

Orphan Pathways & Street Furniture, Rear Driveways and Public Right of Ways Task & Finish Group

Summary

The report sets out the findings from the council's Task & Finish Group which identifies some of the significant issues and ideas the council could consider to improve how it manages orphan pathways, rear communal driveways and public rights of way. This includes the roles and responsibilities of Members and officers, how they work together, as well as how the council works with local communities and citizens. In making use of all the assets, knowledge and tools available the council is likely to significantly improve what might be possible at these sites for and with local communities, as well as reduce ongoing and future costs to the council's budget(s).

Background & Context

In November 2016 a "Task and Finish" process was commissioned by the Assistant Leaders to undertake a fact-finding exercise to help the council better understand the current arrangements, practices and issues concerning the management, maintenance and security of accessways. This applies to public rights of way, "orphan" pathways and rear communal driveways. The Task and Finish group met between December and February with the following aims and outcomes, which were to help the council to:

- Have a better understanding of the scale and scope of liabilities, responsibilities and challenges concerning the management of accessways.
- Have a better understanding of the current practices, resources, tools, provisions and issues concerning the management of accessways.
- Be in a position to commission activity which can address relevant issues and gaps in resources or service provision which can improve how accessways are managed.

There are three particular types of land which have been the focus of the task and finish group, though the findings and ideas developed from this process could be applied more broadly:

- Public rights of way, which are managed by Birmingham City Council Highways
- Non-Highway Maintainable at Public expense (HMPE) which are owned and managed by agencies and services other than Birmingham City Council Highways
- Rear communal driveways which might be considered "easements" in the home ownership of local residents

There are also three general themes and a number of specific issues which feature regularly in these types of sites which have been explored. This is in terms of current arrangements for managing them, problems or issues in their resolution, as well as good practice and ideas to consider and promote:

- Health and safety – dangerous trees; street-lighting; remedying filthy and verminous sites; removal of combustible material; repairs and maintenance, including street furniture
- Clean and green – dumped rubbish and fly-tipping; overgrown vegetation
- Community safety – burglary; vehicle crime; anti-social behaviour; feelings of safety

The task and finish group which consisted of the following: Councillor Mike Leddy (chair); Councillor Karen McCarthy (Labour Group); Councillor Neil Eustace (Liberal Democrat Group); Austin Rodriguez (Neighbourhood Development & Support Unit). The following thematic areas and individuals were also represented and contributed to the task and finish process:

- Housing Management - Carl Hides (BCC Landlord Services)
- Highways, Transportation and Rights of Way – Phil Woodhouse, Kamyar Tavassoli, Paul Laythorpe, Mahroof Malik Paul Newark (BCC Highways & Transportation); Nick Woodgate (Amey)
- Waste Management & Enforcement - Anthony Greener, Louise Bessant, Tony Quigley, Marytn Smith
- Community Safety - Sue Brookin (WMFS) and PC Gareth Pemberton (West Midlands Police)
- Legal Responsibilities and Tools - Lisa Morgan and Jane Hopkins (BCC Legal Services)
- Housing Development - Ron Williams (Birmingham Municipal Housing Trust)

Findings and recommendations

What was most apparent from each individual themed session is that there are a number of cross-cutting issues which are affecting multiple service areas and agencies. These can broadly be described as:

- There are a disproportionately large number of sites which can be considered a liability and currently a negative asset for the council. These could benefit from being put into more productive use and ownership;
- There are areas of uncertainty between council policy and the council's statutory duties. This mostly applies to land which is not in the council's ownership or management responsibilities;
- Red-tape and bureaucratic processes slowing down responses or taking up disproportionate amounts of Member and officer time to work through;
- The need for cultural change in terms of what can be expected from the council and what is expected from local communities and citizens, particularly in terms of looking after and managing these sites;
- The lack of awareness and general promotion of the various good practices and improvements taking place across the council in individual service areas.

A full breakdown of the various issues, ideas and discussions can be found in the appendices:

- Appendix 1 - [Cross-cutting and general summary](#)
- Appendix 2 - [Housing Management](#)
- Appendix 3 - [Highways, Transportation and Rights of Way](#)
- Appendix 4 - [Waste Management & Enforcements](#)
- Appendix 5 - [Community Safety](#)
- Appendix 6 - [Legal Tools & Responsibilities](#)
- Appendix 7 - [BMHT and Housing Development](#)

The Task & Finish group's purpose was not to make any formal recommendations to the council, but to identify a number of ideas and issues which the council and its partners might wish to explore. This includes the Assistant Leaders but also individual officers and portfolio holders in the council. The following are the recommended ideas and areas which the group thinks should be taken forward:

Policy issues and ideas for Members to consider:

1. **Consider the disposal of all land which has no development potential and can be considered as a current council and community liability.** This would be for free to anyone who wishes to register an interest in it. It is likely to apply to areas of no more than 20 square metres and is also likely to entail the transfer of individual small strips of land to adjoining private properties and homes (such as rear garden accessways). Such an approach would need to be considered within the legal limitations concerning public rights of way.
2. **For any land which is believed to be unregistered and which the council has undertaken some form of management, for at least twelve years and beyond its statutory duties,** the council should look to register that land under its ownership. This particularly applies to sites which the council might have fenced off for instance. These might then be disposed of through sale or other means, depending on the potential uses for it.
3. **For members of the Planning Committee to make consideration of the issue of “fast-growing” trees and unadopted highways** or similar sites put forward in planning applications from housing developers. This is particularly for the purposes of trying to “design-out” future problems which are likely to occur in the management of housing estates.
4. **For unadopted or unregistered land where there is no land ownership or responsibility** – essentially no one's responsibility - then the council should adopt a policy that it is then “everyone's responsibility”. This would see the council provide an enabling and supporting role for local residents, communities and groups in order to manage issues at particular sites. This might include removing rubbish from an organised litter pick, providing educational letter templates (as per BCC Housing Management process) or supporting the development of funding bids for solutions, for instance.

Organisational issues ideas for Officers to consider:

1. **Adopting a “Total Place” budget approach where the same process for waste management and highways maintenance are used for all types of publically accessible council owned land,** regardless of which “division” of the council has management responsibility for it. The council currently wastes a lot of its Members' and officers' time in identifying land ownership and responsibility, individual

budgets and referring issues to Waste Management and Highways to ultimately deal with. The process also leads to significant inconsistencies in the quality and nature of how issues are resolved on different sites – which has a reputational and knock-on impact for citizens and communities accessing those sites.

2. **Developing and maintaining a list of contacts** which can be made available to Members and officers across the council for officers with responsibility for managing different types of council land. This is related to the above point and includes Housing, Transportation, Education and Parks, for instance. This would significantly improve the speed and ease of communication in raising and responding to issue at individual sites.
3. **The job descriptions for “Neighbourhood Action Coordinators”** to include a responsibility for the coordination of activity to resolve issues at the types of sites. This would include issues around land ownership, the “total place” coordination of services, as well as enabling local citizens and communities to take ownership and pride of these sites.

Connected “whole council” and city issues and ideas to consider:

1. **Where possible a “one council” approach to be progressed which brings Members and officers together as part of one team.** This is reflecting on the local knowledge and visibility which Members can bring to support officers deliver services and other activities for the council. It applies particularly to Members being encouraged to take part in inspection processes and activities (e.g. EQS or street furniture assessments) to provide extra “eyes and ears” for officers out in Wards. This might also include Members adding their local knowledge to asset registers, particularly relating to street furniture and highways issues, for instance. There is also a broader opportunity for Members to visit local offices to get to know officers involved in managing neighbourhood type issues to understand who they are and what they do.
2. **Local View to be promoted for use by all Members** accompanied by the relevant training, which has been offered by officers in BCC Transportation. Access to and good use of this tool has the potential to save significant amounts of time and resource in identifying land ownership and Members being able to make the right referrals to the right people in the council to look at.
3. **The council to consider how it can become more of an “enabling council”** bringing together its knowledge of local community groups and activity (via both Members and officers) and its “offer” to support those groups in their local areas. In this context it applies particularly to how local groups can be supported to help encourage or directly organise activity to keep watch over and look after the condition of the sites relevant to this task and finish process. This includes things like adapting letter templates and tools in for example, Housing Management, for local community groups to use.
4. **Raising awareness of and regularly promoting all the good practices and improvements happening in the council,** which are helping the council to better manage these types of sites. This is particularly with Members and might be through Marketplace activities or specific Member development sessions, training or surgeries. It includes for instance: the education and enforcement approach in Housing Management; the development of asset registers and rights of way knowledge in Highways and Transportation; successful “Total Place” pilots in Waste Management and Enforcement; the prevention activity taking place via community safety partnership relationships; the success BMHT is having in designing out issues in new housing estates.
5. **Running a “dragons den” type of initiative inviting Members to nominate problematic sites where the council’s various practices and improvements can be tested out and applied.** These might be sites which are a problem for 2-3 reasons covering issues such as land ownership, waste management, community safety, street furniture maintenance, access, for instance. This would provide the opportunity to showcase the council’s good practice and bring together various council divisions and Members together in a joint problem solving approach.

Further areas to explore

There are also a number of areas, issues and themes which the Task and Finish Group was unable to cover but where it is recommended that further investigation and enquires are made. These include:

- Birmingham Property Services’ “Minor Land” disposal process
- Land ownership of Public Rights of Way across the city
- The role of schools in educating children and young people in keep their neighbourhoods clean
- Looking beyond grant-funding to community funded gating schemes
- The Land Registry’s strategic direction of travel and potential activity over the coming 5-10 years
- Substations – ownership, contacts and general policies towards accessways and related sites

Appendix 1 - Cross-cutting and general

Policy issues for Members to consider	<ul style="list-style-type: none"> Putting land into more productive use than currently – turning it from a drain on resources into something of value. This might be through transferring ownership from the council to residents, or through development projects to put the land into better ownership and use. It is also about ensuring that future developments ensure that all land, where possible has a productive use and purpose. <ul style="list-style-type: none"> “Minor Land” – BPS/“Land and Property” process to absorb enquiries from local residents and companies to register an interest and then dispose of land through sales. The current approach in BPS is potentially obstructive to the wider council interests of making the best use of its assets. Applying to register land in council's ownership, where it has fenced areas off or been delivering non-statutory ownership and management of a site. Many current problems and issues are the result of now outdated practices and inconsistencies in previous council policies – there is an opportunity to review these and “tidy” them up where applicable. <ul style="list-style-type: none"> Quick growing trees in historical developments not being removed once the slow-growing trees have matured leading to ongoing management and maintenance issues Council policy and responsibilities concerning land which it doesn't own. This applies particularly to unadopted and unregistered land (or land where it is difficult to find out who owns it) and to the management and maintenance of public rights of way, street furniture, trees. Part of this is having an agreed set of principles for cleaning or maintaining land guided by what the council can and can't do. As part of the above, a letter template and correspondence process for where the council has no responsibilities or obligations concerning issues on sites. Potential to register all sites which could be considered “highways” as public highways – transferring from individual departments to HMPE, where there is merit to do so.
Organisational issues for officers to consider	<ul style="list-style-type: none"> One council approach, so that there is one budget and/or one consistent approach/policy/practice for all sites regardless of which part of the council has management responsibility for them. There shouldn't be different responses and budgets for street-lights, maintenance etc. dependent on which part of the council has management responsibility for it. Current arrangements mean inconsistent practices and standards, as well as lots of time and resource lost in internal administration. Solution could be for one budget held by Waste Management for cleaning and another budget held by Highways for repairs and maintenance – “Total Place” budget. Officer points of contact for each division's land management and responsibilities to help speed up communication, as well as reduce time finding the right contacts. Neighbourhood Action Coordinators to be a focal point for organising things locally
Bigger picture – whole council and city links	<ul style="list-style-type: none"> One council approach – all Members and officers part of ongoing inspecting and reporting process, as well as sharing their knowledge about land and assets with officers with responsibilities for them. This also includes sharing information about sites which need cleaning and clearing to help direct services to where they are needed (rather than where they are expected). <ul style="list-style-type: none"> Engagement and involvement of Members so that they are part of the “team” and solutions for local areas - out on the patch via EQS/inspection activities, visiting team offices, Full Council marketplace and Member briefings etc. Local View can be used by Members and officers to identify BCC land ownership as well as management responsibilities. Member and Officer access to “Local View” as well as some training to help promote good use of the information available. This can help make sure appropriate referrals are made to the right people and services to resolve complaints. This can also help to identify the ownership of parcels of land not in BCC ownership by linking pieces of land to individual properties. A change in culture is needed, from the perspective of what the council can be

	<p>expected to do and deliver, as well as what local citizens and communities should be expected to do and take ownership of. This connects to the wider educational piece about residents and communities and their waste. This includes how citizens can take pride and ownership of the places they live, and their role in things like enforcement, as well as providing the natural surveillance for the places they live.</p> <ul style="list-style-type: none"> ○ Investing in streets and sites so that they are places which people feel pride and want to maintain – being considered as part of Place approach now. ○ Sharing and developing a corporate knowledge of local groups and orgs across neighbourhoods – particularly those groups who might want to get involved in local initiatives to improve the look and feel of neighbourhoods <ul style="list-style-type: none"> • Promoting and making better use of all the good practices, improvements and resources being developed and used in the council's different services including: education and enforcement approach in Housing; assets and right of way knowledge and development in Highways and Transportation; successful pilots in waste management and enforcement; community safety partnership activity and strengths; success in designing out issues via BMHT. Plus many more.
<p>Wicked and stubborn issues</p>	<ul style="list-style-type: none"> • Identifying land ownership is an ongoing issue – this is in several parts – 1) whether it is owned and managed by BCC – if so which part of the council; 2) if it is not owned and managed by BCC, who is responsible for the land; 3) where there is no ownership (easements and unadopted), then what the council policy is towards those sites. • Unmanaged and unmaintained sites which look untidy and dirty also make people feel less safe in them, which leads to further issues and lack of community ownership. Where land now owned by the council though, at what point should it intervene?

Appendix 2 - Housing management

Summary of current arrangements	<ul style="list-style-type: none"> • Response and reaction based approach, providing proportionate, good quality responses to issues when they arise – it's currently working well because of the management of expectations. There isn't enough resource to have a proactive programme across the city. • Balancing one-off investment with ongoing and future maintenance – needs community ownership as part of that partnership. This is delivered through Good Neighbourhood Agreements, with 350 residents now signed up and participating in these. • Working with Waste Enforcement proactively, where residents are working with the council and helping officers with intelligence and enforcement. This links well to the Good Neighbourhood Agreements/. • Good practice being developed with a number of good case studies starting to emerge over the last 3-4 months • Outcomes are 1) improvement in the location/place and 2) community engagement and ownership • Also working with Birmingham Property Services where surplus land is identified which could be put to better use.
Problems or issues to resolve	<ul style="list-style-type: none"> • There are lots of sites where there are no longer any council managed properties (following property purchases), but BCC Housing retains ownership of communal sites and accessways. This is putting a pressure on the HRA as with decreasing rents (as a result of property sales) this is still being spread across these existing and now outdated sites. • Residents tipping waste, mostly garden waste, over their fence into accessways. There is an issue with resident education, understanding and ownership of the issue – from knowing what to do with their waste to not putting the responsibility for waste entirely on the council. • There are inconsistencies in the council's approach to sites, based on which department or division owns the land. There are also a number of sites which should be within highways portfolio, rather than housing, for instance. • Managing expectations – limited resources, both in terms of staff and financially. Can only afford to be reactive, not proactive. • There are a number of sites, such as easements and unadopted land where there is no overall ownership or responsibility, so it tends to defer to the council by default.
Ideas and opportunities to consider	<ul style="list-style-type: none"> • One council approach, so that there is one budget and/or one consistent approach/policy/practice for all sites regardless of which part of the council has management responsibility for them. • Resident responsibilities and ownership – is a must for any investment by BCC (neighbourhood agreements) • Putting surplus or redundant land, particularly those sites which are a drain on council services and budgets into more positive use. This might include "giving away" accessway land to adjoining residents or for development purposes. • Broader and more joined up approach to enforcement, i.e. using disruption techniques where direct enforcement might not be possible for an instance of fly-tipping or littering.
Good practices and news to promote	<ul style="list-style-type: none"> • Promoting housing approach and practice more broadly across the council and with communities, but in a way which manages expectations and demand on the service in a realistic and practical way. • Housing approach could be adopted for any tenure of land, as well as for use and delivery outside of the council (e.g. by residents) – would need some minor changes and tweaks. Could be used as a template and approach by future neighbourhood officers.

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Appendix 3 - Highways, Transportation and Rights of Way

Summary of current arrangements	<ul style="list-style-type: none"> Street furniture on non-Highways Maintainable Land – anything not on the adopted highway is out of scope for the contract with Amey. The terminology for this is “non-project network assets”, which are managed via Paul Laythorpe. Once established that queries about assets are not on the project network (via initial check via Amey) they are sent to Paul who then checks BCC records and asset register to make an assessment for the best response. Where the council was responsible for installing the asset then attempts will be made to upgrade equipment as much of it is now outdated. Project network/Amey maintained land – check records for all enquiries received and where assets are on the project network they are repaired and maintained as per the contract specifications. Where they are not on the project network they are referred to BCC and would require instruction and funding from BCC to do any work outside of the contract. Six monthly inspections and tests made of all project network assets. This also includes benches, e.g. replacing wooden planks in concrete benches (raised via Highways Inspector). Trees – they are the responsibility for the landowner to resolve. Where they are on council land the council will maintain and manage via Parks. No parking signs – where they have been removed by Amey they should have been replaced as and where contract works have taken place which meant temporary removal. However there have been some health and safety issues concerning the condition of some of these signs. Public Rights of Way – BCC have responsibility for developing a complete record of these by 2026 and there is a register maintained by BCC. All sites are added to Local View when confirmed. Team also responsible for maintaining a register of Gating Orders (to close rights of way), supporting the public to make applications to add new ones, as well as managing s.136 applications from landowners. Responsibility for managing and maintaining public rights of way is the landowners. BCC has a responsibility in all sites to ensure they remain accessible for the public, i.e. aren't being illegally closed off or obstructed.
Problems or issues to resolve	<ul style="list-style-type: none"> The asset register, particularly concerning assets not on the project network is incomplete reflecting relatively poor record keeping over the years. This includes records of BCC installation, as well as funding for life-time repairs. This is steadily getting better though. The project network register also has some errors and needs its accuracy regularly maintained. This includes sites being gated off and no longer accessible, for instance. There is a long-list of sites and assets which have been raised with BCC for repairs and maintenance on the non-project network, so which is taking time to get through and respond to – part of this is checking details and records for each site. Street furniture installed in the 1980s as part of Urban Renewal Funding is particularly good where there is lots of it in place and potentially outdated and in need of replacement and renewal. Street furniture on BCC Housing maintained land – as many as 3,500 street-lighting columns on these sites which Housing don't have the capacity to maintain. Conversations ongoing about Highways providing the service for that maintenance. As part of this there are some inconsistencies in practice and policy on some assets – for instance Highways paying for the electrical costs of street-lights at some sites but not their maintenance. Unadopted and unregistered land, including easements and rights of way – where land isn't owned by the council, identifying who owns it can be difficult, though Local View can provide some clues to this. For these sites the council potentially has no responsibility and no one else may have responsibility for maintaining the land. For Rights of Way this applies to less than 10% of sites but is a gap and it is also complicated needing a case by case approach. Ultimately though this is a policy rather than statutory issue for the council and what Members want the council to intervene in and be responsible for, or not. Trees – where they are not on council land but require maintenance and management it is not clear what the council responsibility is. This needs clarifying with BCC Parks. There is also an unresolved legacy item where developers have historically planted quick-growing trees which were to be removed when the slow growing trees have matured, however this isn't happening and lots of tree issues emerging. Registration of public rights of way – whether an accessway is treated as one of these is entirely down to whether it has been registered as one. There may be lots of sites which could be considered rights of way but aren't registered or known about by BCC. Lack of understanding of what is and isn't a highway, tend to be seen as colours on a map and as a public highway rather than all land where the public have a right to access the land.
Ideas and opportunities to consider	<ul style="list-style-type: none"> Developing more accurate and complete records for assets to support better responses and decisions – through providing opportunities for Members, officers and residents to contribute their knowledge to the asset registers for the project network (maintained by Amey) and non-project network. This might be particularly helpful for identifying 1) changes to each asset, 2) whether the council installed the asset and 3) where the records might be for historical activity. Public Rights of Way – can be complicated but some general education and myth-busting may improve the wider council approach to these sites. There is also an Improvement Plan for these sites being reviewed in 2017 which Members may be able to contribute to.
Good practices and news to promote	<ul style="list-style-type: none"> Local View (https://svwpws004/Standard/Sites/Standard) can be used to identify 1) whether land is owned and managed by the council, 2) which part of the council has management responsibility for it and 3) provide some clues about which bits of non-council owned land are owned as individual parcels. Accurate from 1974 onwards The council's management of its street furniture and assets is steadily improving, which is due to how the knowledge and data kept in the asset register is improving. This is also linked to the overall Asset Management Plan. Public Rights of Way – there are over 250km of rights of way now registered in Birmingham, with the number of sites now at 2,800 having doubled from 2007. Nationally Birmingham leads the way with respect to urban public rights of way and is an important stakeholder in influencing national policy working with DEFRA.

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Appendix 4 - Waste Management & Enforcement

Summary of current arrangements	<ul style="list-style-type: none"> Responsible for keeping public land clear of litter and detritus – including HMPE land, as well as land under the ownership and management of the council. Does not include private or non-council owned land. All council sites are on a rolling programme of cleaning and clearance, via a schedule, however change of approach is being adopted so that 1) work based on where needs cleaning, based on information and intelligence (all sources) and 2) public complaints about quality of sites rather than whether the cleaner has or hasn't been on site that day In addition to the programme of cleaning there are also responses to incidents of dumping to clean and clear. On non-council land, definitions and differences are important – bricks, rubbish, fly-tipping. For these sites there needs to be a case by case approach, but the only feasible enforcement powers and duties are where there is a public health issue. Moving towards Total Place budget and approach looking at cleanliness of streets (via EQS) and responses to that rather than individual departmental responsibilities. Waste Enforcement – currently 400 cases open and ongoing with various enforcement activities via tickets and prosecution pending. Oversight and overview groups to identify hotspots and priorities and develop more joined up whole council approach, across the Directorate. Enforcement is more successful and more proportionate for repeat, criminal levels of dumping and offences
Problems or issues to resolve	<ul style="list-style-type: none"> Not intervening on private land, as rubbish can build up from a small pile to several tonnes. The route is enforcement with landowner but the speed with which that moves can lead to more dumping on that land. Perceptions of and expectations from public about items on private land – what's waste and what can be legally stored on that land. Time and money to trace land owners, can often be significant and not merit the investment from the council to clean, clear or enforcement. Especially where it's unlikely that the council has no powers with which it can act. Unadopted land not registered before 2009 (when it was legal). Can be costly for time and money to access the records. Identifying the owner in the council for different land under the council's management – be it housing, education, transportation. We can identify the land ownership often, but not necessarily the person. Expensive in terms of time and process to the council. Silo culture still persists for sites, particularly between internal divisional arrangements for land management and responsibilities. Lack of local ownership and pride for local streets and sites meaning that things are cleared and cleaned locally at earliest point by residents, or being reported to agencies. Costs are increasing for the council due to the cultural issue in terms of resident perceptions and expectations of the council and what it should be or shouldn't be doing, as well as generally bad and unhelpful behaviour which is increasing demand whilst budget pressures are increasing. Prolific reporters – i.e. multiple calls about the same site or issue and managing expectations as well as unnecessary extra demand on the council Culture of working in doing scheduled programmes has got stuck in public and staff psyche so sites continue to be cleaned and cleared when they don't need to be. Focusing on the wrong things, and now looking to focus on the cleanliness of the site – which is intelligence led and dependent. Cameras tend to displace issues rather than stop or prevent them. Lack of confidence of and engagement with residents to act as witnesses where enforcement is needed. Engagement with Education to put in place preventable education and programme to go into schools – Academies proving very difficult to engage with. Proving difficult to engage with BEP and schools individually for instance. Media coverage isn't helpful – examples recently of unhelpful and unfriendly headlines which runs against what is actually happening.
Ideas and opportunities	<ul style="list-style-type: none"> Education and awareness programme of activity for citizens and businesses. This is with a change of messaging based on a more intelligent and evidence based approach

to consider	<ul style="list-style-type: none"> – i.e. acknowledging impact of positive comms and choices, rather than “don’t” messages, as well as changing the messaging to what else the money on waste can be spent on, e.g. adult social care • Warning system process – from initial letter or contact from local community or Councillors (stage 1), then upping the contact with residents with official officer visit (stage 2) and prosecution (stage 3). This moves through from education to enforcement, as per the Housing process. • March clean-ups to focus on alleyways to raise their profile internally and externally • Cleaner Streets plans – all issues, including unadopted roads and sites, being more specific about the “ask”
Good practices and news to promote	<ul style="list-style-type: none"> • Direction of travel and changing culture – joined up working and end to end process linking public-cleaning-enforcement, better data and info, more intelligence led (which is informing practice) • Total Place approach now looking at EQS scores and cleaning streets which need cleaning rather than cleaning everything all the time. EQS and Member “cleaner streets plans”, as well as other info/data informing how and where the council cleans and targets. Just started but good results from trial. Approach is drawing all internal stakeholders, including contractors like Amey to clean and clear that street, as well as to prevent, educate and deter. Work in progress but started well. • Starting to train people up in using Local View – officers and Members for internal version, as well as citizens for external view. • Trialling lots of different approaches and ways of working, e.g. blocks of flats and joint working with Housing Management for bookable services and removal of items. Also starting to work differently to educate shop owners and businesses, so that enforcement have stronger basis to work from. This includes presenting different waste bags and education to different tenure – shops, flats for instance. This will help identify who is and who isn’t dumping. • Working through a Core Cities Group to try and update and influence changes to legislation which can be part of the problem to current issues • Contact centre (phone-calls only at the moment) – call handlers (“Resolution Champions”) using Local View at the start to identify if 1) the council owns it and 2) directing the query to the right place – a) cleaning and clearing; b) enforcement if resident wants to and can provide a statement or opp to enforce. They are also picking out frequent hotspot locations - so where there are multiple calls about the same site, this is being packaged and given to Enforcement as intelligence to look at. This providing additional scope for enforcement, beyond witness statements. • Downward trend for fly-tipping, EQS scores are improving – so things going in the right direction. Things are starting to work well and heading in a good direction which merits more promotion. Plus, good enforcement cases and activity – promoting this in terms of 1) needing witnesses, 2) deterrence, 3) showing what the council can do (and can’t do). Responsibility for Members to be aware of this and promote in their Wards, communities. • Developing a good relationship with the media including Neil Elkes at the Birmingham Mail – working with press department to help this.
Queries and items for future sessions and discussion	<ul style="list-style-type: none"> • Intelligence led activity and role of police, e.g. in graffiti for these sites. Also role of Police in reporting sites where people don’t feel safe or from their travels may need cleaning and clearing (waste, detritus and graffiti)

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Appendix 5 - Community safety

Summary of current arrangements	<ul style="list-style-type: none"> • Pro-active police response to look at ways of designing out issues from the new developments. For future sites, WMP comment on all planning applications and there is good cooperation in place between WMP and BCC (compared to other sites) to engage and assess. Free advice to the council, architects and developers. • Fire service – also proactively engaged in advising on future developments, similar to police advisory role. • Reactive police response where existing sites where problem needs resolving. Environmental visual audits completed to assess options for designing out or preventing further issues in those sites. • Recommendations including making front-gardens as open and visible as possible (as a semi-public space). Rear gardens are to be well defended. Alleyway recommendations are to make those as secure as possible, but shouldn't be there in the first place. • Fire Service referrals where fire risks and issues. BCC put remedial action in place and will then put local land charge on. There is a standard protocol and process in place between the council and fire service, which applies to all sites. • Use of Public Space Protection Orders (replacing previous Dispersal Orders, Alcohol Restriction Areas and Gating Orders) as a last resort for either gating off alleyways, or for providing dispersal or prohibitive powers for the police and council to enforce. Crime and ASB on housing owned alleyways can be addressed more easily and gated off is budgets in place. • Secure by design applies to both buildings and the design layout of an estate. Some developments will try and achieve the gold status which makes a statement that both the housing and estate are safe and secure. This is not a statutory requirement though.
Problems or issues to resolve	<ul style="list-style-type: none"> • Modern developments are putting houses back to back, which means alleyways and passageways can be the subject of little natural surveillance. These are potential security issues. • The more people who have access rights to an alleyway the less likely individuals are to take responsibility for them. • Difficult to get funding to put in new and maintain existing gating schemes. This is as a result of cuts in funding for that type of activity with community safety funding being moved towards active citizens and community involvement activity. • Future developments – still issues with “spare” bits of land which end up being an issue for rubbish dumping and community safety. Parts of this are the sheer volume of planning applications and developments. • Sites becoming unmaintained, e.g. overgrown vegetation, lack of lighting etc. then become an issue for crime and ASB, fear of crime and becomes downward spiral, i.e. less use means less natural surveillance and more opps for crime and ASB. • Community safety problem solving – managing expectations of what is legally possible and not possible within public rights of way. Many residents and Members expect the council and police to be able to gate off these sites, though legally this can only be considered as a last resort. Tendency to jump straight to a solution without understanding the problem and doing basic assessments and initial problem solving. • Lack of good lighting schemes to the rear of properties providing natural surveillance. This aids the anonymity opportunities for offenders.
Ideas and opportunities to consider	<ul style="list-style-type: none"> • Defensive planting as a cheaper alternative to gating. Any form of barrier which covers the width of a passageway can have an impact. • All land in future developments either having 1) natural surveillance (from any floor), or 2) clear ownership by one or a small number of individuals. • Communities being encouraged to keep their curtains open and not to close their curtains – but they need the confidence to be able to do it. • Most offenders will look for opportunities where they can keep their anonymity, so prevention needs to focus on more natural surveillance and opportunities for offenders to move and be seen. • Community safety – involving Members more in local community safety partnerships and work to include them as part of local solutions, raise awareness about legal tools and their proportionate use. Particularly the use of Public Space Protection Orders. • Opportunities for more joint work between Police and council towards problem sites to assess and problem solve. This could be training for council officers from experts in the Police, or joint inspections and visits. It would require local policing teams linking in more with the Crime Prevention Advisors, and linking in with Council to involve both parts.
Good practices and news to promote	<ul style="list-style-type: none"> • BCC very good at sharing new planning applications and developments with West Midlands Police to look at crime prevention opportunities and issues • BMHT are producing good standards of developments and buildings. • Partnership working is improving and becoming genuinely partnership based, rather than agencies trying to help each other achieve individual performance indicators. • Designs of housing developments are improving – with developers acknowledging that crime is an important issue in the sustainability and attractiveness of houses to future owners and residents.
Queries and items for future sessions and discussion	<ul style="list-style-type: none"> • Are local policing teams, e.g. PCSOs being directed to look at these types of sites and report rubbish and other types of issues early onto the council, as part of earliest intervention, “broken windows theory” and partnership with waste management?

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Appendix 6 - Legal tools and responsibilities

Summary of current arrangements	<ul style="list-style-type: none"> • Not council land – will look at the land but if not council owned then it goes to e.g. environmental protection where there are grounds to intervene if there is a public health issue. This provides powers to clear the land, • Land charges – can make charges on land, for work done as part of council statutory role with land charges applied on “Local Land Charges Registry”. This lasts for 20 years (query – it may be indefinitely until the charge is paid), with an interest charge also possible but guided by statute. The council can do that and it is revealed and payable in the future when future property transactions take place. • Once a highway it's always a highway, which is a legal issue and approach to change that status. • Private rights of way/easements – cannot be disposed of if at least one of the residents wants to keep it open. For these sites, including communal driveways, there is a satisfactory presumption that the properties backing onto that land each own up to the half-way point. • BCC registration of land not currently belonging to it – this is possible for the council but there has to be evidence of occupation or ownership of it. No public interest argument for registering land, BCC is the same as any other party interested in registering land. Applicable to council activity which is beyond statutory duties and obligations. Would apply to where the council fences off land and maintains fencing. Minimum of 12 years of consistent evidenced “ownership”. • Local Land Charges - financial charges are being registered from the Council's Empty Property Team, Acivico (Building Consultancy) and Environmental Health.
Problems or issues to resolve	<ul style="list-style-type: none"> • Lack of awareness by officers to be instructing Legal Services to be applying for registration of land it has been regularly been maintaining and clearing, as well as which is fenced off for at least 12 years. • No council policy towards reclaiming land it has been looking after and maintaining for 12 years or more, beyond its statutory duties. • Deeds are often not that accurate and can be misleading. • Accessing title deeds on Land Registry costs £3 each • The costs to residents in them registering council land, both in terms of the deeds/solicitors and moving the fencing might be an obstacle.
Ideas and opportunities to consider	<ul style="list-style-type: none"> • BCC could apply for land registration on sites where it has consistently cleaned or cleared it, or removed it. This would provide some evidence of land ownership. • The other way round local residents could apply to register council land if council is not showing ownership of it, and in the longer-term residents have shown they are maintaining it. Residents could be encouraged to register for a portion of the adjoining passageways. Would need to consider whether the council could give away for free, vs selling it. • Directed encouragement to residents to take-on land and move fences where clear lack of land value to the council (i.e. running liability) • Housing Act – passageways could be acknowledged and registered as pedestrian walkways and public highways. Particularly where they connect between two bits of public highway and is a public right of way. • Site disposal needs to be case by case basis – 1) registering as public highway where sites which connect to existing parts of the public highway, 2) council registration if currently not council but some form of non-statutory activity for at least 12 years, 3) encouraging residents to apply to register land which is of little, no or negative value to the council.
Queries and items for future development or consideration	<ul style="list-style-type: none"> • Land Registry activities and plans are changing so there may be changes or approaches to the council which change the functions and scope of what's possible for the council. • Substations – contact points, maintenance and arrangements between council and Western Power (Gas), Severn Trent (Water) and Central Networks (Electricity)

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Appendix 7 - Birmingham Municipal Housing Trust and Housing Development

Summary of current arrangements	<ul style="list-style-type: none"> • Most things covered in the long-term through 1) designing out, 2) adopting processes. Leaves some rare sites, which are being dealt with on case by case basis • Approach design from a crime prevention perspective understanding that alleyways and accessways assist crime, so the approach is to take them out. Also if cluttered with rubbish then will also try and take out. • Designing out can be costly though, for example if removing vehicle access then sometimes need to pay (up to £5,000 for that) – whether or not residents are using that access. Drawing a lot on the team's knowledge rather than dialogue with current housing management team and staff. This covers fencing, boundaries and accessways. • Trying to tidy up post-development, so as not to leave housing management issues. This is where things can't be done in advance (e.g. unable to anticipate issues, such as access rights). However there is no contingency budget and so need to try identify early and include in the overall budget footprint. Finance not allowing a contingency budget (up to 10% is industry standard) and very controlling in terms of administration and process. • Unadopted highways – Highways have a spec and policy for this (though may be defined by statute) but do try to accommodate where possible. If council development then no development bond and 1) aim for adoptable spec and 2) if not possible – then built into private resident deeds. Where it is the latter then try to keep them near to the adjoining properties and include in the deeds. That is to try and give the site ownership (which is often done via a management committee) to residents.
Problems or issues to resolve	<ul style="list-style-type: none"> • Relationship with house sales – where they are demanding the rights of access. Outdated practices causing ongoing legacy issues. So in house sales there should be an "ask" for the contribution of the accessways or transferring the right to the private residents. • Rights of access – approvals to do this, especially where residents own them. Residents aren't reading notices or engaging with notices for instance. Trading arrangements in terms of removing accessways and replacing with car parking bays for instance. • Local consultation and the support to do this – not much capacity for this. Understanding the local issues and sensitivities is dependent on the quality of engagement with residents and Councillors. Can only consider what is in the responses. Also some Members are playing local politics with some of the issues rather than being constructive and helpful. • Relationship with housing management – not as good as it used to be because of reducing capacity in that division. Fairly hit and miss and relationship based in terms of understanding current housing management issues, to reflect in the design-out process. • BPS and Land & Property – blocking policy of disposing of land for free, which has been an ongoing discussion via BMHT for several years but policy and instruction is to sell and not consider the liability ("Minor Land" process). • Adoptable standards of highway – This is a Highways decision and policy, (so could be influenced). If the council is the developer and sites aren't produced to a suitable spec or adoptable standard then they still cannot be adopted. Rare that highways are built and then not meeting standard (when intending to) – but Amey slowing down as picking out issues for adjustments before sites are accepted and put on the HMPE programme. In the long-term there are only a few sites where there isn't a long-term solution. Where sites can't be adopted it is down to residents and management committees to be aware of this and take responsibility for it – however this is problematic. • Services, e.g. water, gas, electric is often built under the accessways. Problem also where these companies are doing works and then reinstating the highway – not to the right standard, but rare. Part of the issue is the lack of capacity to inspect and then instruct services to undertake remedial works. • Garages maybe a problem because as we sell these off there may be access issues being created.
Ideas and opportunities to consider	<ul style="list-style-type: none"> • Dispose of land through sale, or dispose of for free, or if residents can't agree then 12 year process (for prescriptive rights) • Encouraging prescriptive rights approach in some "grey area" sites around the city
Good practices and news to promote	<ul style="list-style-type: none"> • Strong ethos of forward thinking and planning to anticipate future management issues and resolve them before plans produced and houses developed • Strong and productive focus on community relationships and building trust for new developments • Members being supportive and being aware of issues and developments in their Wards and then helping to talk constructively with residents • Members being part of the problem solving and solutions in communities – balancing that with the wider issues for the council to consider • There is a mechanism for dialogue with Ward Members but needs them to be aware and engaged
Queries and items for future sessions and discussion	<ul style="list-style-type: none"> • Birmingham Property Services and the "Minor Land" disposal process • Services (water, gas and electricity) access to accessways, as well as remedial works once repairs and maintenance are completed

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