

Committee	Lead Cabinet Member for Transport and Environment
Date	28 July 2008
Report By	Director of Transport and Environment
Title of Report	Prohibition of vehicles on Upper Clarence and Clarence Road, St Leonards
Purpose of Report	To clarify the intention of the decision made by the Lead Cabinet Member at his meeting on 31 March 2008 to close parts of the above roads to public vehicular use

RECOMMENDATION:

It is recommended that the Hastings Borough Council be instructed to seek a permanent Traffic Regulation Order under sections 1, 2 and 3 of the Road Traffic Regulation Act 1994 to close part of Upper Clarence Road and part of Clarence Road to public vehicular traffic between the hours of 8am and 8pm.

1. Financial Appraisal

1.1 There are no specific financial implications in respect of the recommendations detailed in this report.

2. Supporting Information

2.1 At the Lead Member meeting held on the 31 March 2008 a report was presented regarding the prohibition of traffic on Upper Clarence Road, St Leonards (see attached Appendix). The report recommended that Hastings Borough Council should be instructed to make the appropriate traffic regulation order as the County Council's agents as Highway Authority within the Hastings Borough. The recommendation was approved by the Lead Member.

2.2 The Borough Council was at the time unable to make the necessary order due to the prioritisation of other legal orders and it was, therefore, deferred until the current financial year.

2.3 In the process of making the order the Borough Council has highlighted the absence of any reference to Clarence Road in the report to Lead Member in March 2008. The extent of the order was intended to include both part of Upper Clarence Road, which was expressly referenced in the report, but also part of Clarence Road which was not expressly mentioned. The Borough Council has requested confirmation as to the intended extent of the order before it is made.

3. Comments / Appraisal

3.1 The purpose of the order, and its intended extent, were made clear at the Lead Member meeting. However, the lack of any specific reference to Clarence Road in the report is recognised as an oversight, so too is the need for clear instruction to Hastings Borough Council as the order making authority.

4. Conclusion and Reason for Recommendation

4.1 In view of the agreement to the recommendation of the previous report, the basis of which and reasons for remain valid, it is further recommended that agreement to the extent of the order as shown on the attached plan is confirmed.

RUPERT CLUBB
Director of Transport and Environment
17 July 2008

Contact Officer: Matthew Harper 01273 335227
Local Member: Councillor Trevor
Webb

BACKGROUND DOCUMENTS

Appendix 1 – Location plan
Appendix 2 - Lead Member Report 31 March 2008

Committee	Lead Cabinet Member for Transport and Environment
Date	31 March 2008
Report By	Director of Transport and Environment
Title of Report	Petition requesting a gating order at Upper Clarence Road, St Leonards
Purpose of Report	To consider a petition for a gating order at Upper Clarence Road, St Leonards

RECOMMENDATION:

That Hastings Borough Council be instructed to seek a permanent Traffic Regulation Order under sections 1, 2 and 3 of the Road Traffic Regulation Act 1994 to close Upper Clarence Road to public vehicular traffic between the hours of 8pm and 8am.

1. Financial Appraisal

1.1 There are no specific financial implications in respect of the recommendations detailed in this report. The costs of both a Traffic Regulation Order and the gates and bollards proposed will be met by the Borough Council's Neighbourhood Renewal Team. Any future maintenance costs would be met from the County Council's Rights of Way Budget.

2. Supporting Information

2.1 At his meeting held on the 17 December 2007, the Lead Member considered a report relating to a petition requesting the night time closure of Upper Clarence Road, St Leonards, an unmade public byway open to all traffic.

2.2 The County Council as the Highway Authority has powers to gate public highways where it is satisfied that premises adjoining or adjacent to a highway are affected by crime or anti-social behaviour. At the December meeting the petitioners were advised that decision on whether to proceed with a gating order would need to be deferred until reports relating to the crimes and incidents of anti-social behaviour had been gathered.

2.3 Information relating to incidents reported to the authorities within the previous six months has since been provided by the Hastings Borough Council Neighbourhood Renewal Team. Those incidents are as follows: four incidents of criminal damage; four incidents of suspicious activity; seven incidents relating to drink or anti-social behaviour; two cases of burglary; three incidents of car crime; five cases of fly-tipping.

3. Comments / Appraisal

3.1 Whilst these incidents appear to illustrate a relatively persistent pattern of crime and anti-social behaviour, there is no evidence to suggest that the majority of the problems would be prevented by the gating of the road.

3.2 In the absence of any clear benefit of a gate in reducing the wider crime and anti social behaviour problems, the Council's powers to make gating orders within the Clean Neighbourhoods and Environment Act 2006 are not be appropriate in this case. However, the Road Traffic Regulation Act 1994 provides the Council with powers to make permanent traffic regulation orders to preserve the character of a road.

3.3 Increased warden and police patrols have failed to reduce the problem of fly tipping on Upper Clarence Road. Incidents have ranged from general garden and building waste, to a large boat. At a rate of almost one incident per month the problem has a consistent impact on the character of the road, and the removal of the waste represents a significant cost.

4. Conclusion and Reason for Recommendation

4.1 In circumstances where the public is likely to be significantly inconvenienced by the closure of a road, it is unlikely that a Traffic Regulation Order (TRO) could be viewed as reasonable measure for dealing with the problem of fly tipping. Crucially, in this case the road is unsuitable for use as a through route. As a result vehicular use is limited to the owners of those properties and businesses on the road, all of who fully support the measure of a gating order. The residents' association, which represents all property owners on the road, will be responsible for the opening and closing of the gate.

4.2 In view of the benefits of preventing the fly tipping, and the lack of any inconvenience to the wider public, it is felt that a Traffic Regulation Order could be justified to address the problems of fly tipping on Upper Clarence Road.

4.3 The costs of both a Traffic Regulation Order and the gates and bollards proposed could be funded by the Borough Council's Neighbourhood Renewal Team through its crime reduction initiative.

4.4 I therefore recommend that Hastings Borough Council is instructed to seek a Traffic Regulation Order to prohibit public vehicular traffic over the relevant part of Upper Clarence Road during the hours of 8pm and 8am under its Agency Agreement with the County Council as Highway Authority.

RUPERT CLUBB
Director of Transport and Environment
31 March 2008

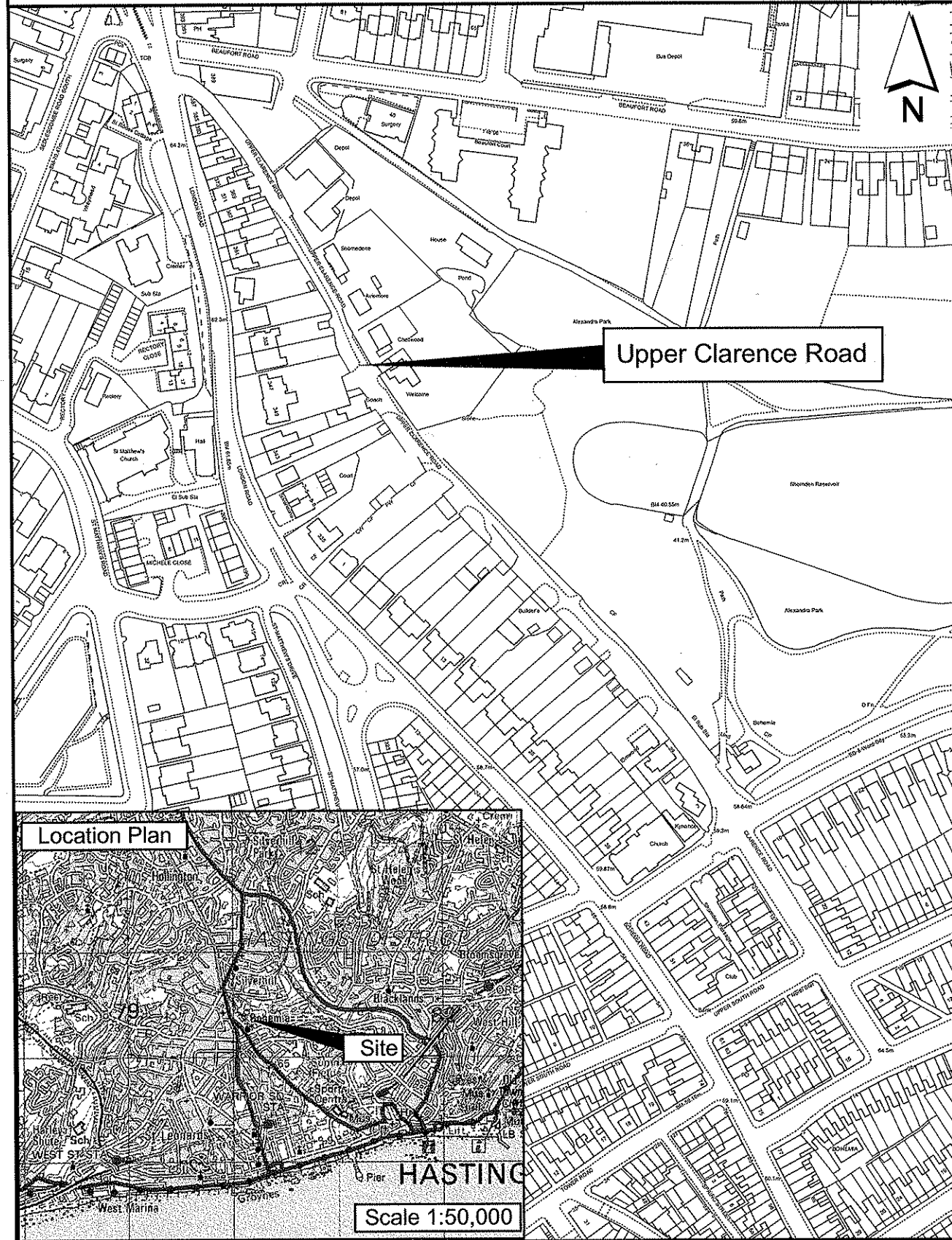
Contact Officer: Matthew Harper
Local Member: Councillor Webb

01273 335227

BACKGROUND DOCUMENTS

Lead Member for Transport and Environment report - 17 December 2007

Petition for a gating order at Upper Clarence Road, St Leonards

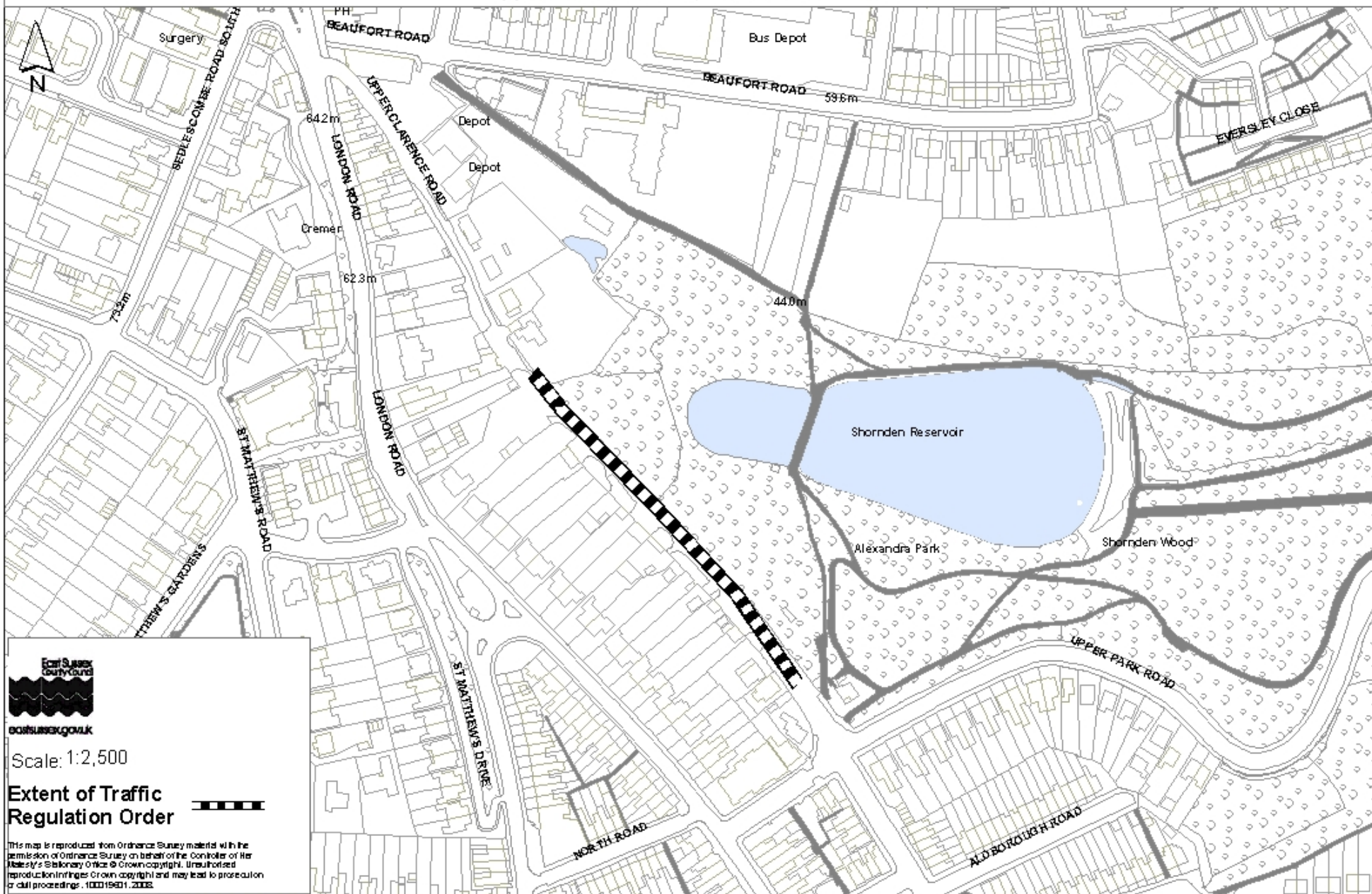


Scale 1:2500

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Traffic Regulation Order Upper Clarence Road, St Leonards on Sea



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Scale: 1:2,500

Extent of Traffic Regulation Order 

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