

North Dudley Area Committee –9th April 2008

Responses to Questions Raised at Previous Meetings

Report of the Area Liaison Officer

Purpose of Report

1. To inform the Committee on the current status of responses to questions posed at previous meetings of the Committee.

Background

2. At the meeting of this Committee on 30th January, 2008 it was indicated that written responses would be sent to the questioners concerned. The responses are attached as appendix 1.

Finance

3. There are no direct financial implications at this stage.

Law

4. Section 111 Local Government Act 1972 enables the Council to do anything which is calculated to facilitate or is conducive or incidental to the discharge of its statutory functions.

Equality Impact

5. The proposals take into account the Council's policies on equality and diversity.

Recommendation

6. That the Committee note the report and the appendix to the report.



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Area Liaison Officer

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List of Background Papers:

Question slips submitted at the meeting
Correspondence sent in response by Council Officers

APPENDIX 1

Responses To Questions Raised at Previous Meeting held on 30th January, 2008

Public Forum -

Ward Issues –

QUESTIONS RAISED CONCERNING THE DIRECTORATE OF THE URBAN ENVIRONMENT

Public Forum

A member of the public asked about the whereabouts of two Kissing Gates, which were delivered in 2006 and have gone missing from the Wrens Nest.

Investigations are still on-going.

A member of the public asked if a planning application had been submitted for Cotwall End Valley to be changed from green belt to brown field.

An officer from the planning section of the directorate has written to the questioner informing him that no land in this vicinity has been removed from the designated Green Belt.

Ward Issues

Councillor Mrs Ridney requested confirmation as to whether or not the area at Clayton Playing Fields was on the regular maintenance programme or not.

It can be confirmed that Clayton Playing Fields are part of a regular maintenance programme.

Councillor Simms raised concerns regarding inconsiderate parking near the Bramford School when residents' driveways were being blocked by parents delivering and collecting children from school.

There are no current proposals to introduce measures in Park Road, Woodsetton. Therefore the public highway in the vicinity of the houses opposite Bramford Primary School will be added to a list from which future annual programmes of Traffic Regulation Orders will be selected.

Councillor Mrs Millward raised the need for an urgent meeting with a representative of DUE, residents and local Councillors to resolve the traffic problems at Hopyard Road.

A meeting was convened on 1 February 2008 and regrettably it has not been possible to introduce the requisite signs to indicate a section of one-way traffic flow on the public highway in Hopyard Lane near to Straits Road. A letter has been sent to the company which owns land at the road junction, requesting permission to site two illuminated signs (with necessary electric cabling on the company's property).

Closure of Footpaths due to Crime and Anti Social Behaviour

The Area Committee has previously raised concerns over this issue and this resulted in a report being considered by the Select Committee on Community Safety and Community Services on this subject at its meeting on 13 March 2008.

The report sets out the mechanisms which can be used to close a public footpath. The first order, a Special Extinguishment Order is decided by the Secretary of State and requires detailed and extensive reports from the Police stating the persistent level of crimes and anti social behaviour that can be attributed to the path. The second order, a Gating Order, is decided at a local level and its requirements are less onerous.

In order to exact either of these orders the Council has to overcome the following constraints:

- ❑ There is sufficient degree of evidence based crime and anti social behaviour
- ❑ The Police support the closure of the highway
- ❑ There are no other reasonable practical measures that would deal with the problem
- ❑ The Council have had regard to all circumstance
- ❑ There is finance available.

The present position is that the numbers of Special Extinguishment and Gating Orders progressed by this Council was equal if not greater than the other West Midland Metropolitan Authorities.

The Area Committee will be aware of previous discussions on the 'File Cutters' public footpath in Coseley. A Decision Sheet relating to the gating of the path will be considered shortly by the Cabinet Member for Transportation.

Under the powers that were available at the time, the council successfully obtained a Crime Prevention (Designated Areas) Order approval as the first stage of a process to enable a Special Extinguishment Order to be advertised. This first Order brought objections from local residents and retail properties close to the path which were unresolved. Upon submission to the Secretary of State, the Council were informed, through the Planning Inspectorate, that the Order had a technical flaw. This was vigorously rebutted by the Council's Solicitor, but despite the Inspectorate agreeing that other

similar Orders made by other Councils were consistent with the Dudley Order, the Special Extinguishment Order had to be re-advertised. The second Order was objected to by the owner of retail premises at the Summerhill Road end of the path, and during the preparation of the Council's statement of case for the second Order, the Police identified that upon re-examination of the crime in the area, they could no longer support a Special Extinguishment Order on the grounds required for the order.

However, an option remains to gate the path under different and more recent legislation open to the Council to determine which depends more on anti social behaviour. This does not permanently extinguish the path as highway but its effect on the ground can be similar.

A proposed Gating Order will have to be advertised and should there be no objections, the gating of the path will be implemented as soon as possible following confirmation of the Order.

It should be noted that The Dudley Borough Local Access Forum is strongly opposed to the closure of the path and discussions with them are ongoing.

Formal objections and representations to a Gating Order will be considered by this Council.