

To: Executive Board – 16 April 2007

Recommendation from the Environment Scrutiny Committee - 26 March 2007

103. TOWPATH CONDITION REPORT

The Strategic Director Physical Environment submitted a report (previously circulated, now appended).

Members raised a number of issues dealt with in the report including:

- Estimates submitted to the County Council for highways maintenance did not include riverside refurbishment;
- September deadline estimated for completion of urgent safety works;
- Proper identification of towpath hazards during flooding as high, rather than small risk;
- Ad hoc approach to riverbank maintenance was inappropriate;
- Clarify the position with regard to section 42 arrangements.
- Need for long term agreement leading to concordat with County Council and associated agencies.

The Committee recommend to the Executive Board that:

1. Oxford City Council works with the County Council to establish a long-term funding concordat for the repair, maintenance and management of the Thames Towpath in Oxford. Riparian owners, Oxford University Colleges and the Environment Agency should be approached to sign up to the concordat. The Scrutiny Committee believes that an ad hoc approach to repair, maintenance and management of the towpath is unacceptable;
2. A risk assessment of the towpath and other waterside footpaths is carried out to assess how the Council might respond to flooding episodes, including agreement with the County Council on temporary closure of the towpath if necessary. The results of the risk assessment should be reported back to Environment Scrutiny Committee in 3 months time (by July 2007);
3. The designation of hazards (as detailed in the report of the Strategic Director, Physical Environment, paragraph 22), be recognized as being "high risk" and not "small' risk", to reflect the danger of the towpath and the River Thames when it is in flood;
4. Environment Scrutiny Committee would like an explanation as to why Oxford City Council hasn't been requesting funds to cover the full cost of the repairs needed on the Thames Towpath in its annual submission of schemes to the County Council, under S42 of the Highways Act.

5. The Committee wanted clarification from the Head of Legal and Democratic Services on the position with regard to the County Council carrying out urgent repair works to the towpath and the Council's responsibilities under the section 42 agreement. Has the Section 42 agreement been suspended to allow this work to take place?

Comments from the Interim City Works Business Manager (on behalf of the Strategic Director, Physical Environment)

As part of the "bidding" process under the present s42 arrangements, the City Council always seeks to ensure that work on the Thames towpath and the other countryside paths is properly funded by the County Council. We are, however, frequently disappointed in the sums actually allocated by the County Council for these purposes, as they generally fall far short of a level that would enable the City Council to undertake a full maintenance/restoration programme. Realistically, the funding only allows us to carry out minor repair work as and when required. While our 2007/8 bid is for some £348k, our experience in recent years has been that the actual allocation made by the County for these purposes is less than £10k.

The City Council's "s42" agreement with the County Council has not been suspended, but this does not prevent the County Council from itself carrying out emergency repair work to the towpath, should it choose to do so. The County Council remains the Highway Authority, notwithstanding the City Council's exercise of its "s42" rights. The important practical point here is to ensure that there is adequate co-ordination between the councils to ensure that our efforts and resources are used to the best combined effect, and to ensure that the City Council remains responsible for the maintenance it undertakes, and equally that the County Council is responsible for any additional work it provides.

Comments from the Head of Legal and Democratic Services

I can confirm that the section 42 arrangements have not been suspended to allow any "emergency" works to be carried out and I am still seeking instructions on what is happening/intended to happen to the towpath. I understand that a third party is to carry out works funded by the County Council but I am awaiting clarification on the position.

Comments from the Portfolio Holder

I do not think there is much to add – we have said before that efforts to involve the Environment Agency have been fruitless but we go on trying. I can certainly ask for a risk assessment to be done. Rivers in flood are dangerous and when there are river conditions which make using the path risky we need to know how we should advise people about that.