

Report of: Environment Scrutiny Committee

To: Executive Board

Date: 19th March 2007

Item No:

Title of Report : Environment Scrutiny Committee Recommendation on Thames Towpath

Summary and Recommendations

Purpose of report: To present to Executive Board the recommendation made by Environment Scrutiny Committee at their meeting on 12th February 2007 on the Thames Towpath.

Key decision: No

Portfolio Holder: Councillor Jean Fooks, Cleaner City Portfolio Holder

Scrutiny Responsibility: Environment Scrutiny Committee

Ward(s) affected: Jericho and Osney, Wolvercote, Hinksey Park

Report Approved by: Andy Collett, Finance and Asset Management and Emma Griffiths, Legal and Democratic Services

Policy Framework:

Recommendation(s): The Executive Board is asked to respond to the Scrutiny Committee's recommendations:

1. If it agrees or disagrees with the recommendations outlined.
 2. If it agrees when will the recommendations be implemented and who will take the lead.
 3. If it disagrees, why?
- More information is required from other officers when that will be considered.

1. Minutes of the Environment Scrutiny Committee, 12th February 2007

84. URGENT BUSINESS – Thames Towpath

The Chair agreed to certify as urgent business, a discussion on the circumstances of the recent accident at the Thames Towpath near Port Meadow. A person had died after falling into the Thames from the towpath. The Committee noted that the police were investigating the incident and that the exact circumstances of the events were as yet, unknown.

Members agreed that while respecting the sensitive aspects of the incident, there were questions that needed to be answered, particularly in relation to the requests made to the Council to repair this section of the towpath in the weeks before the accident.

The Committee agreed to ask officers to prepare two separate reports on this matter. The first should outline the current arrangements for repairing the towpath, who was responsible and whether the Council could act alone in such matters or proceed with repairs without S42 funding from the County Council. This report should also address whether the requests made by Councillor Dhall were acted upon, and whether the towpath should be sealed off when it was considered dangerous or when the river levels were higher than normal. The Committee felt these issues should be addressed quickly and would consider setting up a special meeting to consider this report if it was available before their next scheduled meeting.

The second report was to be on the longer term plans for dealing with towpath repairs - specifically, the funding arrangements and the possibility of a "concordat" with other interested parties such as the university colleges, the Environment Agency and the County Council. The Committee would consider this report at its meeting on the 23rd April. In the meantime, the Committee recommended Executive Board that work on this continues so as not to delay progress.

Resolved to ask the Strategic Director (Physical Environment) to:

- (1) Prepare an urgent report to a special meeting of the Committee if required, which addresses the duty of care issues for the Council in relation to the towpath;*
- (2) Prepare a second report for the April Committee meeting and Executive Board to consider future policy options for towpath repair funding, considering options such as a "concordat" with interested parties.*

Resolved to recommend to the Executive Board

- (1) That work on the funding of towpath repairs progresses quickly and isn't delayed by the request from the ESC to see a report on the matter in April, if agreement with partners is reached before that meeting.*

2. Background and Recommendation

- 2.1 The Committee agreed to consider the Thames Towpath as urgent business at its meeting on 12th February in response to the fatal accident that took place near Port Meadow in January 2007. The Committee did not discuss the accident itself, but spent time considering the repairs and maintenance regime of the towpath, the responsibilities for carrying out repairs and the requests made to the Council to repair the towpath, prior to the accident.

2.2 The Committee wishes to consider this issue again at a special meeting, to be held on 26th March. For that meeting, members have asked the Strategic Director (Physical Environment) to prepare a report on the following issues:

- The current arrangements for repairing the towpath.
- Who is responsible for carrying out repairs?
- Can Oxford City Council act alone in such matters and proceed with repairs without S42 funding from the County Council?
- Whether the requests made by Councillor Dhall to repair the towpath were acknowledged and acted upon?
- Whether the towpath should be sealed off when it was considered dangerous or when the river levels were higher than normal?

2.3 It is likely that the Committee will make recommendations to the Executive Board on this issue. These will be presented in due course.

2.4 The Committee has also requested a further report, which they will consider at their meeting on 23rd April. The second report requested will set out options for towpath repair funding, considering options such as a “concordat” with interested parties such as the Environment Agency, university colleges and Oxfordshire County Council.

2.5 Members are keen that this issue is resolved quickly and don't want this work to be put on hold in order for Environment Scrutiny Committee to consider a report in April. Therefore, the Committee agreed to recommend to Executive Board that work on the funding of towpath repairs progresses quickly and isn't delayed by the request from the ESC to see a report on the matter if agreement with partners is reached before their next meeting.

3. Comments from the Strategic Director (Physical Environment)

3.1 Since the ESC met, the County Council has announced that it is providing £400,000 for repairs to the towpath, with the proviso that the City Council provides 'up to £100,000'. I have identified £50,000 in the 2007/08 budget and a further £50,000 can be found if necessary. The County Council has also offered to do temporary repairs as soon as the water level falls to enable access. Joint assessments are being undertaken by the two authorities to decide what can be done with the £500,000 that will be available to spend in 2007/078.

3.2 It is right and proper that Members understand the Council's responsibilities that arise from the decision to claim the right to maintain unclassified highways under Section 42 of the Highways Act 1980. It is also important that Members are reassured that officers are carrying out their routine maintenance responsibilities properly and are responding to reports in an appropriate and timely manner. A report setting out these responsibilities, the current funding arrangements and

maintenance of the towpath will be presented to Environment Scrutiny at its next meeting.

- 3.3 Regarding the seeking of additional funding for future maintenance, many initiatives have been taken by this Authority over the last three years to improve the funding available for this activity. The Strategic Director has had several discussions with the Environment Agency about this issue over the last 3 years; the Executive Board considered a full review of Section 42 and its responsibilities in January 2006 and decided to continue to exercise its right to undertake eligible Highway maintenance under the Highways Act 1980; Environment Scrutiny set up a meeting with all riparian owners, the Environment Agency and the County; and the Strategic Director and County Council Director pulled together key staff and realigned budgets last year. The only initiative that has improved matters on the ground is the last of these, which resulted in an alignment of budgets, closer working between the two authorities and major repairs to the Donnington Bridge section of the towpath.

4. Comments from the Portfolio Holder (Councillor Jean Fooks)

- 4.1 As the situation has changed substantially since the ESC meeting, ESC may reconsider what information it would like at which meeting.
- 4.2 It is good that joint work is being done on this very important issue. The new funding available is very welcome, as is the temporary work being done by the County Council. I have asked that a joint group is set up, including the ward councillors, to which officers of the two authorities will present their proposals for the major repair project, which should be carried out this summer.

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Background papers:

