

WARDS: Pedmore and Stourbridge East, Lye and Wollescote.

DUDLEY METROPOLITAN BOROUGH COUNCIL

STOURBRIDGE AREA COMMITTEE 12 SEPTEMBER 2005

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

**APPLICATION TO THE SECRETARY OF STATE FOR CRIME PREVENTION
(DESIGNATED AREAS) ORDERS
PATHS OFF MURCROFT ROAD, PEDMORE AND HAYES LANE, LYE**

Purpose of Report

1. To seek the support of the Area Committee for an application to the Secretary of State for a Crime Prevention (Designated Areas) Order based on attached areas.

Background

2. Recent powers under the Highways Act 1980 allows a Council to apply to the Secretary of State for Crime Prevention (Designated Areas) Order if it can be demonstrated that the stopping up of public footpaths in that area would significantly reduce persistent high levels of crime and whether realistic options to tackle the problems have been taken. Approval for an area does not mean that all public rights therein can be closed, individual Orders, known as Special Extinguishment Orders, on specific paths have then to be made and advertised and are subject to public objections and representations.
3. A recent review of footpaths by officers and the Crime Prevention Officer for J" Division of the West Midlands Police resulted in three paths being identified as being a focus for possible applications to the Secretary of State. Closures of any other paths in the Stourbridge area could not be supported by the Police. The areas for designation around the paths are shown on Plans TMD/CP/430 and TMD/CP/431. The paths therein are from Murcroft Road to Wychbury Road, Murcroft Road to Dobbins Oak Road and The Hayes to Hayes Lane. The former path has been subject to mitigation methods but the core crime elements remain.
4. Although the Police believe the crime grounds can be met, other factors are important as to whether closure is appropriate. These include:-

rightful usage; a reasonable alternative route; links to multi-modal travel; disability issues; safer routes to school; history and heritage; mitigation works, especially private boundary treatment, and health and recreation.

5. At the time of the review, it was not thought that these issues outweighed the benefits of closure generally in relation to the paths. However there are proposals to upgrade an area in and around the Pedmore Spinney under funds from the Liveability Programme. One of the main pedestrian routes to this site would be the path from Murcroft Road to Dobbins Oak Road giving direct access to properties in Murcroft Road. In addition to this, it is thought that the closure of the dog-legged Murcroft Road to Wychbury Road path will have a direct beneficial influence on the Murcroft Road to Dobbins Oak Road path, reducing a crime route and making it easier to police. It is therefore recommended that the most crime affected Murcroft Road to Wychbury Road path be the subject of a Special Extinguishment Order first with the second path to be assessed at a later date. Although the path from The Hayes to Hayes Lane was effectively abandoned by the public some years ago as a through route, nevertheless it provided access for high levels crime and as such the extinguishment of the path under the crime legislation is thought to be an effective option.
6. The identified paths, amongst others in the Borough, were reported to the Crime Reduction Implementation Group (CRIG) on 15 th April 2005. The minutes of that group stated that ..."the Murcroft path (referring to the Murcroft Road to Wychbury Road path) was the only path CRIG would consider supporting for closure." The Dudley Borough Local Access Forum have expressed their concern about possible closures but will appraise each proposal on its merits.
7. The physical closure of any of these paths would not be as problematic as other paths with multi ownerships adjoining them. The extinguished highway land would revert to Housing Directorate land, which could then to be offered to the few directly adjoining properties.

Finance

8. As there is no specific allocation for the Order process, costs will have to be met from the existing Highways Capital Budget. Costs of around £1500 will be incurred for an unopposed Special Extinguishment Order. An opposed Order could entail considerable Public Inquiry costs. Physical works to remove the lighting columns and fence off the path in the Murcroft Road to Wychbury Road path will be in the order of £3000.

Law

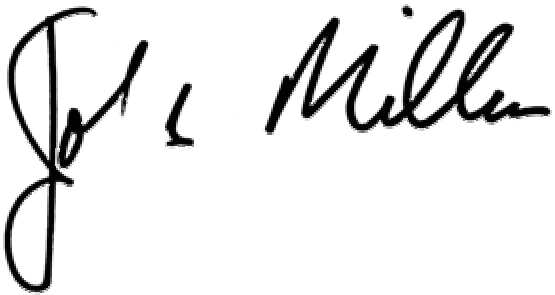
9. Section 118B of the Highways Act 1980 applies where it appears to the Council that public footpath in a area designated by the Secretary of State for the purposes of preventing or reducing crime, which would otherwise disrupt the life of a community, should be stopped up. The conditions for such closures,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

Equality Impact

10. The contents of this report complies with the Council's Equal Opportunities Policy. The effect of any closure on the disabled will be a consideration should an Order for closure be made.

Recommendation

11. That the Area Committee supports applications to the Secretary of State for Crime Prevention (Designation Areas) Order for the areas shown on plans TMD/CP/430, Murcroft Road and TMD/CP/431, The Hayes, Stourbridge

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