

**WALSALL METROPOLITAN BOROUGH COUNCIL**

**REPORT OF THE HEAD OF DEMOCRATIC SERVICES**

**TO THE  
PELSALL AND RUSHALL LOCAL NEIGHBOURHOOD PARTNERSHIP**

**MONDAY 4 APRIL 2005**

**UPDATE ON PETITIONS AND ISSUES RAISED IN PUBLIC FORUM OF  
PELSALL AND RUSHALL LOCAL NEIGHBOURHOOD PARTNERSHIP**

This report provides an update on petitions and issues raised in Public Forum of Pelsall and Rushall LNP elected members since August 2004.

**1. Re-surfacing of Gladeside Close, Shelfield, Walsall**

This petition was received from residents of Gladeside Close, Shelfield.

The Head of Planning and Transportation has responded to the petition and advised that the re-surfacing at Gladeside Close is surface dressing which was carried out by the Council's contractor in 2003. Following complaints from residents and as a result of the petition, Council officers carried out defect correction inspections and the contractor was requested to monitor the performance of the works.

The Head of Planning and Transportation reports that in 2003, warm weather during the summer caused the bitumen binder to "bleed" through the stone chippings. This resulted in black sticky binder rich areas, particularly at the junction with Brook Meadow Road. The contractor has acknowledged the defect and has monitored the extent of this defect during 2004. Recent inspection has shown the areas affected to be relatively small. The contractor has now been requested to surface dress the entire cul-de-sac again as the Head of Planning and Transportation is concerned that only rectifying the binder rich areas might look unsightly. As this work can only be carried out during the summer months, the work is now scheduled for the summer of 2005.

## 2. **Closure of gully between Hawthorn Road and Grange Crescent, Sheffield, Walsall**

The Public Rights of Way Officer has responded to this petition from local residents. She advises that the Council has a policy and procedure for dealing with Crime Prevention on Public Rights of Way. The closure of any Public Right of Way must be carried out in accordance with the powers set out in the Countryside and Rights of Way Act 2000. She states that the purpose of these powers is to prevent high levels of serious crime, where other measures have failed but not to restrict routes that are important to the majority of law abiding citizens. Fortunately, most rights of way do not cause or facilitate crime.

The Council's policy and procedure for dealing with Crime Prevention on Public Rights of Way issues is set out below for your information:-

- A request for closure of any public right of way will be considered on a case-by-case basis by the Crime Reduction Partnership and Highways – Rights of Way;
- An investigation into the crimes being committed on the footpath will be carried out and a crime report produced;
- The crime reports will be given a score in accordance with how serious they are, as defined in the CROW Act 2000 legislation. Footpaths will be placed in a priority order on the basis of the most serious first. They will be prioritised and published in a table for the public to view;
- All paths will then be placed in Special Measures. Special Measures means a plan will be drawn up for each path, to mitigate problems and to improve the environment, before any closure order can be considered;
- The footpath will be monitored for twelve months by Crime Reduction Partnership. Every twelve months the footpaths will be reviewed. If it still ranks highly on the priority table, it will be put forward for a feasibility study on ease of closure. This will include making a bid for resources and carrying out a comprehensive consultation with all properties adjacent to the footpath and land owners. All parties must agree to the pursuance of a legal extinguishment. This can be pursued as and when resources allow;
- Only footpaths which have been monitored for some time, with a long proven history of serious crime taking place, which have also had special measures implemented to mitigate problems, will be considered for closure.

In the case of the footpath running from Hawthorn Road to Grange Crescent, the Public Rights of Way Officer reports that this is currently being investigated by the Crime Reduction Partnership. This means that the footpath will be put into special measures and will be monitored by the Police, Highways – Rights of Way and the Crime Reduction Partnership.

The Public Rights of Way Officer has requested local residents to telephone the Police if any further incidents occur. She stresses, however, that the success of the new powers will depend upon good working relationships between all interested parties.

**3. Installation of lighting in gully leading from Stanley Place to Daw End Lane, Rushall**

This petition was received from local residents and the Public Lighting PFI Manager – Transportation Services has responded as follows:-

The unlit alleyway that leads from Stanley Place to Daw End belongs to Walsall Housing Group (WHG), hence, it is not in the Council's priority list of areas to be lit, should Walsall MBC obtain any funding at all. However, if WHG would fund the installation, maintenance and energy, then the Council could request its partners Amey Infrastructure Services to carry out the necessary design and works.

There is also the possibility that the issue could be considered by the Situational Measures Group of the Crime and Disorder Partnership who are currently leading the work on alley-gating schemes across the Borough. In respect of requests for street lighting in alleyways, the nature of the street lighting PFI contract is to replace existing lighting and not to put in lighting where it does not currently exist. However, the Situational Measures Group might be able to consider this scheme although it is uncertain at present what funding would be available as awards are based around the reduction of crime and anti-social behaviour.

**4. Erection of barrier/stile at Chatsworth Crescent, Rushall (by canal tow path); blocking-off of foot access from tow path**

This petition was received from residents of Chatsworth Crescent and the Technical Services Officer – Planning and Transportation Services has responded as follows:-

The tow path alongside the playing fields to the rear of Chatsworth Crescent is not actually a public highway and therefore falls outside the remit of the Highway Authority. In general, tow paths are in the ownership and are controlled by British Waterways so any request for anti-motorcycle barriers should be referred to them. The Technical Services Officer has spoken to British Waterways about this problem and they will be referring this matter to their area maintenance teams.

With regard to the request for barriers, British Waterways is currently looking at ways of reducing motorcycle usage by way of enforcement rather than barrier installation. This is for a number of reasons, namely:-

1. The motorcycles most often seen on their tow paths are of the scooter/moped variety which means they can be easily lifted over any installed barrier, thus rendering them ineffective. Even modern scramblers can be lifted over them;

2. With the introduction of the Disability Discrimination Act, 2004, the barriers must be viable in terms of retaining passage for the disabled. Most of their barriers are compliant, but any vandalism which may occur after installation will render them non compliant. Most of the components which constitute a radar lock are composed of metals which are susceptible to even the slightest misuse;
3. British Waterways have very limited funds with respect to such installations, and they can make no promises as yet. Should funds permit, they could only afford one installation at best and therefore they would have to come up with an alternative scheme.

The Technical Services Officer advises that British Waterways are contacting their local Patrol Officer who will be liaising with the local Police. They stress that the use of motorcycles on tow paths is an illegal activity which needs to be monitored continuously. British Waterways states that they have a close liaison with the Police in many areas and this relationship has been successful in reducing motorcycle usage. It has been noted that where arrests/confiscations have been made, motorcycle usage on tow paths had fallen dramatically in a short space of time.

The Technical Services Officer has also referred this matter to the Safer Walsall Borough Partnership to investigate whether any other steps can be taken to tackle this problem. Their advice is that if perpetrators can be identified or motorcycle licence plate numbers noted, they can be traced by the Police. Residents are therefore requested to keep a log of incidents and to contact the Police on 0845 113500 if further problems occur.

The Technical Services Officer has also asked the Area Manager of the Council's Grounds Maintenance Division to investigate the upkeep of the hedge between the playing fields and the tow path with regard to local residents' request for the gaps in the hedge to be closed off.

**5. Installation of pathway from Windsor Grove across High Heath Park to Spring Lane, High Heath, Pelsall**

The Public Rights of Way Officer and the District Parks Manager, Lifelong and Community have responded to this petition from local residents.

The Public Rights of Way Officer states that there are no definitive public footpaths on this land so advised that the petition be forwarded to Lifelong Learning and Community Services for comment. If it were decided to install a pathway, officers in Highways Management would be able to provide a quotation.

The District Parks Manager, Lifelong Learning and Community is in the process of seeking quotations for the necessary work. Progress will be reported back to Committee in due course.

## 6. **Public Forum**

Concerns were expressed at the 10 January 2005, LNP meeting relating to issues affecting Pelsall Common, including the problem of dog fouling and the misuse of the common by cars and other vehicles.

Inspector Ashley responded at the meeting to concerns about speeding and off-road vehicle use on the common and his comments are reported in the minutes of the last meeting.

In respect of dog fouling, the Environmental Health Manager has been contacted regarding these concerns. He has referred to the Dogs (Fouling of Land) Act, 1996, implemented by Walsall MBC's Dog Fouling Order 2004, and applicable to all land in Walsall to which the public have access. The Act creates the offence of failing to remove faeces deposited by a dog. It does not apply to marsh, heathland or woodland or rural common land. The Council's legal officers have advised that Pelsall Common is not rural common land and is, therefore, not exempt from control. The maximum fine for offenders is £1,000. However, the Council operates a £50 fixed penalty scheme.

As this is an issue which causes considerable nuisance and a possible health hazard to local residents, the Environmental Health Manager had suggested that he attend a meeting of the Environment Task Group to discuss the whole issue of problems with dog fouling and how this can be addressed in the Pelsall and Rushall LNP area. LNP members are asked their views on whether they wish to invite the Environmental Health Manager to attend a meeting of the Environment Task Group.

### **Contact Officer**

Lesley Jones  
Constitutional Services Officer  
Tel: 01922 652011  
joneslesley@walsall.gov.uk