

THE ASSEMBLY

19 MAY 2004

REPORT FROM THE DIRECTOR OF LEISURE AND ENVIRONMENTAL SERVICES

PETITION ROGERS GARDENS - ANTI SOCIAL BEHAVIOUR	FOR DECISION
<i>The Constitution (Article 2 paragraph 15) requires petitions containing more than 50 signatories from separate addresses to be reported to the Assembly.</i>	
Summary	
<p>To report the receipt of a petition containing 60 individual signatories from 53 separate addresses, asking for the closure of the alley between Rogers Gardens and Stanfield Road.</p>	
<p>The heading on the petition stated:</p>	
<p>"The residents of Rogers Gardens, Dagenham Essex, request that the alley between Rogers Gardens and Stanfield Road be locked (and reopened in daytime), due to the unsociable behaviour, drug-taking and vandalism that takes place therein in the evening/nighttimes."</p>	
<p>Several letters were also received at the time of receiving the petition outlining the concerns of individual residents with respect to the same issue.</p>	
<p>In accordance with Council procedures in respect of petitions, a meeting was arranged on the 5 March 2004 and invitations to attend were issued to Councillor McKenzie (Portfolio Leader for Street Scene), Ward Members, (Councillors Davis, McCarthy and Wade) the local Police, Lead Petitioners (Mr and Mrs Smith) and Officers.</p>	
<p>At the meeting the Lead Petitioners were unable to attend due to a family bereavement however, petitioners Ms Terry and Mr Gorecki were in attendance and gave background information on the problems experienced and incidences of anti social behaviour. Details of instances of abuse to residents and damage to their vehicles were also outlined.</p>	
<p>It was felt by both Ward Members and petitioners that the derelict property No 1 Rogers Gardens was a contributing factor in attracting gangs of youths to the area.</p>	
Recommendation	
<p>The Assembly is asked to note the actions that have been taken and agree that no further action should be taken to close the alley.</p>	
Wards Affected - Alibon Ward	

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1. Background

- 1.1 The alleyway, which runs between Rogers Gardens and Standfield Road, forms part of the public highway network which is maintained at public expense.
- 1.2 In accordance with Council procedures in respect of petitions, a meeting was arranged on the 5 March 2004 and invitations to attend were issued to Councillor McKenzie (Portfolio Leader for Street Scene), Ward Members, (Councillors Davis, McCarthy and Wade) the local Police, Lead Petitioners (Mr and Mrs Smith) and Officers.
- 1.3 At the meeting the petitioners, Ms Terry and Mr Gorecki gave background information on the problems experienced and incidences of anti-social behaviour. Details of instances of abuse to residents and damage to their vehicles were also outlined.
- 1.4 It was felt by both Ward Members and petitioners that the derelict property No 1 Rogers Gardens was a contributing factor in attracting gangs of youths to the area.
- 1.5 The Lead Petitioner confirmed that a petition had previously been submitted to the Council regarding this property. It was agreed that a copy of this petition would be passed to the Ward Councillors for action.
- 1.6 The situation regarding the alleyway was discussed and it was confirmed that, should a closure be proposed, then the matter would have to be the subject of an application to the local Magistrates Court under the requirements of the Highways Act 1980.
- 1.7 Wayleaves may be required to protect Statutory Undertakers equipment, which may be present in the alleyway.
- 1.8 The petitioners gave details of drug taking and dealing, which was taking place in the alleyway.
- 1.9 The Police confirmed that local beat officers had been called to the alleyway over the recent summer months, however, the situation had now calmed down. The Police incidence reports indicated that 20 calls had been made in the past 12 months of which 12 were for disorder and theft and damage to motor vehicles.
- 1.10 It was agreed that due to the difficulties, which may occur in achieving a closure order for the public highway, more effort should be concentrated on the other issues such as the derelict property and the issue of Anti-Social Behaviour Orders (ASBO).
- 1.11 It was acknowledged that when Police arrived to deal with an incident, the youths dispersed through the alleyway and then re-assembled when the police had gone.

1.12 Details of individual troublemakers were given to the Police following the conclusion of the meeting.

2. Follow Up Actions

2.1 Due to the sensitive nature of the action regarding anti-social behaviour, the Police have been invited to this meeting to give a verbal report on the situation.

2.2 The Private Sector Housing Team is currently working on 1 Rogers Gardens to make the property fit. The property has been visited on a number of occasions and contact has been finally made with the current owner of the property. The owner has been served with a "minded to" section 189 notice on the 28 April 2004, which sets out what work is required to make the property fit. This has a life span of 15 days, after which, if no effort has been made to comply with this notice, a formal section 189 will be served which will set out a formal timescale for works to be completed. If there is still no co-operation from the owner then further legal action will be taken to ensure the property is returned to fitness.

2.3 The owner of the property, who is still living at 1 Rogers Gardens, has been met. It would appear that he is willing to co-operate with the team and has said that he is inclined to sell the property and move on.

2.4 The best option would be for the quick sale of the property on the open market as suggested by the owner. However, we will continue the formal legal approach as well, in case the owner changes his mind and decides to try and leave the property as it is.

2.5 It should be noted that if the legal route is needed then it will be a time consuming process due to legal timescales that need to be adhered to. However, the Private Sector Team will be endeavouring to improve the property in as quick a time as is legally practicable.

2 Financial Implications

3.1 The formal closure of the alleyway would involve financial considerations arising from legal and advertising costs, possible physical closure by fencing and payment of wayleaves to any statutory undertaker who has equipment within the pathway. Any of the above financial considerations would have to be met from the existing Highways Maintenance Budget.

Background Papers

Petition

Minutes of Petitioners Meeting 5 March 2004