

 CITY OF <b>YORK</b> COUNCIL	<b>DIRECTORATE OF CITY &amp; ENVIRONMENTAL SERVICES</b>	<b>REQUEST FOR DECISION</b>
<b>Decision making level</b>	<b>OIC - Director</b>	<b>Date</b> <b>26 September 2013</b>

**Report Title:- Public Rights of Way – Proposal to restrict public rights over part of an alleyway in Holgate Ward, York, using Gating Order legislation**

<b>Decision Requested</b>	
Authorisation to make a Draft Gating Order under section 129A of the Highways Act 1980, to restrict access along part of an alleyway between Walworth Street North and Hanover Street West, Holgate Ward.	
<b>Reason</b>	
This Gating Order has been requested by local residents and Councillors in order to help prevent crime and anti-social behaviour (ASB) associated with the area (Annex 1 – Plan).	
<b>Background Information</b>	
This is part of the Council's continuing scheme to restrict public access over rear alleyways which are subject to incidents of crime and ASB using Gating Orders. Before an alleyway can be considered for a Gating Order it must be demonstrated that it meets all the requirements of the legislation (Annex 2 – Legislation & Guidance).  Crime and ASB statistics produced by Safer York Partnership covering a period from January 2006 to July 2013, show that this alleyway has been subject to incidents of crime, ASB, fly-tipping/litter, graffiti and dog fouling over the above period (Annex 3 – Crime & ASB Statistics). Whilst the incidents are not numerous, they are persistent and although not proven it could be argued that they have been exacerbated to a certain extent by the installation of gates on other alleyways in the vicinity in 2010.  This alleyway was not included in the original 2010 gating scheme in the area due to a property which has its principal access within the alleyway. Gating Order legislation does not allow the principal access to a property to be enclosed within a gated area. It is clear however that this back lane	

is used as a cut-through and this is exacerbating the problems being experienced by residents living adjacent to the alleyway. It is therefore likely to be beneficial to restrict public access through it by installing gates at either end of the section of lane which does not include the property with its principle access off the alley (see Annex 1 – Location Plan). This proposal will protect the boundaries of 8 properties.

The implementation of Alleygating on rear alleyways in the city has shown a significant reduction in crime and ASB since gates were installed. These results have been encouraging and show that Alleygating can significantly reduce crime in an area and improve the quality of life for those residents living alongside problem alleys.

## **Consultation Process**

Pre-order consultation has been carried out, in accordance with the Rights of Way Review Committee Practice Guidance Notes and included: all affected residents; all statutory consultees including The Ramblers Association, Open Spaces Society etc; all statutory undertakers and utility providers such as gas, electric and telephone companies and; all emergency services including North Yorkshire Police Authority. The recommended consultation period of 12 weeks was however reduced to 8 weeks due to the tight timescales necessary to process the gating order within this financial year.

Although the proposed closure will protect 8 properties, the pre-order consultation was sent to all 32 properties which have boundaries along the whole length of the alley. Six replies were received, all in favour of the proposal. However 1 resident is concerned about the proposed position of the gates. The resident has asked that only 1 gate be installed instead of 2. Although this would prevent the route from being used as a cut-through, a single gate would not protect the boundaries of any properties and many of the issues that it is hoped gating will prevent (ASB, fly-tipping, graffiti etc.) may continue at their current levels.

## **Statutory Powers**

The Council, as Highway Authority for the area, has the power under section 129A of the Highways Act 1980 to make a Gating Order.

Once an order is made it can be reviewed and either varied or revoked (s129F(2) or (3)). Annex 2 gives details of the requirements of this legislation along with details of Home Office Guidance on the use and life of a Gating Order.

### **Ward Member(s) view - Holgate**

Cllr J Alexander: “*We are supportive of this gating order. There have been ongoing issues of ASB with undue stress being placed on a local resident. This issue may have been exacerbated with other gates in the area being erected.*”

Cllr J Riches: “*It's three yeses from Holgate Cllrs.*”

Cllr S Crisp: “*I'm supportive as James has indicated.*”

### **Group Spokespersons view**

Cllr A D'Agorne: No comments received.

Cllr D Merrett: No comments received.

Cllr A Reid: “*I have no objection to this gating order.*”

Cllr C Steward: No comments received.

### **Financial Implications**

Capital funding has been secured for the scheme through the Council and Safer York Partnership. Advertising a Draft Gating Order is approximately £1,000. After statutory consultation has been carried out, and if authorisation to seal the Draft Gating Order is given, the process of procurement and installation will begin. Supply and fit of a double gate with lock is approximately £1,175. It is estimated that the cost of this scheme (2 x double gates and additional fencing), including advertising, will be in the region of £3,500.

Advertising a single Draft Gating Order costs approximately £1,000, however it is estimated that any additional Draft Gating Orders advertised at the same time will cost approximately £200 extra each.

The authority is responsible for maintenance of gates installed using Gating Orders.

### **Options**

Option 1: Authorise the Draft Gating Order to be advertised and statutory consultation to begin.

Option 2: Do not authorise the Draft Gating Order to be advertised.

## **Analysis**

Option 1: This option would allow a Draft Gating Order to be advertised and statutory consultation to be carried out.

If formal objections are received, a further report will be prepared for decision at OIC as to whether the objections should be overruled and the Gating Order sealed. If no objections are received, the Gating Order will be sealed and the procurement process for the gates will begin.

Should the alleyway be closed, the alternative route as shown on the Plan (Annex 1) is considered to be convenient.

Only those residents living in properties which are adjacent to or adjoining the part of the route which is restricted will be given a Personal Identification Number with which to access the gates, along with emergency services and utilities who may need to access their apparatus.

Option 2: This option would leave the alleyway open for use by the public and the incidents of crime and ASB are therefore likely to continue at their current level.

<b>Level of Risk</b>			
1-3 Acceptable	✓	16-20 Action Plan	
4-8 Regular Monitoring		21-25 Registered as a corporate risk	
9-15 Constant Monitoring			
<b>Internal Consultation</b>			

Implications:

Legal - other than those discussed in the main body of the report and annexes, there are no other legal implications.

Financial - other than those discussed in the main body of the report and annexes, there are no other financial implications.

HR – to be delivered using existing staffing resources.

Sustainability – there are no Sustainability implications.

Equalities – Gating presents a challenge in terms of fairness and inclusion. For example older and younger people, disabled people and people with young families are likely to find gating to be both an obstruction to their mobility as well as a solution to antisocial behaviour that may target them and affect them adversely.

Special consideration should be given to those people with disability who perhaps presently use the routes as shortcuts / access to their properties

and would find any alternative route / access to their property inconvenient. Alternative routes should be free from obstructions and suitably paved.

Property – there are no Property implications.

Crime and Disorder - other than those discussed in the main body of the report and Annexes, there are no other crime and disorder implications.

### **Recommendations**

That Option 1 be approved and the Draft Gating Order be advertised and statutory consultation begin.

Contact Details			
Author: Emily Tones Assistant PROW Officer Tel: 01904 551338	Manager Responsible for the Report: Tony Clarke Head of Sustainable Transport Service		
	<b>Report Approved</b>	<b>Date</b>	
<b>Wards Affected: Holgate</b>		<b>All</b>	
<b>For further information please contact the author of the report</b>			

- Annexes:**
- 1) Location Plan with alternative route
  - 2) Summary of Legislative Requirements and Home Office Guidance for Gating Orders
  - 3) Crime and Anti-Social Behaviour Statistics
  - 4) Response from Residents