

Report to the Dudley Borough Local Access Forum

**20<sup>th</sup> November 2012**

**Officer David Jacobs**

Possible Gating Order relating to a path linking to Robin Hood Road and Marion Close, Quarry Bank.

This report seeks the views of the Forum so that its views can be documented in any Decision Report.

Guidance on Gating Orders in General

These Orders were introduced under the provisions of the Section 2 of the Clean Neighbourhoods and Environment Act 2005. This inserted powers under sections 129A to 129G in the Highways Act 1980 enables Councils to restrict access to particular highways by gating without removing its underlying status. The conditions that must be considered are listed in the legislation below.

In general public rights of way do not cause or facilitate crime. The provisions are framed that limits its use to where it can be shown that persistent crime and /or antisocial behaviour is expressly facilitated by the use of a certain public right of way.

However, from time to time, certain paths are brought to the attention of the Council and it is duty bounds to investigate. The legislation is a balance between the rights of the public to enjoy the benefits of the path and the amount the area surrounding the highway suffers from crime and anti-social behaviour.

Local councils should be satisfied that the public who use the highway would not be inappropriately inconvenienced and that a reasonable alternative route exists. The health implications should also be considered.

Special consideration should be given to the impact a potential order on disabled users to ensure the alternative routes are free from obstructions.

Path linking Robin Hood Road and Marion Close, Quarry Bank

The request for closure was the subject of a petition presented to the Central Dudley Area Committee on 12<sup>th</sup> June 2012 on behalf of residents and others properties centred on Marion Close.

The petition included 35 signatures from 24 properties in support the closure. The attached plan 1 shows those properties and the path in relation to the surrounding neighbourhood.

The path forms a link from the estate to the east, of which Robin Hood Road is part, towards Pedmore Road and beyond to the Merry Hill Shopping Centre. Running parallel to a private drive to three properties, it is approximately 30 metres long, 2 metres wide with steps and a handrail one side adjacent no 27 Marion Close.

There is a low rise wall at a right angle, accessed from the steps, enabling access onto a flat roof of number 27.

The attached photographs show the context of the path.

The results of a pedestrian survey will be given at the meeting.

There are no bus links in this location.

The disabled are unlikely to use the path due to the steepness of the steps

The alternative route would along lit surfaced footways be via Marion Close, Chancery Way and Robin Hood Road. There would a nominal extra journey of about 100metres.

### **Comments from the Police Data**

“Problems have been experienced by residents in the last 10 years such as anti-social behaviour/criminal damage by youths congregating within the alleyway, criminal damage to property, vehicles, rubbish, shouting, swearing and sexual activity, seeing a significant increase during the last 2 years. However, the majority of these incidents were not reported to the Police. These incidents came to the Police attention in November 2011 which has since resulted in the support and further action given to residents. It wasn't until then that it came to light that this had been going on for this period of time and the effect that it was having on the residents within Marion Close.

Data held on WMP systems for Marion Close, Dudley

13/12/11 – 06/03/12

13/12/11 - 2307 hrs disorder in the street

23/12/11 - 2221 hrs damage and disorder

27/12/11 – 2309 hrs disorder in the street

27/12/11 – 2337 hrs disorder in the street

06/01/12 – 2322 hrs disorder in the street

06/01/12 – 1809 hrs disorder in the street

06/03/12 - 1955 hrs disorder and criminal damage

This alleyway facilitates high levels of ASB, greatly increases the fear of crime/ASB and reduces the quality of life for the residents. I strongly believe that there will be a significant decrease in reported ASB incidents if the

alleyway is closed and an improvement in the quality of life for local residents”

### **Comments from the Police Community Safety Section Survey**

“We canvassed residents within Marion Close and Robin Hood Road. Approx 40 houses were visited, 13 residents stated that they had seen anti-social behaviour activity with the alleyway and would be happy to see the alleyway closed.

In addition 'statements of fact' have been obtained from residents in Marion Close. These documents outline shared common problems including;

- stones/egg throwing
- abusive language
- groups of youths loitering in the alleyway causing nuisance/intimidation
- damage caused to vehicles/houses
- general concerns around fear/reprisals/intimidation
- theft of property
- drug paraphernalia
- rubbish

Residents unanimously support the closure of the said alleyway and feel it will cause no inconvenience to the local residents.

Marion Close suffers with high levels of crime/ASB due to the alleyway.

Attempts were made to improve the alleyway by cutting the bushes back to open it up. This had no effect on the number of issues and residents continued to suffer.

It is strongly believed that if the alleyway was permanently closed there would be a marked reduction in crime and

anti-social behaviour as individuals would have no cause or desire to use this area of the estate”

## Financial Implications

If a Gating Order was successful, the cost of total would depend on how the path could be secured since a simple gate at either end solution could not be implemented at this location.

## The Legislation

A Council may make a Gating Order under S129A of the Highways Act 1980 if they are satisfied that :-

- (a) premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour,
- (b) the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour; and
- (c) it is in all the circumstances expedient to make the Order for the purposes of reducing crime or anti-social behaviour.

The Council should also consider :-

- (a) the likely effect of the making of the Order on the premises adjoining or adjacent to the highway;
- (b) the likely effect of making the Order on the other persons in the locality; and
- (c) in the case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.

The Council may vary a Gating Order under S129F of the above Act.