

APPENDICES

HALESOWEN AREA COMMITTEE

DATE: 13 JULY 2004

REQUEST TO: ERECT GATES ON COUNCIL OWNED LAND

LOCATION: CHURCH STREET, HALESOWEN

(As shown edged black on the plan attached)

BACKGROUND

A report regarding this matter was deferred from the Halesowen Area Committee on the 10th March 2004 for further consultation with residents.

At that meeting it was recorded that the Area Committee does not support the making of a contribution towards the cost of erection or maintenance of the gates.

To reiterate, an application has been received from the owner of 23 Church Street, Halesowen, on behalf of the residents of Nos. 15-25 and 25A/D Church Street and also Nos. 22-30 Green Lane, Halesowen to erect gates on the Council owned access road which leads to the rear of these properties and is controlled by the Directorate of Housing.

The residents in question all have garages or off-road parking to the rear of their properties and all share the service road which exists between Nos. 25 and 25A/D Church Street.

Over the years there have been a number of incidents of crime which include a damaged property, theft, suspected drug taking, dumping of stolen vehicles on this land behind the houses, which is causing the residents extreme concern and makes it dangerous for them when parking their vehicles and using the service area.

The applicant therefore proposes, with the Council's consent, to erect a double wrought iron gate 10-20 metres along the service road for which all residents would have both a key and access. The applicant is proposing that the project would be funded by residents and states that he has the backing of all residents concerned.

He believes that a safer and reduced crime environment would ensue as a result of this proposal and all parties concerned would benefit.

Prior to the meeting on 10TH march 2004, the occupiers of properties 21-30 Green Lane and 13-29 Church Street were sent letters advising them of the application and of the Committee meeting on the 10th March, 2004.

Following the Committee meeting, the same occupiers were sent letters advising them that it would not be possible to fund the erection of the gates through the Committee's budget and that the success of their scheme would be dependant on all

users of the land being responsible for the costs of installation, upkeep and maintenance of the gates and any subsequent liability resulting there from. They were also advised that it was important that the residents were united and clear in their proposals if the project is to find a way forward.

They were therefore asked to discuss the matter with the applicant and if, as a group, they wish to continue with seeking consent to the erection of the gates, that a representative from the group contact the Council so the matter can be referred back to the Halesowen Area Committee for consultation.

An objection to the erection of the gates was received from a resident who is disabled and who may find it difficult to use the gates if installed. He also has concerns regarding the cost and future maintenance of the gates and considers that it would be more dangerous to have to get out of the car and open the gates than to use the drive in its current form. He also has concerns for his partner alone late at night in the same circumstances and therefore is not in support of the proposal.

A letter of objection has also been received from a resident who considers that the erection of the gates will not stop damage, theft, anti social behaviour etc, and is concerned regarding matters such as who will maintain the gates and pay for them to be repaired, what would happen if keys were lost or if new residents do not wish to participate in the scheme. The complainant states that they have lived there for 16 years and use their garage daily at different times of the day and night and have never encountered any trouble. They therefore do not support the scheme.

An e-mail has also received from an occupier who is an electric wheelchair user who supports the proposal but has asked that if gates are erected that they be positioned so that taxis can continue to drop him off on the access road. Currently the taxi will reverse into the access road and position the ramps to connect with a pathway that runs along the front of flats 25 A-D. Any gates erected therefore must take this into account so that they do not prevent this from taking place. The position of the gates could be decided to take account of this request at the terms and conditions stage should the application be approved.

23 residents adjoining the site have been sent a tear-off reply form and pre-paid envelope asking if they support/do not support the project and out of 23 properties contacted, 12 forms were returned, out of which, 11 support the proposal and 1 strongly objects as they think that the implications have not been fully considered and they consider that it would be a legal minefield. 3 E-mails were also received in support of the scheme. 8 have not responded. The properties contacted are marked on the plan attached to this report by way of a dot.

The applicant has supplied a letter containing a list of 20 properties and signatures out of which 16 residents support the scheme, 3 more were not available to contact and one who stated he was not interested in the scheme.

The applicant has supplied a further letter with comment on the following issues raised at the previous Area Committee meeting as follows:

- 1) The cost of the gates would be met by the residents

- 2) 4 residents have been nominated to form part of a working group regarding the upkeep of the proposed gates
- 3) They propose to issue 20 keys to each household and retain some spares
- 4) Insurance will be sorted out as soon as the project is given approval and they have asked if the Council have a public liability policy scheme, or a contact with a suitable insurer that they could conduct business with.

COMMENTS

The relevant Council Directorates have been consulted regarding this applicant and no objections have been received to the erection of the gates providing that everyone with a right to cross the land is given a key, and that the Council has no liability or responsibility for the project or any resulting occurrences. It is also considered necessary that all people affected are in agreement with the proposals for the scheme to proceed.

The Directorate of Law and Property state that the access way is the subject of a right of access for the owner of an area of land to the rear of 27 & 29 Church Street (shown hatched on the plan attached) and those authorised by the owner of the land, to pass and repass at all times with or without vehicles across the access way. A Land Registry search has found that this land is owned by one of the residents who support the erection of the gates.

If consent is granted, this would be by way of an agreement between the Council and the designated residents, that would clearly outline the terms conditions and implications placed upon the residents and all costs involved in the preparation of the agreement would have to be met by the residents.

The Directorate of Housing support such a community safety initiative and therefore have no objections to the erection of the gates, however, they have no funds available to commit to the erection of the gates or their maintenance and they will accept no responsibility or liability resulting from their installation.

The Directorate of the Urban Environment have suggested that if the gates are erected they should be at least 6 metres in from the back of the pavement for road safety purposes.

Regarding possible funding sources, there are no funds available for this financial year. However, it is suggested that the Crime and Disorder Reduction Partnership which is a group of agencies including the Local Authority, Police Fire service etc set up to combat the effects of Crime in the Borough be approached if the application is approved, to ascertain if a contribution can be found from the next financial year's budget.

PROPOSAL

That the Area Committee consider the contents of this report, including the response from the residents, and make a recommendation to the Lead Member for Housing.

BACKGROUND PAPERS

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

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