	<p align="center">Highways Committee 6th December 2006</p>
<p align="center">Report from the Director of Transportation</p>	
For Action	Wards Affected: Preston
<p align="center">Petition From Residents Regarding The Walking/Cycling Link Between Chamberlayne Avenue/Edison Drive And Hirst Crescent</p>	

1.0 Summary

- 1.1 This report informs Members of the Highways Committee of the legal issues involved in closing the footpath/cycle path link further to the petition received from residents of Chamberlayne Avenue/Edison Drive. It also summarises the crime reports received and surveys and consultation undertaken since the last Highways Committee of 12th October 2006 regarding the issues raised.
- 1.2 The Committee is asked to further consider the issues raised and decide on the action to be taken.

2.0 Recommendations

- 2.1 That crime and anti-social behaviour continue to be monitored and that future proposals are brought forward if the issues escalate.
- 2.2 That barriers of the type shown in Appendix 5 (modified to deter people from sitting on them) are installed at each end of the link in order to deter motorcycles but allow pushchairs, bicycles and wheelchairs to pass.
- 2.3 That the petitioners and other residents be advised of the Committee's decisions.

3.0 Detail

Background

3.1 A letter dated 12th April 2006 was received from Councillor Dr Alan Mendoza enclosing a petition signed by residents of Chamberlayne Avenue/Edison Drive. The petition stated the following:

“We, the undersigned of Chamberlayne Avenue, Wembley, want the fence that separates Chamberlayne Avenue from the new estate, built by Bellway in East Lane reinstated as soon as possible.”

The petition also stated that the reasons for wanting the fence reinstated are, “to stop drug dealing, criminal damage to properties & cars and the anti-social behaviour”, and to, “stop crime and anti-social behaviour in Chamberlayne Avenue and Edison Drive (Wembley, Middlesex HA9 8SS).

3.2 Planning consent was granted for the Chamberlayne Avenue/Edison Drive Housing development with a condition to construct a footpath/cycle path with the potential to link the estate with East Lane at a later date. Chamberlayne Avenue, Edison Drive and the footpath/cycle path link in question were all constructed under a Section 38 Agreement of the Highways Act 1980 and formally adopted as highways maintainable at public expense on 28th February 2003. At the time of adoption the site was secured to the south by a perimeter fence, as it abutted a development site.

3.3 Hirst Crescent to the south of the perimeter fence was recently constructed under a Section 38 Agreement of the Highways Act 1980 for the purpose of adoption by the Council. A certificate of substantial completion has been issued and the formal adoption is expected to follow shortly. The footpath/cycle path is now in use by the public.

3.4 It has always been the Council’s aspiration to provide this footpath/cycle path as it forms an important link to nearby stations, namely Preston Road Station for the Hirst Crescent Housing development, and North Wembley Station for the Chamberlayne Avenue/Edison Drive development. It also provides access to the shops on the Hirst Crescent estate, as well as circulation within the residential area.

3.5 Since the completion of the Hirst Crescent estate, officers have been made aware of anti-social behaviour, and criminal activity in the vicinity of the footpath/cycle path. Indeed officers attended a residents meeting at the Town Hall on 11th April 2006 when a catalogue of incidents was recounted. The issues raised are being addressed by the Metropolitan Police Safer Neighbourhood Team. Also, a Neighbourhood Watch is now operational. However, it was made clear at the meeting by residents of the Chamberlayne Avenue/Edison Drive estate that closure of the link was favoured.

3.6 At the residents meeting it was stated that the Council would be able to provide some relief to residents by installing some form of barrier which would minimise the use of the link by motorcycles. A request was received from the

Highways Committee 6th December 2006	Version 1.1 27/11/2006
---	---------------------------

Chamberlayne Avenue Committee for a rural style 'Kissing gate' control pending a full closure. Transportation stated at the meeting that the use of barriers or a gated solution would be considered further.

3.7 An Officer of Brent Council's Transportation Unit attended the Brent Anti-Social Behaviour Team's (ASB Team) meeting on 17th August 2006 which was convened to feedback on progress on an action plan that had been drawn up following an earlier meeting. Here the Council's proposal was presented to place tubular steel barriers at each end of the link to deter motorbikes from using it while allowing disabled users to pass. This proposal was discussed along with various other suggestions put forward by other attendees. The residents generally considered that the proposed barriers would attract people to the area allowing them to sit comfortably and congregate there, and that skateboarders would use them as training aids. The following main actions agreed prior to the 17th August meeting were being coordinated by the Brent ASB Team:

- Open Day meeting with Fortunegate Community Housing
- Leaflet drop for Hirst Crescent
- Environmental Audit
- Graffiti update
- Residents consultation on barriers
- Diary sheets by residents

3.8 At the ASB Team meeting, a feedback/evaluation form was distributed by Brent Council inviting attendees to state on the form whether or not they were happy with the Council's proposed barriers for the walkway. Only one completed form was returned which stated, "Please install the barriers ASAP to prevent crime/anti-social behaviour on Chamberlayne Avenue". There were no completed forms returned against the proposal.

3.9 The Highways Committee meeting of 12th October 2006 noted that the petition had been received from Councillor Mendoza on behalf of residents of Chamberlayne Avenue and Edison Drive containing in excess of 50 signatures. It was stated at the meeting that the petition represented the views of residents who live in Chamberlayne Avenue. Transportation's report was put forward in response to the petition and the meeting was informed that the footpath/cycle path was opened in order to provide a link to two nearby stations and noted that a 'kissing gate' would be an inconvenience to pushchair users.

3.10 Members agreed with the recommendation not to close the link at that time. Members agreed that counts be undertaken to establish the present use of the link, and that a consultation be carried out with users of the link, and residents in the adjacent areas, the results of which are to be reported to Members at the next Highways Committee meeting on 6th December 2006.

Highways Committee 6th December 2006	Version 1.1 27/11/2006
---	---------------------------

Metropolitan Police Crime and ASB Reports

- 3.11 The Problem Profile report for the area by the Metropolitan Police Preston Ward Safer Neighbourhood Team reviewed crime and anti social behaviour between 1st May (when the Preston Ward SNT was launched) and 25th October 2006. The report concluded the following:

Crime Levels

The following table summarises the reported crime levels for the streets in question during the period:

Incident	Chamberlayne Avenue	Edison Drive	Hirst Crescent	Totals
Burglaries	1	0	2	3
Street Robberies	2	0	0	2
Vehicle Crime	8	2	5	15

Reported Anti Social Behaviour

Appendix 1 shows a summary of incidents reported by the residents of Chamberlayne Avenue and Edison Drive regarding the alleyway that links to Hirst Crescent.

Safer Neighbourhood Tactical Assessment Ward Data (Sept 06)

Preston Ward is the 9th most densely populated out of 21 wards with a population of approximately 15,000 (2001 figures). Preston Ward crime levels for September 2006 were low in comparison to the rest of the Borough and surrounding wards as shown in the table below:

Incident Category	Ranking Among 21 Wards 1=low; 21= high	Quartile
Violence Against the Person	6 th	2 nd Quartile
Robbery – Personal & Business	8 th	2 nd Quartile
Burglary Dwelling	11 th	3 rd Quartile
Burglary Other	8 th	2 nd Quartile
Theft & Handling	4 th	Top Quartile
Motor Vehicle Crime	6 th	2 nd Quartile
Theft from Person	3 rd	Top Quartile
Criminal Damage	7 th	2 nd Quartile
Drugs	10 th	2 nd Quartile

This indicates that Preston is in the 2nd Quartile on average (i.e. low crime levels) relating to the categories shown. If all crime is taken into account (i.e. including sexual offences, fraud etc) then the ranking improves to 4th (top quartile) in the Borough which represents even lower overall crime levels.

Brent ASB Team Reports

3.12 Incident Log

Appendix 2 shows a log of incidents that were compiled by residents of Chamberlayne Avenue and Edison Drive regarding the alleyway that links to Hirst Crescent as informed to the ASB Team.

Three Month Incident Overview

The ASB Team provided an incident overview compiled from residents' reports over three months from August to October 2006 as below:

Item	Comment
No. of complainants who contacted ASB team in last 3 months	4
Number of incidents reported in last 3 months	August = 3 September = 2 October = 0
Breakdown of Location of incidents	1 incident reported in Alleyway. 2 incidents reported on Edison Drive.
Case History	In diary sheets received from residents it has been stated that the individuals causing the ASB come from Hirst Crescent and use the alleyway to get to Chamberlayne Avenue.
Types of incident	Refer table in Appendix 2

Consultations and Surveys

3.13 The results of a **12 hour video survey** carried out on 1st November 2006 from 07.00hrs to 19.00hrs are contained in **Appendix 3**. This shows that a total of 149 adults, 38 children and one cyclist travelled the link in a northerly direction from Hirst Crescent to Chamberlayne Avenue/Edison Drive, while 170 adults, 45 children and 7 cyclists travelled in a southerly direction towards Hirst Crescent. The distribution of movements over the 12 hour time period in each direction is shown in graph format. This indicates that the peak times for users of the link are approximately between 08.00hrs and 09.00hrs in the morning and between 15.00hrs and 16.00hrs in the afternoon.

3.14 **A peak time user survey** was carried out on 10th November 2006 in the morning between 0.800hrs and 0.900hrs, and again in the afternoon between 15.00hrs and 16.00hrs. Users of the link during these times were asked four questions as below:

Highways Committee 6th December 2006	Version 1.1 27/11/2006
---	---------------------------

- Do you use this link mainly to get to work, school, shops or other reason?
- How would you reach your destination if the link was closed – walk around, use cycle, use car, use bus, not go, or other?
- Do you think that the link should be left open – strongly agree, strongly disagree or no opinion?
- Would you support the installation of low level barriers at each end of the link of the type shown on drawing number 103 (Appendix 4) to deter motorbikes – yes or no?

3.15 The results of this survey are given in **Appendix 4**. The opinions expressed on whether the link should remain open or be closed are shown in the table below where it can be seen that there were a total of 51 in favour of keeping it open against 6 in favour of closing it:

Period	Travelling South to Hirst Crescent		Travelling North to Edison Drive	
	Link to Remain Open	Link to Close	Link to Remain Open	Link to Close
08.00 to 09.00	12	2	11	2
15.00 to 16.00	11	0	17	2
Totals	23	2	28	4

3.16 A total of 4 people using the link in the morning and 1 person in the afternoon stated that they would use their cars to get to their destination if the link was closed while 1 person stated that he/she would use a bicycle. A total of 5 people responded that they would use the bus, while 1 person stated that he/she would walk to another station. A total of 23 people using the link in the morning and 26 people in the afternoon said that they would need to walk a much longer distance if the link was closed.

3.17 A total of 27 people in the morning period and 25 people in the afternoon period stated that they would support the installation of barriers at each end of the link to deter motorbikes. This was against a total of 4 people who did not support the idea, while 5 people expressed no opinion.

3.18 It should also be noted that the link was inspected on the evening of Friday 10th November when it was dark and raining. All 3 lighting columns were found to be functioning and the area was extremely well lit.

3.19 A **Residents' Consultation Questionnaire** was sent out to all properties in Chamberlayne Avenue, Edison Drive and Hirst Crescent as well as ward Councillors and the Metropolitan Police on 3rd November 2006 in which residents were asked to fill in and return a Questionnaire by 20th November 2006. Certain blocks of flats were inadvertently omitted from the survey database due to an error, and consultations were sent out to those properties immediately upon being informed of this. Several other occupiers contacted the Council to say that they had not received the Consultation Questionnaire and

they were sent a further copy by return. The Consultation was sent out to a total of 231 properties in Chamberlayne Avenue and Edison Drive, and 100 properties in Hirst Crescent (331 in total).

3.20 The Questionnaire asked occupiers the following:

- Do you use this link mainly on foot, cycle, other or not at all?
- Do you use any of the facilities on the other side of the link – yes or no?
- Would you like the link to remain open – yes or no?
- If you responded ‘No’ to the last question, please state your reasons.

3.21 **Appendix 6** shows the results of the Residents’ Consultation Questionnaire. From a total of 331 Questionnaires sent out by post, 51 were filled in and returned and 1 consultation was received over the telephone due to non receipt by the respondent of the papers through the post. The total response rate was thus 15.7% by the closing date of 20th November 2006. Responses indicated that:

- 33 respondents (63.5%) want the link closed against 19 respondents (36.5%) who want it left open.
- 17 pedestrians and 1 cyclist (total 34.6%) indicated that they use the link, while 34 respondents (65.3%) indicated that they do not use the link at all.
- All 34 of those respondents stating that they do not use the link at all indicated that they do not use the facilities on the other side of the link either, except for one respondent who indicated that he/she does. All 34 respondents want the link closed except for 1 respondent who indicated that he/she “wants it to remain open unless closing it would reduce anti-social behaviour and crime”.
- All 18 respondents (34.6%) indicating that they use the link want it to remain open, and 15 of these (28.8%) indicated that they use the facilities on the other side of the link.
- One Hirst Crescent respondent indicated that he/she does not use the link at all, but uses the facilities on the other side and wants the link to remain open.
- One Chamberlayne Avenue respondent indicated that he/she uses the link on foot and uses the facilities on the other side, but wants the link closed.

3.22 A total of 25 respondents (48.1%) indicated that the main reason they wanted the link closed was due to the incidence of anti-social behaviour and crime. Additional reasons that respondents gave for wanting the link closed, together with the number citing these reasons (often in addition to anti-social behaviour and crime), are shown in Appendix 4.

3.23 Of the 19 respondents (36.5%) wanting the **link to remain open**, 10 (19.2%) live north of the link (Chamberlayne Avenue/Edison Drive) while 9 (17.3%) live south of the link (Hirst Crescent). In other words, 19.2% of the respondents living in the northern estate want the link to remain open as well as 17.3% of respondents living in the southern estate. Whereas all 33 respondents (63.5%) wanting the **link to close** live north of the link (Chamberlayne Avenue/Edison Drive where most of the crime and ASB incidents have occurred).

Highways Committee 6th December 2006	Version 1.1 27/11/2006
---	---------------------------

3.24 A Brent Officer inspected activity at the link on the night of Saturday 18th November 2006 and reported the following:

Visit	Time	Activity
1st Visit	20:45hrs	No activity near Edison Drive end of link. There were 2 youths at the other end near Hirst Crescent, but no untoward activity noticed.
2nd visit	22:05hrs	No activity near Edison Drive end of link. However, at the other end of footpath near Hirst Crescent, there were 8 youths (6 boys & 2 girls), 2 of them with bicycles. They were talking loudly and shouting someone's name.
3rd visit	23:40hrs	No activity near Edison Drive end of the link. At the other end near Hirst Crescent there were 2 youths (1 boy & 1 girl), but no untoward activity noticed.

3.25 A letter was sent to Fortunegate Community Housing on 13th November to ask them for their view on whether the link should remain open or be closed, but no response has so far been received.

Highway Authority's duty and obligations

3.26 A Public Highway is a route which all persons can use to pass and re-pass along as often and whenever they wish without let or hindrance and without charge. The Highway Authority's duty and obligation is to maintain in good order such a public highway for the safe passage of all persons. The consultation and surveys undertaken indicate significant and regular use of the link and that it therefore has a role to play in the Highway network. Officers would find it difficult to justify closure of the link under Section 118 of the Highway Act 1980.

3.27 The footpath/cycle path can only be stopped up if it ceases to be necessary to the general public, or to enable redevelopment to take place.

3.28 At the present time the route is being used by the general public from both the north and south sides of the estate. The Council's policies to promote Safer Routes to Schools, Walking Initiatives and Sustainable Transport reflect the need to allow both pedestrian and cycle access.

4.0 Financial Implications

4.1 Officers are proposing the installation of barriers similar to the ones shown in the drawing in Appendix 5 (but modified to deter people from sitting on them) and, if implemented, would cost in the region of £2.5k. No funding is currently identified for this work.

4.2 The cost for installing an automatically lockable gate including the installation of a power supply, which is discussed in paragraph 5.6 below, would be in the region of £10k. If two gates are required, then the cost would be approximately £17k. A specialist company would need to be sourced for its procurement. The

Highways Committee 6th December 2006	Version 1.1 27/11/2006
---	---------------------------

opening and locking of the gate would need to be carried out twice per day, 365 days per year (presumably at times agreed by the residents) by a mobile security guard to ensure regular and reliable service. The external company Regent Group, which provides security at Brent House, has quoted a cost of £18 per locking/unlocking for this service. This amounts to £13,140 per annum. There are other security companies who can also carry out this function. There is no funding currently identified for installation of a lockable gate or for a locking/unlocking service. It is noted that the provision of an automatically lockable gate may set a precedent causing other residents in the Borough to seek them.

4.3 There are no CCTV cameras in the vicinity. The Council's StreetCare Unit currently work on figures of £45k capital for provision and installation, and £4.5k revenue per annum for maintenance and monitoring etc. If a BT line is used then line rental would increase the revenue costs further. A feasibility study from a specialist company for the installation of a CCTV camera mounted on a new column and connected to the Council fibre-optic network running along East Lane indicates that the total cost would be in the region of £70k. It is noted that the installation of CCTV may set a precedent causing other residents in the Borough to seek this. No funding is currently identified for CCTV. It is considered that installation of CCTV would be an inappropriate prioritisation of resources. The Metropolitan Police have use of a mobile CCTV unit which could be used to greater effect in the area subject to resources and appropriate prioritisation.

4.4 Were members minded to proceed with a closure or gating, then it is anticipated that there will be objections to be resolved and possible referral to the Greater London Authority and/or the Secretary of State (if a closure was pursued). As explained below, a gating order could be challenged in the High Court which would entail expenditure on legal representation and exposure to a costs order if the Council was unsuccessful. Transportation and legal officers' time will be incurred, albeit at an unknown cost at this time.

5.0 Legal Implications

5.1 The link is adopted under Section 38 of the Highways Act 1980 and is already a highway maintainable at public expense.

5.2 The public right of way may be extinguished under Section 118 of the Highways Act 1980 if the Council considers it expedient on the grounds it is no longer needed for public use. In this case, the Council would have to make an Order. If there are no objections then the Council can confirm the Order. However if objections are received and not withdrawn then the order will have to be confirmed by the Secretary of State. Officers do not recommend closure of the link.

5.3 Section 118B of the Highways Act 1980 allows for the stopping up of any relevant highway in areas designated by the Secretary of State where this is expedient for the purposes of preventing or reducing crime which disrupts the life of the community, provided that certain conditions are met. These are that premises adjoining or adjacent to the highway are affected by high levels of

Highways Committee 6th December 2006	Version 1.1 27/11/2006
---	---------------------------

crime and that the existence of the highway is facilitating the persistent commissioning of criminal offences. However, to date no Order has been made designating the London Borough of Brent for the purposes of this section.

- 5.4 The Council could make a submission to the Department of Transport asking that such a designation order be made. DEFRA Circular 1/2003 sets out the procedure for this. Essentially it is necessary to show that there are rights of way that are demonstrable causes of a persistent crime problem and that realistic alternative options to tackle this have been examined. Accordingly, it would also be necessary to show that there are problems with a number of alleyways, not purely the one in question.
- 5.5 Public highways can be stopped up under section 237 of the Town and Country Planning Act 1990 where this is necessary to enable re-development to take place. However, this clearly would not apply in this case.
- 5.6 It is possible in certain circumstances to make a Gating Order under Section 129A of the Highways Act 1980. Before making an Order, the Council must be satisfied that (a) premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour, (b) the existence of the highway has facilitated the persistent commission of criminal offences or anti-social behaviour and (c) it is in all circumstances expedient to make the Order for the purposes of reducing crime or anti-social behaviour. The circumstances are to be considered under (c) include the likely effect of making the Order on the occupiers of the premises adjoining or adjacent to the highway, the likely effect of making the Order on other persons in the locality and (where the highway constitutes a through route) the availability of a reasonably convenient alternative route. Under section 129B, the Gating Order may restrict the public right of way at all times, or in respect of such times as are specified in the Order and may exclude persons of a specific description from the effect of the restriction. However, a Gating Order may not be made so as to restrict the public right of way over the highway, by premises adjoining or adjacent to the highway or to restrict the principal means of access to any dwelling or to any premises used for business or recreational purposes during those periods when the premises are normally used for such purposes. For example, if anti-social behaviour was occurring only during the evening or late at night then it might be possible to make an order restricting use to just working hours. However, an important point would be whether in practice this could be enforced as some kind of time locking barrier would be required. Restricting the use of the alleyway to local residents only would be a fairly extreme form of order and may well result in objections so that the order would not be upheld. Also, the practical problem of restricting use to local residents only is even more problematical and would not sit comfortably with the Council's inclusion policies.
- 5.7 The Council is required to publish details of its proposed Order and consider any objections made. The Council may, if it sees fit, hold a public inquiry but is not obliged to do so unless objections are received from the police, the fire authority or the NHS Trust for the area in question. Section 129D sets out that a person may apply to the High Court for an Order questioning the validity of a Gating Order on the grounds that the Council had no power to make it or the relevant requirements were not satisfied. Accordingly, if the Council fail to have

Highways Committee 6th December 2006	Version 1.1 27/11/2006
---	---------------------------

regard to the specified requirements in making the Order, or if the decision to make it was irrational in all the circumstances, then the court has the power to quash the Gating Order.

5.8 Government guidance recommends that Councils should review gating orders annually to assess whether they are still required or whether they can be revoked or varied.

5.9 If the committee does decide to proceed with the making of a Gating Order, then it is recommended that they authorise the Director of Transportation to consider any objections or representations made and to refer these back to this committee unless he considers them to be groundless or of a minor nature, and to make any minor variations to the proposed Order if he considers this to be necessary either as a result of objections or representations or otherwise.

6.0 Diversity & Inclusion Implications

6.1 This report has been checked by the officers who have assessed that the following implications arise.

6.2 The Council's transport policies seek to maximise opportunities for everyone to be able to make use of the borough's transportation network. This policy approach in itself is inclusive: approximately one third of households in the borough are car-free; and sixty per cent of trips to work are made by the sustainable modes (walking, cycling, buses, taxis and rail-based public transport). Disabled people and people with sensory impairments who are unable to drive cars will benefit from policies that are designed to maximise opportunities for using the sustainable modes and to travel independently. Reduced walking distances to local facilities will aid the independent mobility of these individuals.

6.3 The Brent Ward Profiles Census of 2001 showed that 27.5% of households in Preston Ward do not own a car and thus have to rely on other means of travel such as walking, cycling and using public transport.

6.4 Over-reliance on private motor transport undermines inclusivity because it competes unfairly with public transport, increases danger on the roads, undermines the quality of the public realm, contributes to local air pollution and results in the decline of local shopping and activity. The result of closing this link is likely to be increased pressure for car dependency, undermining the Council's policies and contributing to social exclusion.

6.5 The closure or gating of the link would be contrary to the Council's policies for inclusion.

7.0 Staffing/Accommodation Implications

7.1 The issue is being addressed by in-house staff of the Transportation Service Unit and Legal Services; and the installation of the barriers, if agreed, will be carried out using the Council's term contractors.

Highways Committee 6th December 2006	Version 1.1 27/11/2006
---	---------------------------

8.0 Environmental Implications

- 8.1 Officers have produced a design incorporating strategically placed low level barriers at each end of the link to deter usage by motorcycles (Appendix 5). This is designed to improve the personal safety of users, reduce noise/air pollution and retain wheelchair access.
- 8.2 Walking and cycling are important aspects of sustainable mobility in the borough, providing acknowledged benefits for health (from exercise), inclusion and reduced car dependency. Key to the promotion of these modes is ensuring that route choice is maximised and diversion is minimised. The permeability of the borough's suburban streets is a key factor determining whether or not people choose to walk or cycle to local destinations or use their car for any particular journey. The link aids walked and cycled trips by maximising route choice and minimising diversion.
- 8.3 The Council works in partnership with Transport for London to deliver safer routes to school in order to reduce the number of car-borne 'school run' trips. The pedestrian and cycle link at this location is an essential component of the necessary infrastructure to deliver both existing and future walked and cycled journeys to school. For example, Mitchellbrook School identified the lack of a footbridge over the canal feeder at the end of Yeats Close as being a major deterrent to walking and cycling—the bridge is a long standing project that has been prevented by residents' opposition. But work by Living Streets revealed strong 'hidden support' (from 80 per cent of residents in a house-to-house survey) for the bridge which (subject to planning permission) will now be constructed, seven years after the Yeats Close development was completed.
- 8.4 The link aids the objective of encouraging walked and cycled trips to school and reducing dependency on the car for those trips. It also provides an alternative to Preston Road / St Augustine's Avenue.
- 8.5 The Local Implementation Plan contains a number of policies and proposals that militate against the closure of essential links in the borough's transportation network where they provide a useful service to the community. Emphasis is placed upon promoting walking and cycling in an overall context of improving the management of the finite resource which is the borough's transportation network. Closing the link would be contrary to the Council's transport policies and proposals as set out in the Local Implementation Plan and Cycling Action Plan which are informed and directed by the London-wide Transport Strategy, the London Walking and Cycling strategies and by overarching national policies which seek to reduce the need to travel by car.

9.0 Discussion of Options

- 9.1 The 12 hour video survey showed that 188 people used the link travelling north and 222 people used it travelling south and that peak times were between 08.00 and 09.00h in the morning and between 15.00 and 16.00hrs in the afternoon. The peak time user survey showed that there is substantial support for the link to remain open (51 against 6) and that it would inconvenience a large proportion of these people should the link be closed. Many would need to walk a longer way round, catch a bus or use their cars to get to their destinations. The vast majority of people using the link in both directions stated that they would support the installation of the barriers shown in Appendix 5 to deter motorbikes (27 against 4).
- 9.2 Response to the residents' questionnaire sent out to all properties on the two estates indicates that there is substantial support for the link to remain open (19 against 33). More than half (10 or 52%) of those wanting it to remain open live in Chamberlayne Ave and Edison Drive where most incidents of crime and anti-social behaviour are reported to occur.
- 9.3 Pursuing the closure of the link under Section 118 or 118B of the Highways Act 1980 is only expedient on the grounds that it is no longer needed for public use or (under section 118B) that the existence of the highway is facilitating the persistent commissioning of high levels of criminal offences. It would also be necessary to show that there are problems with a number of alleyways, not purely the one in question. Officers do not recommend pursuing closure of the link under section 118B as it has been demonstrated that it is needed for public use through current Transport and Inclusion Policies and recent surveys, and that to close it would require an Order to be made by the Department of Transport citing Brent as a designated crime prevention area. The crime and anti-social behaviour data gathered for the area does not appear to justify a designation order under section 118B as it does not indicate that there are persistently high levels of criminal offences compared to other areas in the Borough or generally. Indeed, Brent's Head of Community Safety has stated that an examination of the Borough's crime hot spots, i.e. those areas where crime can be said to be a persistent and concentrated problem, shows that these are based around town centres such as Kilburn, Wembley, Harlesden and Willesden. Officers have not found evidence that alleyways that are rights of way are facilitators of crime to the degree and seriousness that would meet the criteria for designation as a crime hot spot.
- 9.4 Regarding a Gating Order under Section 129A of the Highways Act 1980 in order to reduce anti-social behaviour at certain times of the day, there are problems associated with the practicalities of enforcing the opening and closing such a gate twice per day, the cost of which would be in the region of £13k per year plus £10k capital outlay to install a single gate. The Council's Head of Community Safety is concerned about the viability of a gating option and how it could be justified as there are negative safety implications if the link is closed at night. For example, someone coming home via one of the tube stations and using the link in either direction would have to walk further on their own and at a quiet time. Thus it could be argued that a decision to close the link at night is not taking into account the crime and disorder implications of this action

Highways Committee 6th December 2006	Version 1.1 27/11/2006
---	---------------------------

(contrary to Section 17 of the Crime and Disorder Act 1998). Officers do not recommend gating because of this and due to the non availability of a reasonably convenient alternative route and the number of objections likely to be received which may be problematical and expensive to deal with in terms of resources required. There is also a risk that a Gating Order may be quashed by the High Court if the validity of the Order is questioned.

- 9.5 A more inclusive approach would be to install low level hopped barriers of the type shown in Appendix 5 (modified to deter people from sitting on them) to prevent motorcycle access, and continue to monitor crime and anti-social behaviour so that future proposals can be brought forward if the issues escalate.

Background Papers

Letter and petition from residents in Chamberlayne Avenue/Edison Drive received on 12th April 2006.

Minutes of Residents' Meeting held on 11th April 2006 at Brent Town Hall.

E-mail dated 21st May 2006 from Dr Hasan Badry of Chamberlayne Avenue Committee.

Minutes of Brent Anti-Social Behaviour Team Meeting held on 17th August 2006.

Highways Committee 12th October 2006 report entitled 'Petition from Residents of Chamberlayne Avenue/Edison Drive'.

Contact Officers

Richard Pearson, Director of Transportation Service Unit, 2nd Floor East, Brent House, 349-357 High Road, Wembley, Middlesex, HA9 6BZ . Telephone: 020 8937 5151.

Richard Saunders, Director of Environment & Culture, 3rd Floor West, Brent House, 349-357 High Road, Wembley, Middlesex, HA9 6BZ . Telephone: 020 8937 5002.

Highways Committee 6th December 2006	Version 1.1 27/11/2006
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APPENDIX 1 - Metropolitan Police Safer Neighbourhood Team Incident Report

Date	Time	Reported Incidents
24/04 to 10/05	None given	Residents of Chamberlayne Ave reported to Police patrol that link being used by drug dealers to make sales and for access between estates for purposes of crime
02/05/06	None given	Residents of Chamberlayne Ave and Edison Dr reported to Police patrol that drug dealing & usage is a problem especially in the link
15/05/06	00.00 to 06.00	Residents of Chamberlayne Ave reported 5 cars broken into or damaged
04/08/06	None given	Resident of Edison Dr reported that youths aged between 15 & 20 were riding mopeds through link
07/08/06	21.00 to 23.00	Resident reported that 6 or so local youths aged 13 to 17 used apples from a tree in the link as ammunition to throw between themselves and then at cars, homes and people walking by.
07/08/06	None given	Residents and patrolling Police witnessed a youth aged 15 to 19 on a moped driving through the link to Chamberlayne Ave from Hirst Crescent
09/08/06	None given	SNT patrolling on East Lane spotted a youth aged 15 to 19 on a moped at high speed turning into Pembroke Rd who had previously been seen driving through the link
09/08/06	19.00 to 00.00	Resident of Edison Drive reported that the link is regularly used by mopeds for access, and that Pizza Hut delivery drivers also use this route
13/10/06	20.00	Resident of Chamberlayne Ave reported on 18/10/06 that 5 hooded youths seen congregating at the roundabout at the entrance to Chamberlayne Ave proceeded along Chamberlayne Ave looking into cars in a suspicious manner and travelling in to Edison Drive
14/10/06	None given	Residents of Chamberlayne Ave reported 4 youths cycling from the link into Chamberlayne Ave looking at people in an intimidating manner, laughing at them and acting in a loud and aggressive way
14/10/06	19.15	Residents of Chamberlayne Ave reported a hooded man walking from the link up Chamberlayne Ave towards Preston Road looking into properties and cars in a suspicious manner.
25/10/06	23.00 to 00.00	A resident approached officers on patrol in Edison Dr and reported that fireworks were being launched by individuals in the residential streets, especially Hirst Crescent

APPENDIX 2 – Brent ASB Team Incident Log

The table shows a summary of Anti-Social Behaviour and Crime incidents reported by the residents of Chamberlayne Avenue and Edison Drive regarding the alleyway that links to Hirst Crescent:

Date	Time	Reported Incidents
01/03/06	None given	Reported that Police called 3 times in previous week, graffiti on walls, road signs, destroying flower beds, breaking into backs of houses
07/04/06	13.18	Graffiti at Preston Rd/Pellat Rd, and front garages at Walton Rd reported
10/04/06	12.12	Police alerted to shed break-in at property adjacent to link, Police took sample of 'soap substance' found with condoms for tests.
09/05/06	24.00	4 youths spraying cars with spray paint
13/05/06	21.30	4 hooded men hanging around and looking suspicious near flats, dispersed when realised being watched
15/05/06	None given	Suspicious looking man hanging around in Chamberlayne Ave, rode off on bicycle when realised being watched
16/05/06	None given	Van and car had windows smashed in Chamberlayne Ave, graffiti on 4 signs on roundabout and wall leading to Pellat Rd
26/05/06	Early hours am	2 vehicles broken into, car windows smashed in Chamberlayne Rd
27/05/06	02.15	Car broken into on Chamberlayne Rd
29/05/06	09.00	Burglary in Chamberlayne Ave
01/06/06	pm	Group of youths hanging around Chamberlayne Ave looking into properties and cars.
04/06/06	None given	Youth and child kicking ball hard which broke fence on purpose in Chamberlayne Rd
06/06/06	01.20	2 hooded youths rising bicycles seen coming from link up Chamberlayne Ave talking very loudly waking residents
06/06/06	06.30	2 youths on bicycles with 5 schoolchildren coming from link up Chamberlayne Ave throwing stones which hit car windows
07/06/06	01.00	After loud noise 3 youths on bicycles rode very fast towards Preston Rd
17/06/06	10.30	Man wearing balaclava seen smashing removal van window with brick which had arrived 5 minutes earlier and stole Sat Nav
19/06/06	03.00	Man behaving strangely walked up and down Chamberlayne Ave assessing cars & properties.
20/06/06	Early hours	Burglary from car in Chamberlayne Ave
04/07/06	Unknown	Report to Police of car window smashed in Chamberlayne Ave

12/07/06	Not given	Man mugged in Chamberlayne Ave
20/07/06	Not given	Eggs thrown by 3 youths on scooters
26/08/06	05.30	Youth caught in Chamberlayne Ave garden, said he was looking for a ball while his friend was waiting by front door, both had bicycles.
04/09/06	Night time	Large group of youths congregated outside a house in Chamberlayne Ave shouting and pointing making residents feel intimidated and worried
13/09/06	N/A	Anonymous letter received from Tenants of Edison Drive stating youths coming from Hirst Cres and listing examples of crime & ASB incidents
01/10/06	None given	Reported lack of appropriate street lighting
16/10/06		3 schoolchildren about 14 to 15 years old hanging around causing nuisance for last 3 days, shouting sitting on pavement, play fighting, spitting etc

APPENDIX 3 – 12 Hour Video Survey Results

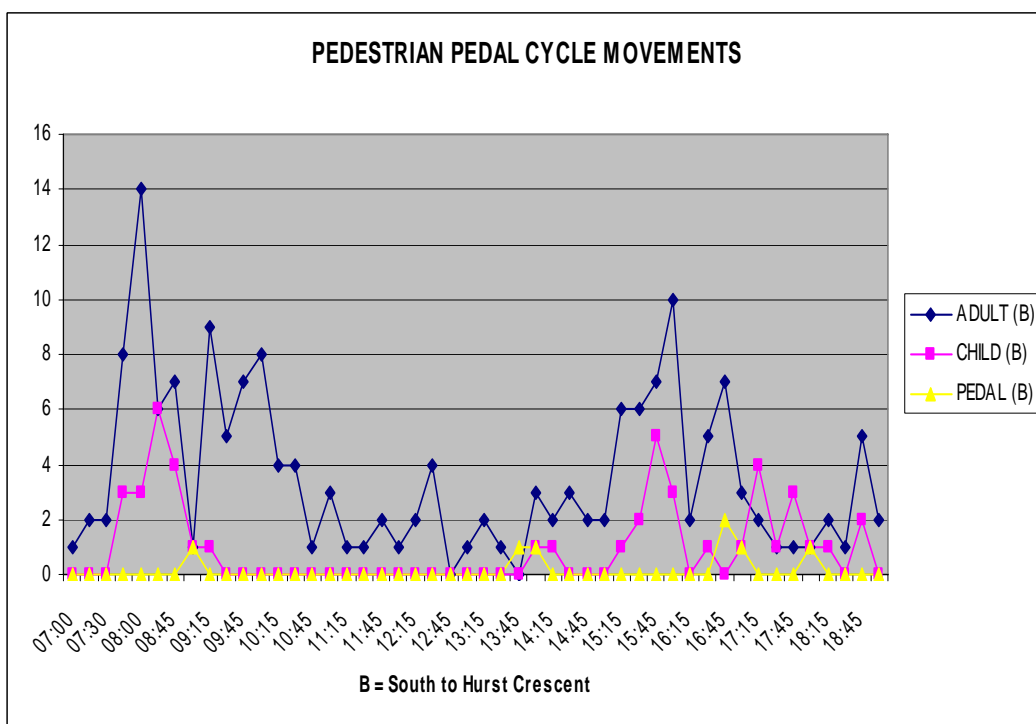
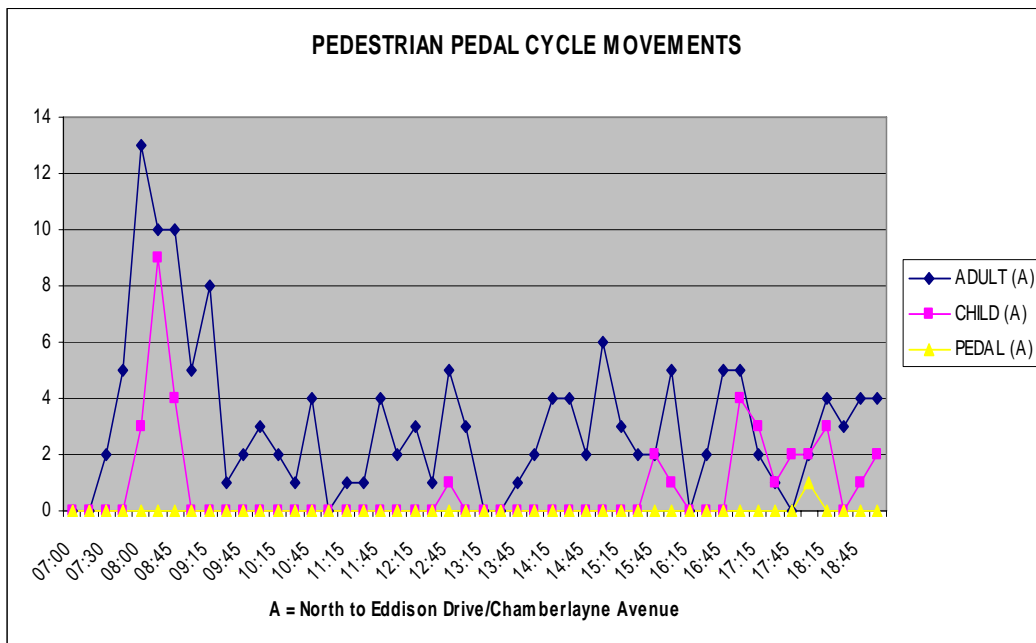
Pedestrian & Cycle Movements between 07.00hrs and 19.00hrs on 1st Nov 2006

A = North to Chamberlayne Avenue/Edison Drive

B = South to Hirst Crescent

	A	B	A	B	A	B
TIME	ADULT	ADULT	CHILD	CHILD	PEDAL	PEDAL
07:00-07:15		1				
07:15-07:30		2				
07:30-07:45	2	2				
07:45-08:00	5	8		3		
08:00-08:15	13	14	3	3		
08:15-08:30	10	6	9	6		
08:30-08:45	10	7	4	4		
08:45-09:00	5	1		1		1
09:00-09:15	8	9		1		
09:15-09:30	1	5				
09:30-09:45	2	7				
09:45-10:00	3	8				
10:00-10:15	2	4				
10:15-10:30	1	4				
10:30-10:45	4	1				
10:45-11:00		3				
11:00-11:15	1	1				
11:15-11:30	1	1				
11:30-11:45	4	2				
11:45-12:00	2	1				
12:00-12:15	3	2				
12:15-12:30	1	4				
12:30-12:45	5		1			
12:45-13:00	3	1				
13:00-13:15		2				
13:15-13:30		1				
13:30-13:45	1					1
13:45-14:00	2	3		1		1
14:00-14:15	4	2		1		
14:15-14:30	4	3				
14:30-14:45	2	2				
14:45-15:00	6	2				
15:00-15:15	3	6		1		
15:15-15:30	2	6		2		
15:30-15:45	2	7	2	5		
15:45-16:00	5	10	1	3		
16:00-16:15		2				
16:15-16:30	2	5		1		
16:30-16:45	5	7				2
16:45-17:00	5	3	4	1		1

	A	B	A	B	A	B
TIME	ADULT	ADULT	CHILD	CHILD	PEDAL	PEDAL
17:00-17:15	2	2	3	4		
17:15-17:30	1	1	1	1		
17:30-17:45		1	2	3		
17:45-18:00	2	1	2	1	1	1
18:00-18:15	4	2	3	1		
18:15-18:30	3	1				
18:30-18:45	4	5	1	2		
18:45-19:00	4	2	2			
TOTALS	149	170	38	45	1	7



APPENDIX 4 – Peak Time User Survey Results

Pedestrian & Cycle Movements between 08.00hrs and 09.00hrs and between
15.00hrs and 16.00hrs on 10th November 2006

Travelling in a Southerly Direction towards Hirst Crescent

34 pedestrians, 1 cyclist used the link = 35 total from 08.00 to 09.00

33 pedestrians, 1 cyclist used the link = 34 total from 15.00 to 16.00

1. Do you use this link mainly to get to work, school, shops or other reason?

Period	Work	School	Shops	Other	Total Sample
08.00 to 09.00	6	20	4	1	31
15.00 to 16.00	3	6	6	0	15

2. How would you reach your destination if the link was closed?

Period	Walk Around	Cycle	Car	Bus	Not Go	Other
08.00 to 09.00	11	0	4	2	0	0
15.00 to 16.00	9	0	1	2	0	0

3. Do you think the link should be left open?

Period	Strongly Agree	No Opinion	Strongly Disagree
08.00 to 09.00	12	0	2
15.00 to 16.00	11	0	0

4. Would you support the installation of low level barriers at each end of the link of the type shown on drawing number 103 to deter motorbikes?

Period	YES	No Opinion	NO
08.00 to 09.00	15	1	1
15.00 to 16.00	8	1	2

APPENDIX 4 (Cont'd) – Peak Time User Survey Results

Travelling in a Northerly Direction towards Chamberlayne Ave/Edison Drive

23 pedestrians, 1 cyclist used the link = 24 total from 08.00 to 09.00

26 pedestrians, 1 cyclist used the link = 27 total from 15.00 to 16.00

1. Do you use this link mainly to get to work, school, shops or other reason?

Period	Work	School	Shops	Other	Total Sample
08.00 to 09.00	5	9	0	0	14
15.00 to 16.00	4	10	5	0	19

2. How would you reach your destination if the link was closed?

Period	Walk Around	Cycle	Car	Bus	Not Go	Other
08.00 to 09.00	12	1	0	0	0	1 (use diff station)
15.00 to 16.00	17	0	0	1	0	3

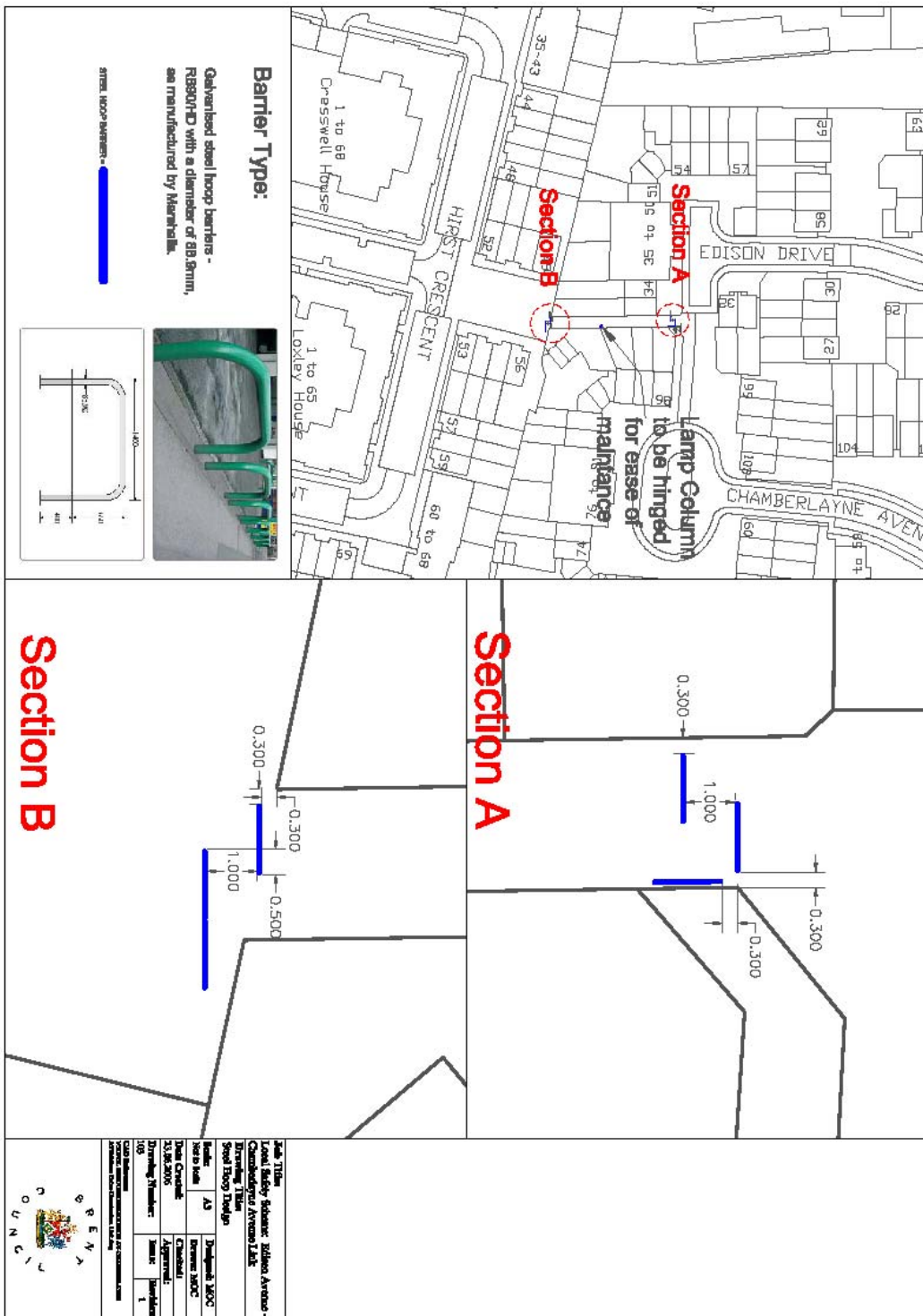
3. Do you think the link should be left open?

Period	Strongly Agree	No Opinion	Strongly Disagree
08.00 to 09.00	11	1	2
15.00 to 16.00	17	0	2

4. Would you support the installation of low level barriers at each end of the link of the type shown on drawing number 103 to deter motorbikes?

Period	YES	No Opinion	NO
08.00 to 09.00	12	1	1
15.00 to 16.00	17	2	0

APPENDIX 5
Drawing 103 Showing Proposed Barriers to Deter Motorbikes from Using the Link



APPENDIX 6

Results of Residents' Consultation Questionnaire

(A total of 331 Questionnaires were sent out to occupiers by post)

Question 1	Foot	Cycle	Other	Not at All
Do you use this link mainly on foot, cycle, other or not at all?	17	1	0	34

Question 2	YES	NO
Do you use any of the facilities on the other side of the link?	16	34

Question 3	YES	NO
Would you like the link to remain open?	19	33

Why People Want the Link Closed	Number of Respondents
Anti-social behaviour & crime	25
Feel unsafe due to loiterers	7
Noise at all hours	3
Mopeds use it	2
Graffiti found on parked vehicle and driveway	2
Cars get broken into	1
Concerned that youths will sit and congregate on proposed barriers	1
Want it left open but if closing it will reduce anti-social behaviour and crime then they would support closing it	1
Bicycle stolen from shed	1
Residents lives being made miserable	1
Throwing bottles, stones, rubbish into garden	1

Respondents' Street Address Respondents' Preference	Chamberlayne Avenue	Edison Drive	Hirst Crescent	Totals
Number of Respondents wanting link to remain Open	5	5	9	19
Number of Respondents wanting link to be Closed	29	4	0	33
Totals	34	9	9	52

The response rate by the closing date of 20/11/06 was 15.7% (52 from 331 sent out).

20 responses were received after the closing date up until finalisation of the report on 27/11/06 (17 of these responses were for closure and 3 were for leaving the link open), which have not been included in the table above.