EXPLANATORY MEMORANDUM TO

THE CRIME PREVENTION (DESIGNATED AREAS) (NO.3) ORDER 2005

2005 No. 2463

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 designates an area in the district of North Lincolnshire Council (the "**Council**") under section 118B(1)(a) of the Highways Act 1980 (the "**1980 Act**"). Once the area has been designated in this way, the Council, which is the local highway authority for the area in question, may, for the purposes of crime prevention, make orders for the stopping up or diversion of certain highways.

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

3.1 None.

4. Legislative Background

4.1 Section 118B was inserted into the 1980 Act by section 57 of, and paragraph 8 of Schedule 6 to, the Countryside and Rights of Way Act 2000. This Order is the fifth designation order (excluding one amending order) to be made under section 118B(1)(a) of the 1980 Act.

4.2 The purpose of this Order is to designate an area within which the Council, as the local highway authority for the area, is able to make orders for the stopping up (section 118B(4) of the 1980 Act) or diversion (section 119B(4) of the 1980 Act) of certain highways for the purposes of crime prevention.

4.3 The area to be designated by this Order is shown hatched and edged red on plans deposited at the offices of the Department for Environment, Food and Rural Affairs and at the offices of the Council.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Secretary of State, in exercising the power to designate areas under section 118B(1)(a) of the 1980 Act, has said that she will consider submissions from highway authorities on the inclusion of areas in designation orders. The Department for

Environment, Food and Rural Affairs issued guidance to local highway authorities in February 2003 setting out what should be included in such submissions (Defra Circular 1/2003: "Guidance for Local Authorities: On Crime Prevention on Public Rights of Way - Designation of Areas; Sections 118B and 119B Highways Act 1980"). This guidance makes it clear that although all submissions for designation will be considered, the Government generally believes that 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 states that a highway authority should only consider an area for inclusion in a designation order if the given area has rights of way in respect of which the conditions for the exercise of the powers contained in sections 118B (stopping up) and/or 119B (diversion) of the 1980 Act might potentially be met.

7.3 To date, 84 areas in 25 different local authorities have been designated. The designation of one of these areas was withdrawn by The Crime Prevention (Designated Areas)(Amendment) Order 2004 (S.I. 2004/2674).

7.4 The Council consulted 204 local households before submitting its application for designation to the Secretary of State. 97% of the households supported the proposed alleyway closures. The Council also consulted local councillors, Humberside Police, Humberside Fire and Rescue Service and the local branch of the Ramblers' Association, none of whom objected to the proposed closures. When the Council comes to make extinguishment/diversion orders under sections 118B/119B of the 1980 Act, members of the public will have the opportunity to object, which may result in a local inquiry being held.

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.

8.2 This instrument has no impact on the public sector.

9. Contact

William Propert-Lewis at the Department for Environment, Food and Rural Affairs (Tel: 0117 372 8379 or e-mail: william.propert-lewis@defra.gsi.gov.uk) can answer any queries regarding the instrument.