

Countryside Access Strategic Commissioning Strategy

Draft Report of the Review Board

of the Economy, Transport and Environment Scrutiny Committee

Economy, Transport and Environment Scrutiny Committee members:

Councillor Richard Stogdon (Chair)

Councillor Claire Dowling

Councillor John Hodges / Councillor Trevor Webb

Councillor Mike Pursglove

Councillor Pat Rodohan

Councillors Rosalyn St. Pierre

Councillor Barry Taylor

March 2016

Cabinet – 26 April 2016



1. Background

1.1 A Review Board was established by the Economy, Transport and Environment Scrutiny Committee at its meeting on 18 March 2015, to provide advice, guidance and critical challenge in the development of the Countryside Access strategic commissioning strategy.

1.2 The Review Board has met on four occasions, to work alongside the commissioning strategy Project Team to develop an understanding of need, strategic outcomes and delivery models for Public Rights of Way (PRoW) and Countryside Sites. The work, findings and recommendations of the Review Board are summarised in the sections below. Many of the Board's recommendations have been incorporated in the formulation of the draft strategy.

2. Strategic Commissioning

2.1 The strategic commissioning process is being applied to the services East Sussex County Council (ESCC) provides to manage the 2,000 mile network of Public Rights of Way (PRoW) and ten Countryside Sites (CS) in East Sussex. The report from the Review Board scrutinises the development of a draft commissioning strategy which is being presented to Cabinet for approval and public consultation.

Needs Analysis

2.2 Understanding how people use PRoW and countryside sites, what they think of the current services and what these services can contribute is fundamental to establishing the priorities for future service provision.

2.3 The Review Board examined the findings of the public consultation undertaken to ascertain user and stakeholder views, and the consultants' reports on the health benefits and economic impact of the service. The Review Board scrutinised the analysis of needs process and has taken evidence from Officers on this, and the development of service priorities. The Board noted the statutory requirement for ESCC to maintain the PRoW network and way in which PRoW and the countryside sites can support the Council's priorities for the benefit of residents, wildlife and the local economy.

Findings

2.4 The Review Board found clear and well-documented evidence of the health benefits to residents and visitors that arise from the use of PRoW and Countryside sites. It considers that although the Rights of Way Team carries out some promotion work, it would be more effective in future for them to focus on enabling access, whilst Public Health and other organisations (such as the National Park, voluntary groups, Parish Councils etc.) promote use.

2.5 The responses to the stakeholder consultation demonstrate the value residents and visitors place on nature conservation. The majority of countryside sites have a number of designations for their nature conservation value. The Board noted that most of the East Sussex countryside would be inaccessible without the PRoW network.

2.6 The evidence in the independent consultant's report on economic impact highlights the importance of PRoW network and countryside sites to the local economy, and in particular the enhancement of the East Sussex visitor offer to encourage tourism. Tourism is valued as being worth £1.35bn to the East Sussex local economy and the countryside is estimated to contribute between £134m and £147m each year.

Recommendations

2.7 As part of the development of the draft strategy the Board recommended that:

- The Rights of Way Team focuses its resources on enabling access to the countryside and leaves others to promote usage as this will make the most effective use of the resources available.
- The way in which the PRoW network contributes towards conservation and wider countryside access is highlighted in the draft strategy.

2.8 The Review Board endorses an approach that:

- Secures health and wellbeing benefits for residents and visitors through regular interaction with nature to maintain a healthy lifestyle and improve physical and mental wellbeing.
- Ensures the PRoW network and countryside sites are managed so that they are able to sustain and enhance wildlife biodiversity in East Sussex.
- Supports the local economy and enables local businesses to enhance the East Sussex visitor offer.

Vision Statement

2.9 The Review Board considered a Vision Statement for the Service should:

- Accurately encapsulate what the service currently does and some Review Board members felt it needed to be aspirational.
- be short and concise in order to convey clearly to residents, stakeholders and staff what sort of service ESCC intends to provide, within the resources available.

Strategic Outcomes

2.11 The commissioning process will develop strategic outcomes which describe how ESCC is going to provide services to meet the needs of residents, stakeholders and other service users. The Review Board was asked to comment the four strategic outcomes below:

- Enable residents and visitors to safely use our public rights of way and countryside sites.
- Support and enable landowners, stakeholders and residents to exercise their rights and fulfil their responsibilities.
- Achieve the most efficient and effective management of our public rights of way and countryside sites for the benefit of residents, visitors and wildlife.
- Enhance local communities through engagement with our public rights of way and countryside sites.

Recommendations

2.12 The Review Board endorsed the four strategic outcomes which accurately describe what has to be done to manage the PRow network and countryside sites in a way that meets the identified needs of residents and visitors.

2.13 In reviewing the strategic outcomes the Review Board recommended that maximising income generation should be included within the strategic outcomes.

Future Service Delivery Models

2.14 Service delivery models describe the way in which ESCC could provide the PRow and countryside site management services in the future. An options appraisal process was undertaken by the project team to see which models would best deliver these services. The Review Board examined examples of the six potential service delivery models.

2.15 The Review Board also heard evidence from West Sussex County Council (WSCC), Surrey County Council (SCC) and Sussex Wildlife Trust (SWT) on the models they use to manage PRow and countryside sites. This included their experience of transferring the management of countryside sites to other organisations, and the SWT experience of taking over the management responsibility for Rye Harbour Nature Reserve from ESCC.

Findings

Rights of Way

2.16 The current service is comprised of two teams, the Rights of Way Access team and the Rights of Way and Countryside Maintenance team who carry out the maintenance work on the PRow and countryside sites. An opportunity has arisen since the review commenced, to combine the current Rights of Way teams under one manager. The Review Board heard evidence that external contractor costs are equal to or higher than the in-house cost of managing these services.

2.17 There is also a question over whether there is a sufficiently big enough pool of suitable contractors to provide these services due to the specialised nature of some of the work required. There are contractors who can carry PRow maintenance work, but this would require a larger client team to specify and direct the work. The options appraisal process did not find any companies that would manage countryside sites as a whole, or who could undertake the legal aspects of PRow work (e.g. maintaining the definitive map, dealing with diversions etc.).

2.18 The Review Board found that the current in-house service is meeting the identified needs. It provides an efficient, effective and responsive service, which has opportunities to improve and provide services differently to better meet those needs.

Countryside Sites

2.19 The Review Board examined a number of options for the future management of countryside sites. It found that there is a possibility that interested parties may not want to take over the management of all the sites. The Board considered it important that potential partners or other suitable organisations were not allowed to “cherry pick” the sites they wish to manage (e.g. those with most income generating potential or the lowest running costs) and leave ESCC with the other sites if this increases the management costs for ESCC. The Review Board supports an approach which seeks to identify suitable organisations that will safeguard public access and have the ability to provide enhanced nature conservation management.

2.20 The ESCC experience of transferring Rye Harbour Nature Reserve to SWT suggests that this approach can enable the nature conservation objectives of countryside sites to be achieved and the needs of the site users to be met. There is evidence to suggest that other organisations may be better placed to meet future site management requirements and be able to access funding opportunities not available to ESCC.

2.21 The Board found that lessons learned by other organisations when transferring countryside sites, would be beneficial to bear in mind when considering this option. The learning points are:

- The public consultation and any TUPE transfer can take a long time unless the consultation process is planned and issues such as pensions dealt with appropriately, to streamline the process.
- The negotiation of an agreement between parties is different from a commercial negotiation in the sense that economic issues are not the only consideration and things such as risk, reputation and fit with an organisation’s governing objectives and other activities may be equally important.
- There is a need to understand costs, which may be different from the budget for the site, where other skills, resources and economies of scale may be employed to manage a site which might not be available to other organisations (e.g. managing a play and display car park, enforcing byelaws etc.).
- Local perceptions of the partner organisation by residents and the perceived impact of a new site manager on community use are important considerations.
- In some models there is the need for some support from the local authority. The key is to adjust the level of local authority support whilst ensuring that the sites meet the strategic objectives.

Recommendations on delivery models

2.22 In scrutinising the potential service delivery models, the Review Board recommended that:

- A ‘mix and match’ approach be taken to find the best future service delivery model, as some models were best suited to managing PRoW and others were better for managing the countryside sites.

- A further option of providing some or all of the services in partnership with other local authorities or organisations be included in the option appraisal process, but this was discounted as there was little interest from other local authorities in pursuing this option.
- The option to form a staff run Local Authority Trading Company (LATC) or Social Business be discounted because consultation with staff revealed there was no interest in forming a Social Business or LATC to provide services.
- There should be sufficient flexibility in the service delivery model to allow for the management some countryside sites to be retained in-house, and the other sites to be transferred to an appropriate organisation or organisations.
- Care is taken in how the countryside sites that may be transferred to other suitable organisations are grouped together, to ensure the net cost of managing these sites does not increase.
- Suitable organisations are approached to test the possibility of transferring sites, to see what may be possible.

3. Conclusions

3.1 The Review Board heard that there are private contractors who provide a Rights of Way maintenance services but are more expensive than the current in-house team. There was little appetite from other local authorities to enter into partnerships or shared services for the Rights of Way and countryside site management. The current in-house team provide a good, cost efficient, flexible and reliable service, as evidenced by benchmarking, cost comparison and market testing carried out as part of the options appraisal process.

The Review Board supports a service delivery model that retains the in-house management of Rights of Way, with a re-shaping of the service to enhance income generation opportunities and maximise efficiency. This approach builds on the strengths of current service and meets the needs identified in the draft commissioning strategy.

3.2 The Review Board considers that transferring the management of the countryside sites to other suitable organisations represents the best option for this part of the service. This approach recognises the specialist nature of the management requirements of these sites and the ability of other organisations to better meet future needs and access funding not available to ESCC. It is also consistent with the findings and recommendations of a previous Scrutiny Review of Countryside Management which reported in March 2007.

The Review Board supports an approach which seeks to find the best option for each countryside site by transferring them to a suitable organisation, bearing in mind the safeguards required to ensure public access and appropriate wildlife management.

Appendix

Scope and terms of reference

On 17 March 2014, the Economy, Transport and Environment Scrutiny Committee endorsed the development of the commissioning strategy for the management of Rights of Way (RoW) and Countryside Sites (CS) in East Sussex. A Project Manager was appointed in August 2014 and data gathering commenced. At the Economy, Transport and Environment Scrutiny Committee meeting on 18 March 2015, a Board was created to assist in the development of the commissioning strategy. Its aim is to support and advise on the understanding of need, strategic outcomes and delivery models for Public Rights of Way (PRoW) and Countryside Sites.

The Review Board terms of reference include:

- Providing guidance on the appropriateness of the definition of need and strategic outcomes.
 - Providing advice on how best to balance identified needs against value for money, deliverability, risks and implementation timescales.
 - Providing critical challenge to the Commissioning Strategy identified in terms of meeting the needs of East Sussex.
 - Help to disseminate information on this strategic commissioning process amongst fellow stakeholders and all ESCC Members.
 - Referring matters back to Cabinet and/or other Scrutiny Committees where necessary.
- There are 10 Countryside Sites included in the commissioning strategy but Ashdown Forest and Rye Harbour Nature Reserve are excluded from this work as they are not managed by the Rights of Way and Countryside Site management teams.

Review Board Members

Councillors: Richard Stogdon (Chair), Claire Dowling, John Hodges/Trevor Webb, Mike Pursglove, Pat Rodohan, Rosalyn St. Pierre, and Barry Taylor.

Support to the Board was provided by the following officers:

Karl Taylor, Assistant Director, Operations

Alice Henderson, Project Manager Strategic Commissioning

Witnesses

Andrew Le Gresley, Team Manager, Rights of Way and Countryside

Simon Fathers, Team Manager, Rights of Way and Countryside Sites Maintenance (RoWCM)

Charlotte Weller, Countryside Services Manager (West Sussex County Council)

Steve Mitchell, Countryside Access Team Manager (Surrey County Council)

James Power, Strategy Lead – Land Management (Sussex Wildlife Trust)

Review Board meeting dates

29 May 2015

21 July 2015

25 November 2015

25 January 2016

List of evidence papers

Item	Date
Draft Countryside Access Strategic Commissioning Strategy	January 2016
Rights of Way and Countryside Sites: Service Delivery Model Examples	July 2015
Options Appraisal Process: Process Map and Findings	July 2015
Summary of Service Provision: Rights of Way and Countryside Sites	May 2015
Public Rights of Way & Countryside Sites Commissioning Strategy: A Review of the Potential to Contribute To Improving Health Final Report. Peter Brett Associates.	April 2015
Rights of Way and Countryside Sites Commissioning Strategy Assessment Report (Economic Impact). Nairne Ltd. in partnership with VenuesAdvisor.	April 2015
Rights of Way and Countryside Sites Commissioning Strategy: Consultation Results Individuals' Survey (18 November 2014 to 20 February 2015).	March 2015
Rights of Way and Countryside Sites Commissioning Strategy: Consultation Results Stakeholders (5 December 2014 to 20 February 2015).	March 2015
Rights of Way Priority Statement	October 2011
Scrutiny review of countryside management	March 2007

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