

Stourbridge Area Committee 20 November 2006

Report of the Director of The Urban Environment

Request to Stop Up the Public Footpath from Sandhurst Avenue to Buckbury Close, Pedmore

Purpose of Report

1. To consider a request from The Compton Road Residents Association which seeks support of the Area Committee for the Stopping Up of a Definitive Public Footpath on the grounds of crime and anti-social behaviour.

Background

2. The 95 metre long level Definitive Public Path runs from Sandhurst Avenue to Buckbury Close with a 110 degree bend close to the cul-de-sac end of Buckbury Close. The path is surfaced and has street lighting. A connecting path off the cul-de-sac leads to The Dingle. The alternative route would be approximately six times longer via estate roads. The path also officially forms part of a promoted 615 mile path called the "Monarch's Way". The attached plan TMD/CP/463 shows the path's location.
3. The Compton Road Residents Association is a group representing residents in Compton Road, Buckbury Close and Woodlands Close. According to their interpretation of their own survey, there is a link between the above path and crime and anti-social behaviour in the 3 roads. 43 incidents are itemised from 2004 to March 2006 of which they believe the path is source for 75% of these incidents.
4. It is stated that although the majority of the residents would support a closure, 31% of the residents were against its closure. This 31% figure is a very significant number of potential objectors given the legal processes that are involved. The Council does not have unilateral powers to permanently close any highway.
5. A closure of a path, in a designated crime area first approved by the Secretary of State, is possible if it can be shown that the properties adjoining or adjacent the path are affected by high levels of crime and the highway is facilitating the persistent commission of criminal offences. This must be balanced against many factors such as, rightful passage, a reasonable alternative route, local amenities, multi-modal transport, safer routes to school and health and recreation.

6. The Association's letter and survey were passed to the Police and their views were sought. Their dataset of all recorded incidents, including all types of crime and anti-social behaviour, during a period from 1 August 2005 to 14 August 2006 shows that Compton Road had 31 incidents, but nothing to directly connect these incidents to the footpath. Woodfield Close had 2 incidents with no connection and Buckbury Close, off which the path runs, had a similar number. These latter 2 incidents involved youths on mini mopeds ripping up the road and throwing debris. It is conceivable that they used the path to get to Buckbury Close.
7. The Police conclusion was that, from the incidents they have looked at, there is insufficient evidence to support closure of the footpath and therefore they recommend that the Area Committee does not give a letter of support to the Compton Road Residents Committee.
8. The Dudley Borough Local Access Forum have also been consulted. Their recommendation was "In light of a lack of evidence of anti-social behaviour, the DBLAF objects to any closure of this path and notes that the proposed closure does not meet the requirements and criteria of the Highways Act 1980 and that the path is an important section of the 615 mile Monarch's Way, a well used and local facility".

Finance

9. There are no financial implications of this report unless a Closure Order is made.

Law

10. Section 118B of the Highways Act 1980 applies where it appears to the Council that a public footpath in an area designated by the Secretary of State for the purposes of preventing and reducing crime, which would otherwise disrupt the life of the community, should be stopped up. The premises adjoining or adjacent the highway should be affected by high levels of crime and that is facilitating the persistent commission of criminal offences. This must be weighed against all the circumstances some of which are mentioned in Paragraph 4.

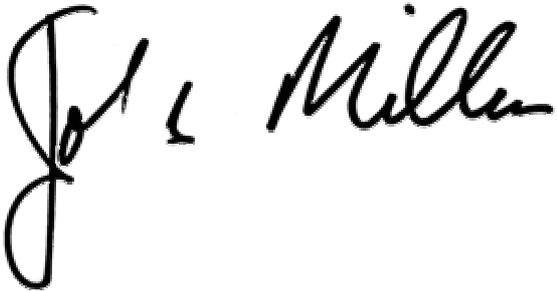
Equality Impact

11. The content of this report complies with the Council's Equal Opportunities Policy. Any closure of the path will mean a considerable detour for the disabled, the amount of the extra distance length depends on the individuals journeys.

Recommendations

12. That the Area Committee considers the request from the Compton Road Residents Association and the views of the Police on this matter, having regard to the legal framework.

13. That the Area Committee inform the Cabinet Member for Transportation of its views.

A handwritten signature in black ink, appearing to read 'John Millar'. The signature is written in a cursive style with a large initial 'J'.

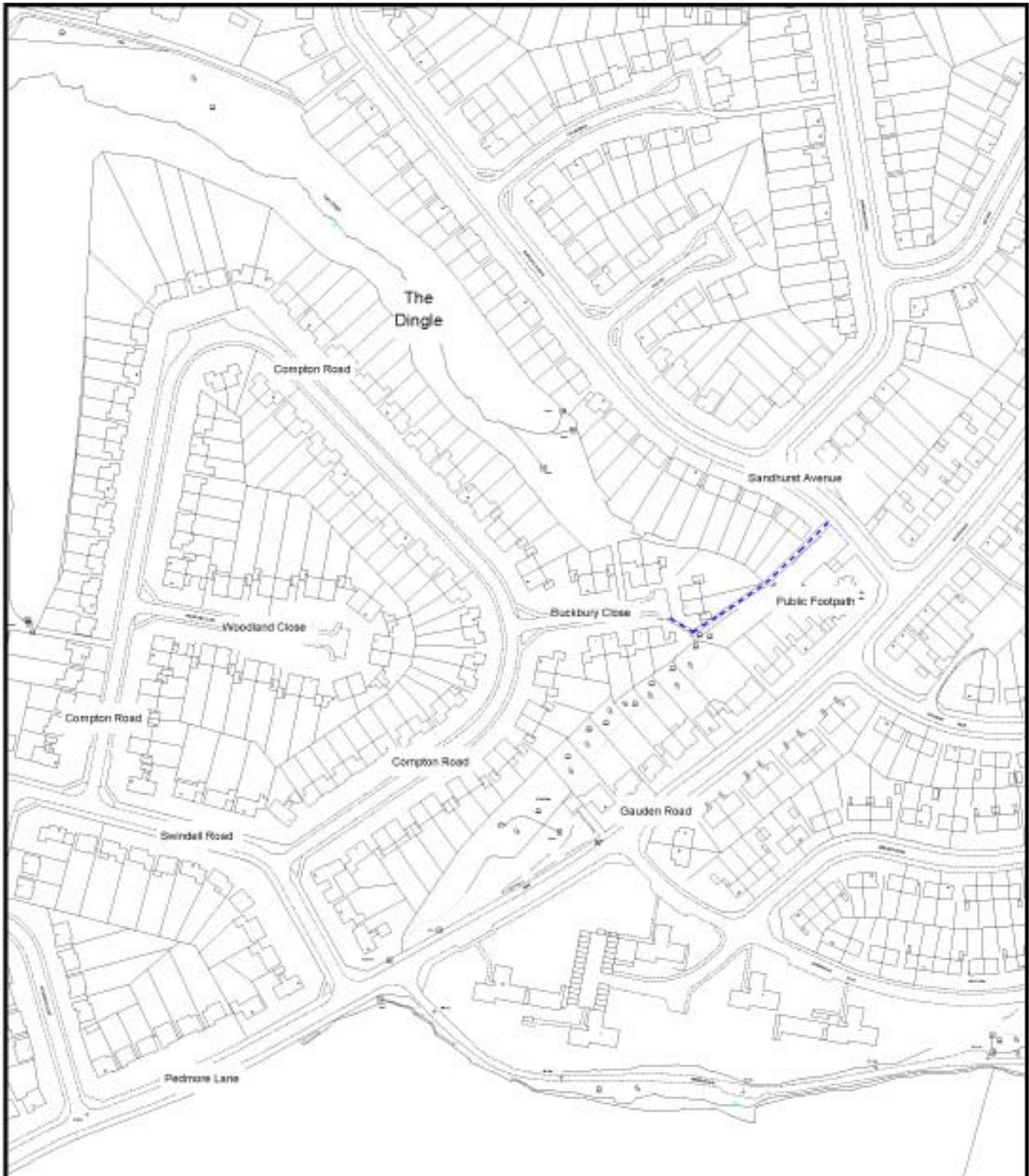
John Millar
Director of The Urban Environment

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List of Background Papers

Letter and survey from The Compton Road Residents Association dated 24 July 2006

PUBLIC FOOTPATH SANDHURST AVENUE TO BUCKBURY CLOSE



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<p>TITLE:</p> <p>Public Footpath Off Buckbury Close Pedmore</p>		<p>Traffic and Road Safety Directorate of the Urban Environment</p> <p>The Council House Mary Stevens Park Stourbridge D'YB 2AA</p>
<p>CREATED BY:</p> <p>DJ TMD/CP/463</p>	<p>SCALE:</p> <p>N.T.S</p> <p>DATE:</p> <p>Aug 06</p>	