

Sandwell Metropolitan Borough Council

Sandwell Local Access Forum

8th October 2008

Proposed Gating of Kitchener Street, Smethwick.

1. Summary Statement

- 1.1 On 15th August 2008 the Cabinet Member for Neighbourhoods and Housing approved a report recommending that a Gating Order be pursued under section 129A of the Highways act 1980, restricting the public right of way at all times over the Adopted Highway known as Kitchener Street, Smethwick.
- 1.2 Kitchener Street is 179 metres in length forming a link between Perrott Street and Wellington Street. The land adjoining Kitchener Street is in Council Ownership and has been vacant since the terraced housing was cleared in the mid to late 1980's.
- 1.3 On 21st July 2008 the Cabinet Member for Regeneration and transport approved the disposal of the Council's freehold interest for the redevelopment of the site with small industrial units. The development brief for the site includes for the eventual extinguishment of Kitchener Street pursuant to Section 247 of the Town and Country Planning Act 1990 upon approval of development plans.
- 1.4 Increasingly Kitchener Street and the adjoining vacant land is attracting anti-social, criminal and other behaviours adversely affecting the local environment. Prior to the report to cabinet Member for Neighbourhoods and Housing a petition from the 'Friends of Black Patch Park'

with 74 signatories requesting closure of the street, citing fly-tipping, prostitution and abandoning and burning stolen vehicles as examples of the criminal activity.

- 1.5 Both West Midlands Police and the Smethwick Town Tasking Group support the proposal to gate the street.
- 1.6 The Council has considered the alternative routes available for both pedestrians and vehicles. The shortest alternative route is via Wellington Street, Foundry Lane, Woodburn Road and Perrott Street. This route is 1000 metres in length between the two ends of Kitchener Street, however due to the road layout vehicles will not actually have to detour the full distance. An alternative pedestrian route of 468 metres in length exists via Wellington Street and through Black Patch Park and back onto Perrott Street. Pedestrians will have a longer journey but few people use Kitchener Street.
- 1.7 Kitchener Street currently serves as a terminal loop for the 616 bus service (Perry Barr to Black Patch) which is a Centro Contracted Service. Centro have no objection to the proposed closure and discussions are ongoing to identify an alternative routing which best meets the needs of the local community.
- 1.8 If the Gating Order is confirmed then this will be the first Adopted Highway including a vehicular carriageway in Sandwell to be the subject of such an Order.
- 1.9 A plan and photographs will be available at the meeting.

2. **Recommendation**

2.1 The comments of the Local Access Forum are sought.

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3. **Strategic Resource Implications**

- 3.1 The cost of making the order and installing steel palisade gates and fencing to secure the adopted Highway is to be the subject of a 'Grot Spot' grant application.
- 3.2 Considerable savings will be made on the current annual maintenance and clearance costs.
- 3.3 The cost of maintaining and operating the gates and fencing would be absorbed by existing Council budgets.

4. **Legal and Statutory Implications**

The Order is being sought under Section 1239A of the Highways Act 1980.

The making of a gating order restricting public access to a public highway does not remove its underlying highway status.

Planning permission is required to erect the 2.4m high steel palisade fence incorporating gates across the highway.

5. **Implications for the Council's Corporate Priorities**

- 5.1 The existence of the highway is facilitating the persistent commission of anti-social, criminal and other behaviours adversely affecting the local environment. This would assist the physical environment and make this part of Sandwell a safer place that is clean and tidy.

6. **Background Details**

- 6.1 On 15th August 2008 the Cabinet Member for Neighbourhoods and Housing approved a report recommending that a Gating Order be pursued under section 129A of the Highways act 1980, restricting the public right of way at all times over the Adopted Highway known as Kitchener Street, Smethwick. Section 129A of the Highways Act 1980 enables a Council to gate a highway, even if objections are made, if it is considered in the best interests of the community to do so.
- 6.2 Kitchener Street is 179 metres in length forming a link between Perrott Street and Wellington Street. The land adjoining Kitchener Street is in Council Ownership and has been vacant since the terraced housing was cleared in the mid to late 1980's.
- 6.3 On 21st July 2008 the Cabinet Member for Regeneration and transport approved the disposal of the Council's freehold interest for the redevelopment of the site with small industrial units. The development brief for the site includes for the eventual extinguishment of Kitchener Street pursuant to Section 247 of the Town and Country Planning Act 1990 upon approval of development plans.

- 6.4 Increasingly Kitchener Street and the adjoining vacant land is attracting anti-social, criminal and other behaviours adversely affecting the local environment. Prior to the report to cabinet Member for Neighbourhoods and Housing a petition from the 'Friends of Black Patch Park' with 74 signatories requesting closure of the street, citing fly-tipping, prostitution and abandoning and burning stolen vehicles as examples of the criminal activity.
- 6.5 Before making an Order the Council must be satisfied that the highway facilitates crime and anti-social behaviour. Further it must consider whether alternative interventions are more appropriate and cost effective for tackling the specific problems without having to gate the highway.
- 6.6 Since March 2005 the Council's Highways and environment Division has incurred over £6,000 in clean-up costs removing illegally fly tipped material from Kitchener Street. On four occasions the material has included asbestos. Additionally a further annual cost of over £7,000 is incurred from inspection to ensure the highway is reasonably maintained and weekly clear-up of minor fly-tipping.
- 6.7 The Council's Environmental Protection Team together with Legal services are actively engaged in regulatory interventions to prosecute persons fly-tipping. To support these operations a 'Domehawk' camera was installed in Kitchener Street in 2007.
- 6.8 Both West Midlands Police and the Smethwick Town Tasking Group support the proposal to gate the street.

- 6.9 The Council has considered the alternative routes available for both pedestrians and vehicles. The shortest alternative route is via Wellington Street, Foundry Lane, Woodburn Road and Perrott Street. This route is 1000 metres in length between the two ends of Kitchener Street, however due to the road layout vehicles will not actually have to detour the full distance. An alternative pedestrian route of 468 metres in length exists via Wellington Street and through Black Patch Park and back onto Perrott Street. Pedestrians will have a longer journey but few people use Kitchener Street.
- 6.10 Kitchener Street currently serves as a terminal loop for the 616 bus service (Perry Barr to Black Patch) which is a Centro Contracted Service. Centro have no objection to the proposed closure and discussions are ongoing to identify an alternative routing which best meets the needs of the local community.
- 6.11 If the Gating Order is confirmed then this will be the first Adopted Highway including a vehicular carriageway in Sandwell to be the subject of such an Order.

Source Documents.

Section 129A of the Highways Act 1980.

Highways Act (1980) (Gating Orders) Regulations 2006.

Home Office Guidance relating to the making of Gating Orders
March 2006.