

EAST HAMPSHIRE ASSOCIATION OF PARISH & TOWN COUNCILS

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MINUTES OF A MEETING OF THE ASSOCIATION held online via Teams on Wednesday 22nd November 2022

In attendance: Jim MacDonald (in the Chair), Graham Titterington (Alton), Ruth Duffin (Beech), Deborah Curnow-Ford (Bramshott & Liphook), Don Jerrard (Bramshott & Liphook), Peter Curnow-Ford (Bramshott & Liphook), Brian Foster (Clanfield), Carolyn Fair (Colemore & Priors Dean Parish Meeting), Steve Ridgeon (East Meon), Howard Linsley (Liss), Susan Davenport (East Meon), Frank Maloney (Four Marks), Janet Foster (Four Marks), Nigel Harrison (Grayshott), Deborah Chamberlain (Headley), Susan Bettin (Headley), Lynn Evans (Horndean), Debbie Luff (Langrish), Ian Wesley (Langrish), Liane McDonald (Liss), James Deane (Petersfield), Frank Ball (Rowlands Castle),

Also: Jonathan Woods, Hampshire County Council
Cllr Russell Oppenheimer, Hampshire County Council
Cllr Keith Budden, East Hampshire District Council
Doug Jones, SDNPA representative

Apologies – Apologies had been received from: Leah Coney (Alton Town Council), Katherine Horton (Hawkey Parish Council), Katherine Horton (Shalden Parish Council),

The Chair welcomed everyone to the meeting and welcomed Jane Ives to the role. He reminded everyone that he would be stepping down in May and needed someone to step in who could give the role the attention it deserves.

1. **Minutes** – The Minutes of the meeting held on 23rd June 2022 were approved.
2. **Hampshire ALC AGM Awards:** The following awards were recently given to East Hampshire parishes at the HALC AGM:

Council of the Year	Grayshott Parish Council
Clerk of the Year	Sarah Smith, Liss Parish Council
Runner-up, Clerk of the Year	Sarah Goudie, Four Marks Parish Council
Best Council Website	Greatham Parish Council
Runner-up, Best Council Website	Grayshott Parish Council

The Chair congratulated all of the award winners and felt it was a really good haul for the district and it was good to recognise excellence and lovely to have it here in East Hampshire.

3. **BOATS**
Cllr Russell Oppenheimer
Jonathan Woods

The Chair introduced the item and said that East Hampshire has a great concentration of BOATS which have become a bit of a magnet resulting in a lot of damage to the byways caused by nuisance traffic consisting of 4x4s and trail bikes. This can be very intimidating for walkers/cyclists/equestrians.

The SDNPA met recently with representations being made by Cllr Susan Davenport and the Chair where a long debate took place. Cllr Oppenheimer and Doug Jones have also worked very hard to raise the issue with the SDNPA. The committee voted 11 votes to 7 to take no further action as a national park.

The byways are managed by HCC as part of the roads network and Jonathan Woods holds the brief as County Manager for Countryside Access.

The Chair introduced Jonathan Woods to the meeting and asked members present to respect the decision of the national park and listen to advice from Jonathan about how he would advise parishes to deal with issues on their byways and what the best way forward is to work with HCC to protect the landscape.

Jonathan Woods advised that byways have always been at the top of his agenda and there has been significant pressure keeping them there and a lot of time has been spent on this issue. He agreed that there is a high density of byways in East Hampshire and he has spent some time with council members visiting some of the areas where there are issues. He has been involved in briefings with SDNPA board members to raise understanding and confirmed there had been constant dialogue. He felt that the SDNPA meeting covered the issues well with the whole item lasting over 2 hours with much debate.

Public rights to exercise on land is very important and however HCC choose to manage network will impact those rights and they are very conscious of this. The legislation around public rights of way is robust and open to challenge. His hopes were to moderate use to a level where use is sustainable without massive investment. If we cannot achieve that then public rights may have to be removed. HCC have spent money where needed but surfacing rights of way is very expensive and can change the character of the route but isn't always a sustainable option depending on conditions such as weather, soil etc.

In 2018 efforts began to measure usage and impact to decide where effort should be focused. Byways Operational Procedures (BOP) was introduced and policies are now in place which provide a framework. BOP is a mechanism for how byways can be assessed and recorded with decisions then being made about how best to move forward such as restricting use by way or TROs or stopping particular types of users. There are 88 byways in Hampshire/Sout Downs and 23 of these have a TRO of some description in place. Many of these were put in place during the 1990s and restrict 4 wheel drive vehicles but at that time motorcycles were not such an issue. Since then, motorcycle use of byways has greatly increased and the ability to challenge decisions has also grown since that point.

Consequently, what HCC have done is introduce temporary winter closures where work can be carried out for example. These temporary closures do not require any public consultation whereas introducing a TRO is a long process including public consultation.

Jonathan believes that introducing temporary winter closures over a number of years will allow HCC to monitor is summer use can be moderated to decide if those routes are sustainable and then decide later if TROs are necessary. HCC would also need to monitor if winter closures are observed and do indeed make a difference. This is his ideal way of moving this forward but if it does not work and there is evidence of temporary closures not making a difference, then TROs can be considered.

There have been delays in introducing BOP partly due to Covid but also due to staffing issues. Work and effort has had to be prioritised for health and safety issues, so winter closures have not progressed as quickly as HCC would have wanted. Although the plan commenced in 2018, really we are only about 18 months into it in terms of progress. Jonathan believes BOP is the right approach and this will be stepped up each season to start to look at the severity of the problem.

One of the issues is noise disturbance including motorcycles being offloaded off the back of vehicles and, sometimes, these motorcycles are not licensed or insured. This is a public nuisance and a police matter, but it has been challenging to try and engage the police. Jonathan advised members that intelligence needed to be gathered so that when the police were called there was some evidence for them to look at. He suggested that monitoring use closely could result in an understanding of particular windows of time when routes were being used and in an example he quoted in North Wales, police were able to confiscate a number of motorcycles at a time when good data was given to them. This made a radical difference and those particular routes are now nowhere near as popular.

Cost there is budget to do maintenance works but need to establish where it is best spent. Some of the work so far has worked well, some of it has not.

Cllr Russell Oppenheimer HCC is determined to improve the situation and be in a position of stability where we are not spending vast sums of money repairing byways damaged by people coming from

outside Hampshire for their sake of their sport. Noise is an issue and tranquility is a special protected quality in the national park. He is reassured that the SDNPA is committed to working more closely with HCC over this issue. He is also keen to continue working with parishes and may organise a parish forum in the future to discuss the various issues in more detail.

The Chair thanked both Russell and Jonathan and asked how this might progress.

Jonathan Woods responded that in 2018 initial inspections took place and then again the following year, but since then the consistency of inspections has not been as good as he would have liked them to be. But this will now be continuing with inspections and temporary closures to carry out work. HCC have now purchased new gates and there is a legal process to install them. The hinge posts are in place but there is a lengthy process for byways about the actual installation of the gates. He also wants to produce a list of byways that they will be closing and this will be publicised. He would like to introduce a clause that allows HCC to close gates when weather conditions are poor to protect the byways and that might be very temporary or for the whole winter period. These closures would be on the HCC website.

He is currently working on improving the reporting system and he had hoped by now, with 3 years' worth of records, that HCC could have been taking more proactive action now. However, HCC have lost a lot of their officers and this has impacted the service they can provide. The ranger service has greatly reduced. There are community engagement rangers now in post and some members may have met some of them. He has never seen staffing cuts like it and it is across local government as a whole.

Questions were then taken from councillors present and are summarised below:

In response to a question about winter closures and the impacts on the different types of users, such as walkers, Jonathan Woods responded that closures can affect all users or only some users, i.e. will allow foot traffic but not motorcycles.

In response to a question from Debbie Luff at Langrish PC, Jonathan Woods confirmed that they can use the 2 extra clauses the SDNPA have to make a TRO. Cllr Luff also asked about the impacts of climate change and poor weather conditions on the BOATS as some users see them as a challenge and she felt TROs are the answer. Jonathan Woods agreed there are challenges to the clauses above as they have not been used in this way previously.

An issue was raised about uninsured vehicles and signage being placed on byways to say that cameras may be recording, resulting in some users removing their number plates so they cannot be tracked down. Jonathan Woods will look at the reporting system and also how they will report back to parish councils in future.

Jonathan Woods encouraged everyone to report issues and upload photographs via the reporting system and advised that the rambles have started to work with the HCC team uploading information regularly as they are out and about. A view was expressed that parish councillors could help fill the gap where there were staff shortages with voluntary assistance with putting up gates in wet weather for example.

With regards byways outside the national park Jonathan Woods will circulate maps to the group so that councils will know who is responsible in their particular area.

In summary, Jonathan Woods advised that there are 350 byways across the county, 88 of which are in the South Downs, and they are on the list of roads managed by the highways team. There are other paths used for public access which are unclassified and essentially are green lanes as they have the same characteristics as byways.

The Chair thanked Jonathan Woods for his time and his contribution.

4. **Byelaws** **Cllr Keith Budden**

The Chair introduced the item as it had been previously raised by Cllr Brian Foster at Clanfield. Cllr Foster wanted to understand the purpose of byelaws and how easy are they to make and enforce. He felt that policing them is almost impossible and parish councils often do not have the resources.

Cllr Budden explained that the whole process around byelaws has change with the Department for Levelling Up, Housing & Communities (DLUHC) having the overarching responsibility.

The process for getting rid of them is quite simple – a public consultation for 28 days to ask the public what they think and, if there is no desire to keep the byelaw, the council just need to pass a motion at a meeting to revoke it and then produce a document with particular wording which EHDC can provide. This document was be written on parchment and sealed with sealing wax but most parishes do not have a seal. EHDC have advised you can seal it with a signet ring, or a coin or your thumb print. It then needs to be placed with the district council.

If you want to enforce a bylaw, it is down to the parish council and the district council do not have the resources to help. Prosecution takes place through a magistrate's court and the parish council must bear the prosecution costs. No one has been prosecuted under EHDC byelaws recently.

Making a new byelaw is now simpler. It needs to be drafted and the council have to prove the byelaw is necessary having considered all other options and evidenced that other methods have not worked. The council must pass a motion about the byelaw, then have an informal consultation, not a public consultation. The case is then put to the Secretary of State for approval through EHDC. The Secretary of State has 30 days to approve it or not. If yes, then the council must go out to public consultation for 30 days at least. They then must consider the results of the consultation at a parish council meeting. If the byelaw is agreed, again, it must be written on parchment etc and deposited with the district council. It comes into effect 30 days after depositing.

Questions were raised from councillors about whether byelaws have any place any longer and enforcement seems to be the biggest issue.

Cllr Budden would report back to the group about whether public space protection orders could be used instead and if these would get the backing of the district council.

5. **Report from HCC Russell Oppenheimer**

Russell reported that there is restructuring taking place at HCC meaning economy, transport and the environment has been merged into communities so he is now responsible for these again. This has led to the very sad loss of some senior people.

The Hampshire Forest Partnership has been launched and they are keen to work with parish councils on tree planting. Liss are already working with them.

The lengthsman scheme is looking likely to be funded for a further 12 months, and there will be more news about this probably by January.

Lastly, the CFI scheme is set to expand with new features being offered such as the right to change speed limits, and the ability to put in yellow lines. This should happen over 2023.

Brian Foster (Clanfield) commented that they are still trying to link with other parishes on the lengthsman scheme without success and have also not been successful in trying to employ a ranger. If any parish can help please let them know.

6. **Report from EHDC Liaison Officer Cllr Keith Budden**

Keith thanked members for completing the training survey and the biggest requirement was planning. This will be arranged for the new year and hopefully has a hybrid option.

Outside of the national park, the EHDC Local Plan has taken a step back and will now in the Spring be launching a new call for sites, following some contentious sites being put forward in the last call for sites. SDNPA are also reviewing their local plan.

EHDC will, by late February/early March 2023, be moving to New Barn on the Bedford Road Industrial Estate and hubs will be available in other areas.

The cost of living crisis remains the main emphasis for EHDC and 7,000 small payments have been made in addition to the government funding being given.

In a recent survey of homeless people in the district they discovered 6 people which is significantly higher than the 2 recorded in 2020 and 1 in 2021. Of those 6, 4 are European nationals and because of changes to legislation are not entitled to state aid. None of them are Ukrainian. The Ukrainian population have mainly settled in really well and have their own accommodation and jobs, but some are really struggling and in a small number of cases the sponsors took them in for 6 months and they can no longer help them. They have a small number of cases where they've had to put families into B&B and are now looking for new sponsor families. If anyone can help there is still some money available to support.

Comments from councillors included asking about the Bordon facility for homeless people had been completed and Cllr Budden that it would shortly be completed.

Cllr Budden will report back to the group about the difficulties of getting hold of EHDC officers as a new dashboard system is being introduced shortly and there is a plan to roll this out to parish council clerks next year.

7. Report from SDNPA Doug Jones

A report was circulated before the meeting and Doug had nothing else to add but would be happy to receive any questions by email. He advised that the SDNPA is not on hold but instead delayed until the government confirm their plans on housing numbers. There will be consultations coming out about facilities, open spaces etc. They will also be asking about the needs of communities in the national park. He encouraged all members to feed into the local plan.

8. Any other matters

9. May election

The Chair encouraged members to find out if their councillors are standing again and to think about recruiting new councillors if not.

10. HALC matters

Jane Ives outlined the current vacancy at HALC for a member advisor to help provide assistance to Hampshire councils. Anyone interested can find out more information on the HALC website.

11. Climate Emergency, biodiversity and grass verges

Issues were noted about visibility and safety in some places but this does not apply everywhere. Cllr Budden explained that EHDC now have a green team headed up by Penny Brown.

12. Date of Next EHAP&TC Meeting – Wednesday February 8th 2023 online.

The next two meetings after that will be in person. Please let us know of any matters that you would like on the agenda.

The meeting closed at 9.25 p.m.