

Meeting 14th February, 2012 at the Council House Dudley at 6.00pm in Committee Room 2

This is an Informative Report only to the Dudley Borough Local Access Forum in respect of three paths that are under consideration for Gating Orders under S129A of the Highways Act 1980.

1.0

Government Guidance on Conditions for Gating Orders.

1.1

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 enabling Councils to restrict access to particular highways by gating without removing its underlying status.

1.2

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.

1.3

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.

1.4

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.

1.5

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

PATH 1

2.0

Iris Close to Bunns Lane, Dudley.

2.1

The request for closure was the subject of a petition presented to the Central Dudley Area Committee on 7th June 2011 on behalf of residents of Iris Close.

2.2

The path forms a link from a development off Iris Close to Bunns Lane. It is approximately 70 metres long, 3.5 metres wide and has a dog-leg through the area between Nos 13 and 15 Iris Close and slight angle about midway along its length. At this later point it is lit. It has no natural surveillance being fenced on both sides. Tall trees grow along the boundary of No 106 Bunns Lane. It is observed to be lightly used.

2.3

Attached Plan 1 shows the location of the path in context with the surrounding area.

2.4

The residents are mainly elderly and with some being vulnerable due to illness.

If the path was to be gated, it is envisaged that certain residents requesting a key would be supplied with one. There are adjoining boundaries that would likely be appropriate for gating.

3.0

Local Transport and Amenities.

3.1

Bunns Lane is a bus route.

4.0

Comments from the Police.

4.1

“Iris Close is a cul de sac in the Kates Hill area of Dudley. There is a Public Right of Way which leads from Bunns Lane to Iris Close. It runs to the rear Nos 15 - 21 Iris Close, to the side of Nos 100 and 102 Bunns Lane and to the rear of Nos 13 and 15 Hollyhock Road. The majority of residents in Iris Close are over 70 yrs of age or vulnerable due to a physical or mental illness. It appears that this PROW facilitates the majority of ASB issues and crime e.g. intruders/sus activity/drug smoking/burglary.

Data held on WMP systems for Iris Close, Dudley

1/8/10 - 1/8/11

04/09/10 - 0218 hrs disorder in the street

04/09/10 - 0656 hrs disorder, noise from car

04/09/10 - 0840 hrs disorder in the street

06/09/10 - criminal damage

10/09/10 - 1844 hrs two youths drunk, begging for money house to house

04/11/10 - theft from motor vehicle

23/03/11 - 1404 hrs disorder in the street

21/04/11 - 1857 hrs youths in alleyway smoking drugs *

24/04/11 - youths running over gardens

24/04/11 - burglary dwelling, access from rear alleyway *

26/04/11 - 1747 hrs, disorder youths in cars and alleyway x 2 calls from different occupants *

28/04/11 - burglary of shed

02/05/11 - 2254 hrs suspicious incident, people at rear of premises *

11/05/11 - 0136 hrs intruders in rear alleyway *

23/05/11 - 2259 hrs suspicious activity at rear of premises *

25/05/11 - 2327 hrs youths causing a disturbance in alleyway *

19/06/11 - 0248 hrs disorder

06/07/11 - 2128 hrs smoking drugs in alleyway *

Those with an asterix * directly relate to the alleyway, some other matters could be linked to the PROW but the log does not specify.

4.2

28/7/11 together with the local NHT and partnership officers I conducted a safety event in Iris Close. Residents were asked about the issues of the alleyway and how these affected them. Residents occupying plots in close proximity to the PROW said it greatly affected their fear around crime/ASB and therefore diminished their quality of life. One resident permanently keeps his curtains closed so that youths in the alleyway can not see into his property and another does not turn his light on at night for fear of potential offenders seeing into his lounge. Numerous incidents have gone reported because residents have been unsure of appropriate action, too frightened or felt uncomfortable with contacting the police.

4.3

In my opinion this alleyway facilitates high levels of ASB, greatly increases the fear of crime/ASB and reduces the quality of life for the elderly and vulnerable 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”

5.0

Alternative Route

The alternative route for residents would be via along the footways of Iris Close, Hollyhock Road and Bunns Lane. This measures 270 metres. Hollyhock Road is a residential estate road and Bunns Lane is local distributor road. The excess journey would be approximately 200metres for the Iris Close residents. There is no extra distance for others in the locality choosing this way.

6.0

Disabled Issues

Although the path is reasonably flat and Iris close and Bunns Road are inclined, clearly the residents would be prepared to give up this element in favour of, what they consider to be, a more secure environment.

7.0

Representation of this Group

A summary of the official Group's views will be incorporated into any Decision Sheet put before the Cabinet Member for Transportation. This does not undermine any further representation if an Order is advertised.

PATH 2

8.0

Park Road to Maughan Street

8.1

The request for closure comes from local residents through our Community Safety Section.

8.3

The path runs from Park Road to Maughan Street varying between 3 metres and 2 metres in width. It is unmade. After about 80 metres the path turns through a right angle. It has very little natural surveillance being between fenced or walled property boundaries. The surface and vegetation suggests it has been rarely used.

8.4

Attached Plan 2 shows the location of the path in context with the surrounding area.

8.5

If the path was to be gated, it is envisaged that residents with private rights over the land would be supplied with a key. There are appropriate boundaries for gating.

8.6

It is recognised that the present gating was not appropriately authorised and padlocks to the gates have been removed with the gate ajar should anyone wish to pass along the path.

9.0

Local Transport Routes and Amenities

There is a shop at 25 Park Road. High street, Quarry Bank lies to the north. Park Road, High street and Bower Lane are bus routes.

10.0

Comments from the Police

“Maughan Street

2010

15/2 vehicle crime
13/3 criminal damage
30/3 attempt burglary
17/4 criminal damage
18/4 suspicious activity
2/6 criminal damage
25/7 suspicious youths
26/7 suspicious youths
6/11 criminal damage
15/11 criminal damage
20/11 theft from vehicle

Park Road

28/2 theft from vehicle
1/3 assault
4/3 theft from vehicle
5/3 youth disorder
17/3 criminal damage
24/3 ASB
26/4 youth disorder
7/5 damage to vehicle
11/5 youth disorder
20/5 damage to vehicle
22/5 youth disorder
26/7 youth disorder
18/9 youth disorder
22/9 youth disorder
25/9 assault
24/11 suspicious activity (male following child)

Osborne Close

13/1/10 youths causing problems in the alleyway
08/2/11 youths causing problems in the alleyway”
11.0

Comments from Community Safety Section Survey

14 questionnaires were sent out to residents. 8 were returned

Before the gates were installed residents identified the following incidents that had taken place

- 6 residents had experienced vandalism to their property including fences being set on fire
- 7 residents had experienced problems with rubbish e.g. being thrown into their gardens
- 7 residents had experienced incidents where drug and alcohol misuse had been a factor
- 4 residents had experienced verbal abuse
- 8 residents had experienced Anti-Social Behaviour

In respect of frequency of incidents over the last two years responses from residents varied. Some were able to quantify incidents and some were not.

- 6 incidents
- 15 incidents
- 20 + incidents
- Lost count x 2
- Many incidents
- 2 residents did not respond

Residents gave information in respect of time of year and time of day of incidents. Responses indicated that incidents took place at all times of the day and year. Particular reference was made to incidents taking place during evenings, school holidays and after school

Since the gating has been installed residents have experienced a change in their quality of life. Comments include: -

- Peace at last – feeling of security
- No problems experienced since access has been restricted
- No litter

Residents were asked if they were prepared to permanently give up any rights of access that they may have to the rear of their property

4 Residents indicated that they would

4 Residents indicated that they would not.

The reasons for not giving up rights were as follows: -

- Deeds to property state that we have vehicular access
- Access required to maintain boundaries

Further consultation is required in respect of these private rights.

12.0

Alternative route.

12.1

The alternative route would virtually equidistant along Park Road, a local distributor road and Maughan Street.

13.0

Disabled Issues

13.1

The alternative route provides passage along lit surfaced footways.

14.0

Representation of this Group

14.1

A summary of the official Group's views will be incorporated into any Decision Sheet put before the Cabinet Member for Transportation. This does not undermine any further representation if an Order is advertised.

PATH 3

15.0

Kilburn Drive to Holbeache Lane, Kingswinford

15.1

The request for closure follows continued public concern following a petition by residents on the Charterfields Estate on 3rd December 2009 to the Brierley Hill Area Committee. This was originally unsupported due to lack of Police evidence of crime and anti-social behaviour relating to the path. Later research by Police has led to this issue being re-examined.

15.2

The path forms a link off Kilburn Drive from the Charterfields Estate to the highway network of Holbeache Lane/ Oak Lane and the open space to the north. It is approximately 20 metres long and 3 metres wide. At the midway point there is an anti-motorcycling barrier which has been recently amended to try to further deter unlawful passage. The number of incidents calls or reports on this particular issue appears to have abated. There is natural surveillance for most of its length although there are thick bushes on the west side and tall conifers between no 7 and the adjacent foul water pumping station. A lighting column stands at the entrance off Kilburn Drive.

15.3

The path's main use is recreational for residents of the estate. The estate is well managed with residents are of all ages.

15.4

Attached Plans 3 and 4 show the location in context with the surrounding areas.

15.5

If the path was to be gated, it is not envisaged to supply keys to any member of the public. It is acknowledged that the gating and fencing would need to be a minimum of 2.4 high and would need to partly secure the boundary of No 6 Kilburn Drive and the foul water pumping station.

16.0

Local Transport and Amenities.

16.1

The Kilburn Drive footpath connects with Restricted Byway B98 which connects to Himley Road and the Himley House. En route, B98 connects with the Wombourne to Fens Pool Disused Railway Line path. This former railway line is in the Council's ownership.

16.2

The path also forms part of the highway footpath network connecting the Charterfields Estate to Holbeache Lane, which has a vehicular Traffic Regulation Order, Ham Lane and Oak Lane. However there are still signs of illegal use along the way of which the Council and the Police are aware. A long term temporary diversion of Public footpath B7 leads to the Glynne Arms (Crooked House)

16.3

There are no bus routes.

17.0

Comments from the Police

17.1

“2011 – 06/09/11 Theft of number plates traced to stolen vehicle. Reported damage to car, exact date unknown, identified on cleaning of car.

2010

13/06/10 - 6 - CRIME - damage to cars on driveway

03/07/10 - 3 - ASB - abusive language directed at resident from group of 4 youths who had walked from the traveller's site down alleyway into Kilburn Drive
10/07/10 - 6 - ASB - youths pelting windows with stones
14/07/10 - 7 - ASB - male 12/13 yrs old riding through estate on motorbike
20/07/10 - 4 - ASB - stones thrown at window by teenage boys from the traveller's site
20/07/10 - 3 - ASB - stones thrown at window by teenage boys from the traveller's site
23/07/10 - 7 - ASB - 3 youths riding bikes across garden spraying gravel over the drive
24/07/10 - 4 - ASB - 2 boys on quad bikes from Holbeache Lane, riding along with no regards for pedestrians/dogs
24/07/10 - 3 - ASB - 2 boys on quad bikes from Holbeache Lane, riding along with no regards for pedestrians/dogs
24/07/10 - 7 - ASB - verbal abuse from 2 youths
06/08/10 - 7 - ASB - youth riding motor bike up and down road in front of house
14/08/10 - 6 - ASB - youths riding through the estate on motor bikes
20/08/10 - 6 - ASB - fireworks set off from Holbeache Lane, landing on the house
21/08/10 - 6 - ASB - fireworks set off from Holbeache Lane, landing on the house
28/08/10 - 7 - CRIME - firework set off on windowsill of porch, causing burn damage
04/09/10 - 6 - ASB - youths riding on motorbikes through the estate from Holbeache Lane through alleyway
05/09/10 - 6 - ASB - youths riding on motorbikes through the estate from Holbeache Lane through alleyway
16/09/10 - 9 - CRIME - burglary dwelling house, rear entry
19/09/10 - 7 - ASB - 2 lads from the traveller's site driving along footpath at rear of property, hitting fence with side of their vehicle
19/09/10 - 6 - CRIME - lads driving a blue Metro M/V along footpath at rear of property, caused damage to fence
31/09/10 - 3 - ASB - youths from the traveller's site walking along Kilburn Drive throwing stones from gardens, shouting and swearing
23/10/10 - 6 - CRIME - badger digging along railway track behind her property, saw floodlights at night, evidence of digging and spades still present

3 - 4 ASB

4 - 2 ASB

6 - 3 CRIME, 6 ASB
7 - 1 CRIME, 5 ASB
9 - 1 CRIME

2009

24/02/09 - 6 - CRIME - damage to vehicle
01/03/09 - 6 - ASB - youths from the traveller's site throwing bricks/stones at vehicles
15/03/09 - 6 - ASB - 3 youths from the traveller's site throwing stones at his property
16/03/09 - 6 - CRIME - damage to vehicle caused by the throwing of glass bottles
08/08/09 - 6 - CRIME - damage to vehicle caused by the throwing of bricks

6 - 3 CRIME, 2 ASB

2008

13/01/08 - 6 - CRIME - damage to 2 vehicles
19/01/08 - 8 - ASB - youths congregating in alleyway, caller intimidated
20/01/08 - 3 - ASB - quad bike doing wheelies at rear of premises
25/02/08 - 3 - ASB - youths riding up and down on motor bikes, noise intolerable
25/03/08 - 5 - ASB - youths riding up and down at rear of premises, no helmets
06/04/08 - 8 - CRIME - youths set fire to trees made escape along alleyway
06/04/08 - 3 - ASB - youths riding on motorbikes rear of houses
20/04/08 - 8 - ASB - youths playing around on the trees, causing a nuisance

3 - 3 ASB
5 - 1 ASB
6 - 1 CRIME
8 - 1 CRIME, 2 ASB

2007

28/01/07 - 8 - ASB - youth riding scooter, from traveller's site

05/02/07 - 8 - ASB - youths riding motorbikes up and down alley
30/04/07 - 7 - CRIME - criminal damage to panel, youth forced over with
body weight
29/05/07 - 8 - ASB - travellers riding on mopeds without helmets
28/08/07 - 8 - ASB - travellers keep going onto his garden
31/12/07 - 6 - CRIME - arson to trees

6 - 1 CRIME
7 - 1 CRIME
8 - 4 ASB

2006

08/06/06 - 7 - CRIME - damage to fence caused by children from the
traveller's site
12/06/06 - 6 - CRIME - youths from the traveller's site damaged car by
throwing bricks
15/06/06 - 6 - CRIME - youths from the traveller's site threw stones
damaging window
04/07/06 - 8 - ASB - youth from the traveller's site riding mini motorbike
along the road, no helmet
27/10/06 - 8 - ASB - youths from the traveller's site entered street from
nearby alleyway, throwing gravel at the houses

6 - 2 CRIME
7 - 1 CRIME
8 - 2 ASB

During the period 2006 - 2010 the CRIME/ASB incidents have been
reported to police by the residents of Kilburn Drive. No incidents have
been reported 2011, this could be due to:

- poor weather
- past offenders having moved from the area or grown out of the
ASB behaviour
- residents not reported due to council/police involvement and gating
order process

3 - 7 ASB
4 - 2 ASB
5 - 1 ASB

6 - 10 CRIME, 8 ASB

7 - 3 CRIME, 5 ASB

8 - 1 CRIME, 8 ASB

9 - 1 CRIME

TOTAL - 15 CRIMES, 31 ASB = 46 incidents

17.2

The crime and anti social behaviour data has been obtained from police records by the Crime Prevention Design Advisor. It shows that 7 out of 10 residents have had cause to report incidents to the police. It is understood that over the years most incidents have gone unreported, due to lack of support/action from the police and local authority.

17.3

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

stones/egg throwing

abusive language

mini moto/motorbikes riding onto the estate through the alleyway

groups of youths loitering in the alleyway causing nuisance/intimidation

damage caused to vehicles/houses

general concerns around fear/reprisals/intimidation

17.4

Residents unanimously support the closure of said PROW, even though it will inconvenience some of them who are dog walkers.

17.5

Observations:

- Kilburn Drive suffers with high levels of crime/ASB due to its close proximity to the PROW.
- This is an historic problem and a petition with 600 residents' signatures has been previously submitted requesting the closure of said path.
- The residents at number 6 have suffered gravely with 10 crime and 8 ASB incidents in the period 2006 - 2010
- The reports/statements of fact indicate that the individuals conducting the crime/anti social behaviour gain access (on

foot/vehicle) to the estate from the Holbeache Lane direction, via the public right of way.

- It appears that this behaviour is expressly facilitated by the use of this route.
- Other methods of dealing with these issues have been tried and failed, e.g. barrier control and policing patrol strategy. There is no barrier available which will allow access to pedestrians/pushchairs/wheelchairs whilst preventing access to motorbikes and mini motos/mopeds. Other measures such as CCTV have been considered, however offenders would simply hide their identity. There is no realistic policing solution due to the times/varied location of offences and resource implications.
- It is anticipated that other stakeholders such as: Fire, Ambulance, Local Authority would use the vehicular accesses to Kilburn Drive and Oak Lane and not the pedestrian route via the public right of way. It is understood that the closure of said path would not affect the service delivery from these stakeholders.
- The two journeys from Holbeache Lane to the shops Stallings Lane at Charterfield Drive (via PROW and Ham Lane) have been compared via Google Maps, with a Sat Nav system and by physically driving the routes. Both are approximately 0.5 miles in distance with a route suitable for travelling by foot and vehicle. Therefore the closure of said path would not inappropriately inconvenience the public as an alternative access route exists.
- It is strongly believed that if the path was permanently closed there would be a marked reduction in crime and anti social behaviour, as said individuals would have no cause or desire to use this area of the estate.

17.6

The CPDA believes that the number of reports and incidents recorded on the statements of fact prove that this PROW is a crime/ASB generator. Premises adjoining or adjacent to the footpath are clearly affected by high levels of crime and ASB, the footpath is facilitating the persistent commission of criminal offences/ASB and should be gated to reduce the number of incidents, therefore improving the quality of life for residents.”

18.0

Alternative Route

18.1

Please refer to Plan 4.

18.2

Charterfields Estate, which comprises of private properties all types, provides no vehicular through routes through the road network and therefore traffic is mainly confined local residents journeys.

18.3

Stallings Lane is a heavily trafficked classified road, B4175. Ham Lane, off Stallings Lane, is a road taking heavy industrial traffic to sites adjoining it. It is a loop road connecting with Oak Lane reconnecting with Stallings Lane.

18.3

A person at the end of Kilburn Drive, Point A, would have to travel approximately 1.7 kilometres further via estate roads, Stallings Lane and Ham Lane. A person at point B, central in the estate, would have to travel approximately 600m further, along Charterfield Drive, Stallings Lane and Ham Lane. The reality of the extra length travelled would lie between these two figures. A person at point C, wishing to access the shops on Charterfields Drive would have a similar length journey.

18.4

Stallings Lane and Ham Lane contain junctions where vehicles and the public would cross paths.

18.5

There is a definitive public footpath off Ham Lane as shown but this has been unusable for many decades and would not provide a reasonable alternative.

19.0

Disabled Issues

19.1

The path leads to Holbeache Lane which has a Road Traffic Order banning vehicular traffic. It is relatively flat. Restricted Byway B98 and Temporary Diversion B7 are not suitable for wheelchair disabled. The extra length in journeys may be a significant factor.

20.0

Representation of the Group

20.1

A summary of the official Group's views will be incorporated into any Decision Sheet put before the Cabinet Member for Transportation. This does not undermine any further representation if an Order is advertised.

Report by D R Jacobs, Project Engineer, Directorate of the Urban Environment.
david.jacobs@dudley.gov.uk
Tele 01384 815424

