

North Dudley Area Committee 7th February 2007

Report of the Director of the Urban Environment

**Temporary Closure of a Public Footpath crossing
Gornal Wood Cemetery, Gornal**

Purpose of Report

- 1 To seek support of the Area Committee for a temporary closure of a public footpath based upon the opening and closing times of the Cemetery.

Background

- 2 Powers to temporarily close highways have been introduced under Section 129 A of the Highways Act 1980 if a Council are satisfied, amongst other criteria, that the highway is facilitating the persistent commission of criminal offences or anti-social behaviour.
3. The path, shown on Plan TMD/CP/480 from Chase Road to Cinder Road, runs alongside the cemetery plots many of which are plots for young children upon which there are personal items that have been easily subject to theft and abuse. In recent times, these and other incidents have increased significantly. The overall incidents include the following:-
4. Bereavement Services have recorded 62 instances of theft from October 2003 to October 2006. Of those about 2/3 rd has been in the sections closest to the public footpath.
5. In addition they record a columbarium unit was vandalised overnight in November 2003. Memorial Benches were thrown into a pool when youths were seen entering and leaving the grounds at the time via the public footpath.
6. Police records show around 33 instances of theft in the grounds from May 2006 to January 2007. . The locations are not specified.
7. Details are contained in the background papers.
8. Although the cemetery is virtually impossible to secure to those intent on causing anti-social behaviour and distress, the Police and Council staff support closure by gating at both ends of the path outside of the normal Crematorium opening times. It is felt that this would significantly reduce the opportunity for this level of crime and anti-social behaviour and aid policing.

9. The daily opening and closing of the gates will be managed within the existing staffing resources of the Cemetery. For those wanting to make the complete journey along the path, there is a comparable alternative route in distance along the well-lit footways of the north western end of Chase Road and Cinder Road. The footway gradients and surfaces are easier for disabled users.
10. The Dudley Local Access Forum has been consulted and had advised that "A Gating Order be approved for one year, that the gates be closed and opened at Crematorium closing and opening times and that the situation be monitored."
11. Before an Order can come into force it can take approximately 6 months for the democratic and legislative procedures to take place and thus it is not expedient to restrict such Orders to say, one year and therefore a three year period is thought more appropriate with periodic assessments. Legislation does allow for the Order to be re- advertised to vary or revoke, should this be deemed necessary within the three year period.

Finance

12. The total cost of the gate, signing and legal order will be approximately £3,000 and will be met from the Bereavement Services revenue budget.

Law

13. A Council may make a Gating Order under Section 129A of the Highways act 1980, if they are satisfied that:-
 - (a) premises adjoining or adjacent the highway are affected by crime or anti-social behaviour;
 - (b) the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour; and
 - (c) it is, in all the circumstances expedient to make the Order for the purposes of reducing crime or anti-social behaviour.

The above includes:-

- (d) the likely effect of the Order on the occupiers of premises adjoining or adjacent to the highway :
- (e) the likely effect of the Order on the persons in the locality: and
- (f) in the case where a highway constitutes a through route, the availability of a reasonably alternative route.

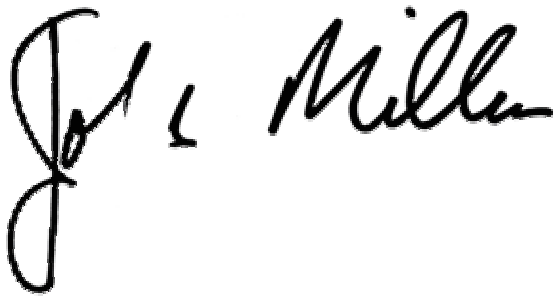
The Council may vary a Gating Order under Section 129F of the above Act.

Equality Impact

14. The contents of this report comply with the Council's Equal Opportunities Policy. The effect of any closure on the disabled, as referred to in Paragraph 5, is a consideration in any Highway Closure Order.

Recommendation

15. That the Area Committee supports a Gating Order under S129A of the Highways Act 1980 to temporarily close a public footpath as shown on plan TMD/CP/480, outside of the normal Crematorium opening hours as determined by the Cabinet Member for Transportation.

A handwritten signature in black ink, appearing to read 'John Millar'. The signature is fluid and cursive, with the first name 'John' written in a stylized 'J' and the last name 'Millar' in a more standard cursive script.

John Millar
Director of the Urban Environment

Contact Officer David Jacobs
Tel: 01384 815424, e mail: david.jacobs@dudley.gov.uk

Background Papers

- E-mail from Ian Bailey (Bereavement Services) with detailed recorded incidents from 2003 to the present.
- J1 anti-social behaviour diary for Gornal Crematorium