Council meeting for up to 5 minutes. A representative of the Petitioners will be attending the meeting to address Council.
13. The petition scheme provides that Council will decide how to respond to the petition at this meeting.
14. The options for the Council in relation to the petition are:
 1. Refer the petition to the Executive for further consideration. (Recommended Option); or
 2. Reject the request of the petitioners;
15. Option 1 is recommended to ensure that the petition is given full consideration in the appropriate forum.

FINANCIAL IMPLICATIONS

16. There are no direct financial implications in respect of the recommendation for the petition to be noted and referred to the Executive Committee. The potential financial implications are dependent on the level of maintenance deemed to be appropriate for the track, in the future, and the level of contributions that can be sought from regular users of the track. Over the last 6 years we have spent just over £27,000 on repairs to this track.

LEGAL IMPLICATIONS

17. The statutory position is set out at paragraphs 1 and 2 of this report.

EQUALITY IMPLICATIONS

18. There are no equality implications directly related to the petition.

Background Papers: Reigate and Banstead Petition Scheme
Petition submitted