EXPLANATORY MEMORANDUM TO THE

THE CRIME PREVENTION (DESIGNATED AREAS) (AMENDMENT) ORDER 2004

2004 No.2674

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order amends the Crime Prevention (Designated Areas) Order 2003 (the 2003 Order) to remove an area in the borough of Milton Keynes which was designated in that Order and shown hatched and edged in red on map 36 (copy attached) included in article 3 of that Order.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 Sections 118B and 119B of the Highways Act 1980 (the 1980 Act) (inserted by paragraphs 8 and 12 of Schedule 6 to the Countryside and Rights of Way Act 2000) enable a council (which is a highway authority), for the purposes of crime prevention, to make orders for the stopping up or diversion of certain highways within areas designated by the Secretary of State under section 118B(1)(a) of the 1980 Act.

4.2 The 2003 Order designated 52 areas under section 118B(1)(a) of the 1980 Act including an area in the borough of Milton Keynes hatched and edged red on map numbered 36 included in article 3 of the 2003 Order.

4.3 This Order has been made because it is considered that the area in map 36 no longer needs to be designated for the purposes of crime prevention.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

7.1 The Secretary of State, in exercising the power to designate areas under section 118B(1)(a), has said that she will consider submissions from highway authorities on the inclusion of areas in designation orders. DEFRA issued guidance to local highway authorities in February 2003 setting out what should be included in these submissions. This made it clear that although all submissions for designation would be considered, the Government generally believes a primary consideration must be that highway authorities are able to demonstrate (in their submission) that:

a) there are rights of way in the area in question, that are demonstrable causes of a persistent crime problem; and

b) realistic alternative options to tackle the causes of problems have been examined prior to making a submission.

7.2 Furthermore the guidance stated that a highway authority should only consider an area for inclusion in a designation order if the given area has rights of way where the conditions set out in the legislation for the exercise of the powers might be potentially met.

7.3 The original submission of the borough of Milton Keynes to the Secretary of State met these criteria in relation to the area hatched and edged red on map 36 referred to in the 2003 Order.

7.4 However, at the end of June 2004 Milton Keynes Council asked DEFRA to consider revoking the designation on the grounds that, although on the face of the evidence submitted in support of their application the designation of the area concerned was justified, the evidence was based on un-audited crime figures, and that subsequent deliberations had led Milton Keynes to conclude that there were no rights of way where the conditions set out in legislation for the exercise of the powers might be potentially met.

7.5 No stopping up or diversion orders have been made by Milton Keynes under sections 118B or 119B of the 1980 Act in respect of the area identified in map 36.

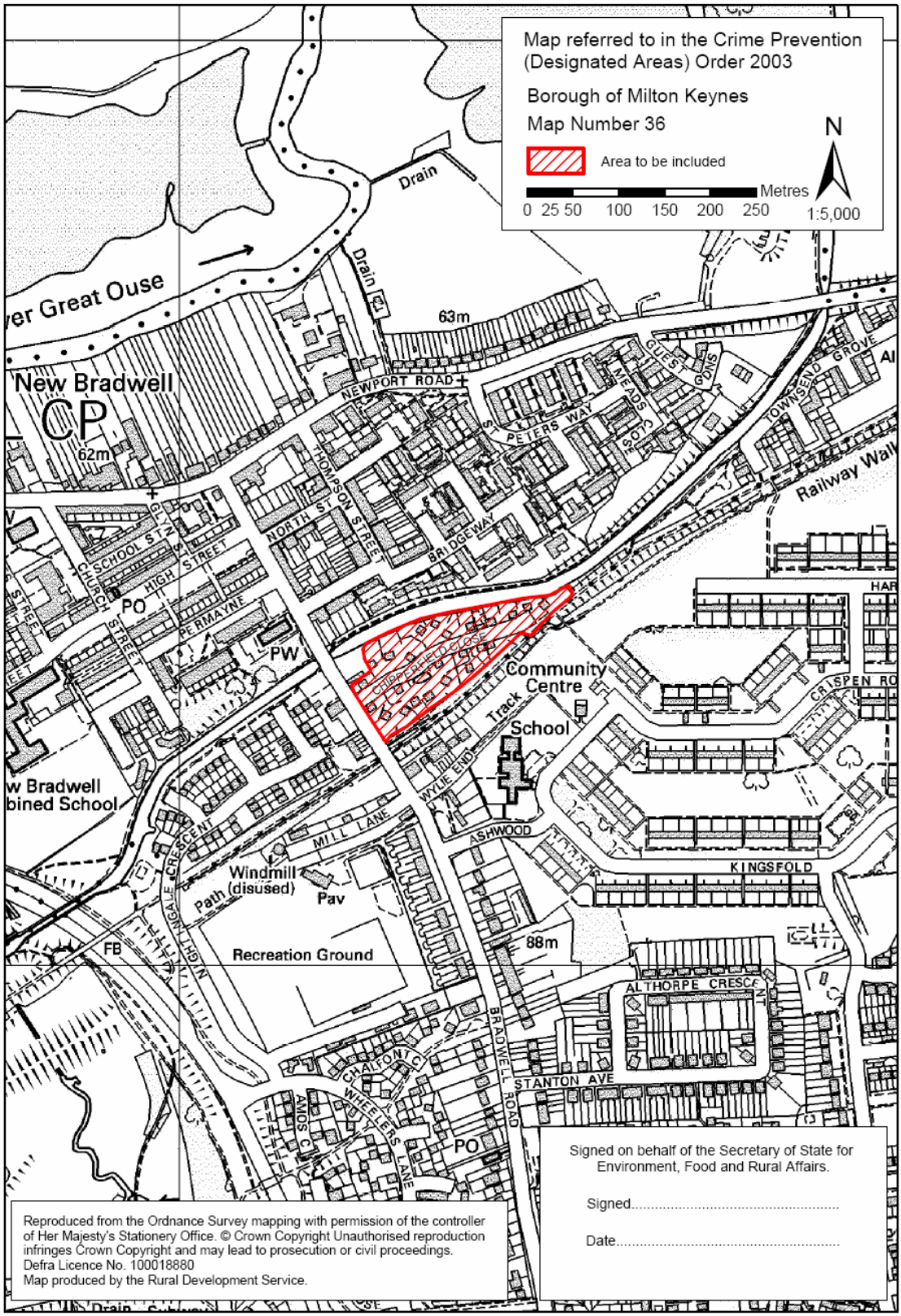
8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Karen Lee-Bapty at the Department for Environment, Food and Rural Affairs Tel: 0117 372 8211 or e-mail: Karen.Lee-Bapty@defra.gsi.gov.uk can answer any queries regarding the instrument.

10. Map


Map referred to in the Crime Prevention (Designated Areas) Order 2003
Borough of Milton Keynes
Map Number 36
N
Area to be included
Metres
0 25 50 100 150 200 250
1:5,000
Drain
Drain
63m
New Bradwell CP
62m
NEWPORT ROAD
PETERS WAY
MEADS
GUEST GDNS
TOWNSEND GROVE
Railway Wall
NORTH ST
THOMPSON STREET
BRIDGEWAY
CHURCH
SCHOOL ST
HIGH STREET
PO
PERMAYNE
PW
CHIPPERFIELD CLOSE
Community Centre
Track
School
CRISPEN RO
WYLIE END
ASHWOOD
KINGSFOLD
w Bradwell bined School
MILL LANE
Windmill
Path (disused)
Pav
Recreation Ground
FB
88m
ALTHORPE CRESC
BRADWELL ROAD
STANTON AVE
CHALFONT C
WHEELERS LANE
AMOS C
PO
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Signed on behalf of the Secretary of State for Environment, Food and Rural Affairs.
Signed.....
Date.....