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**Meeting:** Traffic Management Meeting

**Date:** 4 December 2012

**Subject:** Petition – Access through Rectory Court, Sandy

**Report of:** Paul Mason, Head of Highways

**Summary:** The purpose of this report is to update the Traffic Management Meeting on discussions concerning the proposal to stop up highway rights through Rectory Court on High Street in Sandy.

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Public/Exempt: Public

Wards Affected: Sandy

Function of: Council

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

##### **Financial:**

None as a result of this report.

##### **Legal:**

None as a result of this report.

##### **Risk Management:**

None as a result of this report.

##### **Staffing (including Trades Unions):**

None as a result of this report.

##### **Equalities/Human Rights:**

None as a result of this report.

##### **Community Safety:**

The safe passage of schoolchildren to and from school could be affected by this proposal. Some anti-social behaviour is currently experienced in Rectory Court.

##### **Sustainability:**

None as a result of this report

**RECOMMENDATION(S):**

- (a) Rectory Court remains open as public highway and continues under observation by Bedfordshire Police.
- (b) Rectory Court (Sandy) Ltd be informed of this decision.

**Background and Information.**

1. At the Traffic Management Meeting on 27<sup>th</sup> March 2012, consideration was given to a petition which had been presented to Central Bedfordshire Council by Councillor Naomi Sheppard in January 2012. The petition asked Sandy Town Council and Central Bedfordshire Council to refuse any changes to public access via and through Rectory Court in Sandy. Rectory Court is a privately owned residential development including a courtyard, as shown on the plan in Appendix 1 to this report. The walkway through the courtyard is Public Highway, with bollards preventing access by vehicles.
2. The reason the petition had been presented was that the petitioner had concerns that closing access through Rectory Court would increase inconvenience and risk of injury to pupils walking to and from St Swithuns Lower School. A school crossing patrol operates across High Street in the immediate vicinity of the courtyard. The petitioner was concerned that if the courtyard was closed to public access, then the longer alternative would be via St Swithuns Way to the Ivel Road / High Street junction which was perceived as wide and lacking a clear safe crossing route. The view was that schoolchildren would be likely to attempt the crossing without using the crossing patrol.
3. The petition had previously been considered at the meeting of Sandy Town Council's Planning, Parks and Open Spaces Committee on 9<sup>th</sup> January 2012. The Committee resolved to recommend that the Town Council make no objection to the stopping up of an area of Rectory Court as indicated in the plans which were on the agenda. This was ratified at the meeting of the full Town Council on 16<sup>th</sup> January 2012
4. Stopping up of public access through Rectory Court had originally been promoted by the organisation Rectory Court (Sandy) Ltd in a letter to Central Bedfordshire Council dated 1<sup>st</sup> June 2010. In a responding letter dated 19<sup>th</sup> November 2010, the Council confirmed that it would have no objection to the stopping up of the courtyard and access between St Swithuns Way and the High Street. This was on the condition that Rectory Court (Sandy) Ltd would fund all of the administrative costs involved in the stopping up. The intention of the organisation is to gate the courtyard off from High Street, to prevent the anti-social behaviour being experienced by Rectory Court residents. The view was that access to public utilities would not be hindered by this proposal.

5. Following consideration of Councillor Sheppard's petition and the issues involved, at the Traffic Management Meeting on 27<sup>th</sup> March 2012, it was decided that the Executive Member for Sustainable Communities – Services should defer consideration of this petition for more information to be obtained by Officers to ensure options are considered.

### **Developments following the Traffic Management Meeting on 27<sup>th</sup> March 2012**

6. After the Traffic Management Meeting, a representative of Rectory Court (Sandy) Ltd suggested to Councillor Sheppard that a compromise solution might be that Rectory Court be gated off from High Street using a Gating Order under Section 129 of the Highways Act 1980. This would permit access to public highway to be restricted during certain periods when particular problems caused by disruptive members of the public are expected. The suggestion was that the gate could be opened by the school crossing patrol lady before school access times and then closed again after each school access time.
7. This suggestion was considered by the Head of Service for Traffic Management at Central Bedfordshire Council who has responsibility for the school crossing patrols. His view was that this would result in an unacceptable level of responsibility being given to the school crossing patrol and could not be supported. His view was that the anti-social activity should be an issue to be resolved by the Council's Community Safety team, with the assistance of Bedfordshire Police.
8. The Community Safety Officer at Central Bedfordshire Council was asked about the issue of Rectory Court. His view was based on the reported incidents to the Police and Local Authority, and there was insufficient evidence to justify closing the entrance to the court. In the light of concerns expressed by the residents, the Police will undoubtedly continue to monitor reported incidents at the location.
9. The Sergeant at the Bedfordshire Police Biggleswade and Shefford Area Local Policing Team was asked to consider the issue of stopping up highway rights in Rectory Court. His staff carried out investigations including looking at records of complaints and interviewing residents of the court. His decision was that, on balance, whilst appreciating the concerns of the residents, his view was that the anti-social incidents had not been serious enough to justify gating the court or stopping up highway rights through it. The Sergeant's letter, received on 12<sup>th</sup> November 2012, is included as Appendix 2 to this report.

### **Discussion and Conclusion**

10. Although neither Sandy Town Council nor Central Bedfordshire Council have objected to the stopping up of public highway through Rectory Court, stopping up highway rights can be a contentious issue and can easily be opposed, rendering the necessary legal processes extensive and expensive. It is now considered that the feasible compensatory measures put forward do not offset the difficulties and risks that would result from stopping up highway in the court, or from gating the court's entrance.

11. It is decided, therefore, that highway rights through Rectory Court should remain as they are. The court will continue under the observation of Bedfordshire Police.

**Appendix 1: Plan of Rectory Court, Sandy**

**Appendix 2. Letter from Bedfordshire Police**