



INFORMATION SHEET

High Wycombe Town Committee

Issue No: 3/2017

Date Issued: 5 June 2017

Public Spaces Protection Order to close footpath HWU/80/1

Officer contact: Sarah McBrearty

Background

In March 2017 a proposal was taken to High Wycombe Town Committee to proceed with a public consultation on the implementation of a Public Space Protection Order to close footpath HWU/80/1.

Prior to 2014, the Council had powers under the Highways Act 1980 to make a Gating Order to restrict the use by the public of a 'relevant highway' and authorise the placing of gates. In October 2014, section 129A of the Highways Act 1980 and The Highway Act 1980 (Gating Order)(England) Regulations 2006 were repealed by the Anti-Social Behaviour, Crime and Policing Act 2014 and Gating Orders were replaced by Public Spaces Protection Orders (PSPO).

There have been numerous reports of anti-social behaviour taking place along the footpath running behind the houses on West End Road, High Wycombe, which have been reported to the local Councillor, the Anti-Social Behaviour Officer and the police.

As a result of the reports, the neighbourhood policing team has undertaken increased patrols to disrupt the behaviour, and the area was cleared of litter. Residents were also approached to undertake repairs to their rear garden fences to discourage people from littering their garden.

In spite of this work, incidents of anti-social behaviour have continued to take place along the footpath. The behaviour includes people hanging around drinking alcohol; people shouting and swearing; and criminal damage and graffiti.

Whilst a PSPO can be implemented to close the footpath due to the anti-social behaviour that is taking place, this is only a temporary measure. The maximum period of time a PSPO can be in place is 3 years, after which time a consultation needs to take place again to ensure people still support its implementation.

Update following March HWTC meeting

Due to the temporary nature of the PSPO, and the need to install gates that the residents and emergency services will be able to open to access the footpath, it was agreed at the March 2017 HWTC meeting not to commence the public consultation to implement the PSPO. It was recommended instead to write to Buckinghamshire County Council to request the footpath be permanently closed.

The Cabinet Member for Community Services duly wrote to The BCC Public Rights of Way Team to request permanent closure of the footpath. Buckinghamshire County Council responded to say that the closure was not feasible. Whilst they do have powers to seek an extinguishment of a public right of way under section 118 Highways Act 1980 if it is considered the route is not needed for public use, extinguishments are notoriously difficult to achieve due to the subjective nature of assessing need for public use. Reasons of anti-social behaviour would not be relevant and there are active user groups who would object to such action. While Section 118B of the Highways Act 1980 provides for extinguishment of routes on the grounds of anti-social behaviour in areas that have been designated by the Secretary of State, High Wycombe is not a designated area so Section 118B does not apply.

The only option available is to utilise a PSPO to close the footpath for the maximum of three years, in the first instance. Before this can go ahead, a public consultation needs to be undertaken to ascertain the views of local residents, local businesses, and any groups who may be affected by the closure.

Following the response from Buckinghamshire County Council, the Ward Member for this area is now supportive of this approach, and so the consultation will commence in June 2017. The consultation results will be brought back to the Committee.