

**Place Directorate**



**Decision Memorandum**

**CONTAINS EXEMPT INFORMATION ? Enter Yes or No**

No

From: Strategic Director Place and Lead for Law and Governance Date: 05/09/2017

Decision concerning: The continuance of existing gating of highways following the introduction of Public Space Protection Orders under The Anti-social Behaviour, Crime and Policing Act 2014.

Constitution Reference: Strategic Director Place C57 (6) and Lead for Law and Governance C54 (1)

**1. Decision**

- 1.1 To continue with existing gating of highways following the introduction of Public Space Protection Orders under The Anti-social Behaviour, Crime and Policing Act 2014 in respect of those locations identified in the following report.
- 1.2 That the identified Orders be reviewed by 19<sup>th</sup> October 2020.

**2. Background**

- 2.1 The above Act introduced several new tools and powers for use by Councils to combat anti-social behaviour. These tools replaced and streamlined a number of previous measures and their associated Orders; one anti-social measure was the gating of highways. The Council has eight Gating Orders and if continued these Orders will become Public Space Protection Orders from 20<sup>th</sup> October 2017. Their locations are listed below:-
- 2.2 Enterprise Drive, Hayes Lane, Lye - Vehicular Highway  
Church Road to Summer Hill Road, Coseley - Public Footpath  
Albert Road to Wassell Road, Halesowen - Public Footpath  
Kilburn Drive to Holbeache Lane, Kingswinford - Public Footpath  
Murcroft Road to Wychbury Road, Stourbridge - Public Footpath  
Robin Hood Road to Marion Close, Quarry Bank - Public Footpath  
Iris Close to Bunns Lane, Dudley - Public Footpath  
Park Road to Maughan Street, Quarry Bank - Public Footpath
- 2.3 Over recent months stakeholders have been consulted with the result that there is a

unanimous wish from members and the public for the Orders that are in place to be continued under the new legislation. This consultation included the Police, Fire Service, Councillors and local residents. The Dudley Borough Local Access Forum also supports their continuation. There have been no requests from the general public to remove any individual gating from any of the locations during their operation.

- 2.4 The introduction of PSPOs means that legislation is in place to prohibit activities and/or require certain things to be done by people engaged in particular activities within a certain area. Hence the gating of a highway may only be one of the measures that could be taken to remove or reduce anti-social behaviour within its boundaries.

### **3. Finance**

- 3.1 Since this is only effectively a transfer of powers from one Act to another, there are no financial implications on this authority.

### **4. Law**

- 4.1 Section 75 of the Anti-Social Behaviour, Crime and Policing Act 2014 is the transitional provision relating to Gating Orders. Part 4, Chapter 2, relates to the powers to introduce Public Space Protection Orders. Sections 64 and 65 relates to restricting a public right of way over a highway.

### **5. Equality Impact**

- 5.1 There is no impact on the Council's Equality and Diversity Policies.

### **6. Human Resources/Transformation**

- 6.1 There are no implications for Human Resources/Transformation

#### **List of Appendices:**

None

#### **Approved by:**

*Insert Signature(s)*

**Strategic Director**



**Effective Date of Decision**

10<sup>th</sup> October 2017

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**Decision Memorandum Prepared  
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**Background Documents**

Details of all the Council's Gating Orders can be found on the following link :-  
<http://www.dudley.gov.uk/resident/parking-roads/roads-highways-and-pavements/public-rights-of-way/public-rights-of-way-orders/>

