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**Decision Session**  
**Executive Member for City Strategy**

**1 December 2009**

Report of the Director of City Strategy

**Public Rights of Way – Proposal to restrict public rights over 10 alleyways in the Leeman Road area of Holgate Ward, York**

**Summary**

1. This report considers the proposal to gate 10 alleyways in the Leeman Road area of Holgate Ward in order to help prevent crime and antisocial behaviour (ASB) associated with these alleys (Annex 1 – Overall Plan and Description and Location Plans of each Alley).

**Recommendation**

2. It is recommended that the Executive Member approves **Option C** and authorises the Director of City Strategy to instruct the Head of Civic, Democratic and Legal Services to make Gating Orders over all 10 routes in accordance with Section 129A of the Highways Act 1980, as amended. Waste collection will change from the rear of properties to the front of properties using bags on all alleys except those 5 for which objections were received expressing concern regarding the proposed new methods of waste collection. These alleyways will operate a central collection point for bags to be situated outside the gated area.

**Reason:** In order that public rights over the alleyways can be restricted under S129A, Highways Act 1980 so that crime and anti-social behaviour associated with the routes can be reduced.

**Background**

3. 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. In order that an alleyway can be considered for a Gating Order it must be demonstrated that it meets all the requirements of the legislation (see Annex 2).
4. Requests have been received from residents, Councillors and Safer York Partnership to gate a number of alleyways in this area so that crime and ASB associated with them can be reduced. Crime and ASB statistics produced by Safer York Partnership covering a period from 01/10/2008 to 30/09/2009, show each of these alleyways facilitate crime and ASB (see Annexes 3 and

- 4). Gating these alleys will not only prevent public access to the rear of properties, but also help to reduce the number of escape routes available to criminals.
5. The Leeman Road area is being targeted for Alleygating because of the level of domestic burglaries over the past few years. During 2008/9 there were on average the equivalent of 40 domestic burglaries per 1000 households in the Leeman Road area compared with an average rate of 14.1 domestic burglaries per 1000 households for the city as a whole.
  6. The implementation of Alleygating on rear alleyways in other parts of 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.
  7. The Council's Waste Services do not enter gated alleys. This is in order to maintain the maximum level of security possible for the rear of properties. Where gates are installed on back lanes elsewhere in the city, front door collection is already in operation.
  8. Waste collection arrangements for the Leeman Road area are due to change in April 2010. These changes will occur whether gates are installed or not, as part of a wider drive to help the Council meet its' target to reduce the amount of waste going to landfill. Currently, waste is presented in wheeled bins which are collected from the rear alleyways. This will change to alternate weekly collections of recycling and residual waste, with the collection of recycling being from the front of properties.
  9. If Gating Orders are made and gates installed, the waste will be required to be presented in bags. The method of collection will change as follows:
    - Waste collection will change from the rear of properties to the front of properties
    - OR**
    - Waste collection will change from the rear of properties to central collection points outside the gates. (This will be on a trial basis, and only on those streets for which objections regarding the proposed new waste collection were received. Should it prove to be unsuccessful, collection will change to the front of properties, as above.)
    - The times when waste can be placed at these collection points will be restricted. Waste should be presented after 7pm on the day before collection and no later than 7am on collection day.
    - Alternate weekly collection for recycling and residual waste will be "dove-tailed" in to coincide with installation of gates in the area.

## **Consultation**

10. Statutory consultation was carried out in accordance with S129A of the Highways Act 1980 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
  - All emergency services including North Yorkshire Police Authority
  - Copies of the Notices were advertised in the Press, at each end of the alley and on the Council's Alleygating website.
12. Ward Members and Group Spokesperson(s) have been consulted. Their comments, verbatim, are:

### **Ward Councillors**

13. Cllr J Alexander: Holgate residents are in favour of these schemes in the interest of reducing domestic burglaries. We hope that the promised refuse collection trial will be successful to alleviate upheaval for residents of the Leeman Road area.

Cllr D Bowgett: No comments received

Cllr S Crisp: No comments received

### **Group Spokesperson(s)**

14. Cllr Stephen Galloway: No comments received

Cllr Ruth Potter: I am unable to comment without any details of what is proposed

Cllr Ian Gillies: No comments received

Cllr Andy D'Agorne: No comments received

15. Eleven formal objections have been received regarding the proposals. Six were in objection to both the introduction of gates and the proposed change in waste collection. Three were in objection to the gates only and two were in objection to the changes in waste collection only. See Annex 5 for a summary of their comments.
16. One of the objections received from The Leeman Road Public House on Stamford Street East (see Location Plan, Annex 1) can be mitigated by changing the proposed location of the gate so that the pub's rear exit is outside of the gated area.
17. Additionally, the position of the gate on the southern end of Bright Street / Kingsland Terrace alleyway has been re-sited after concerns were raised by a resident.

18. A Gating Order may be made by the Council even if there are objections to it, as long as the Council is satisfied that the Order meets all the requirements of the legislation as detailed in Annex 2.

## **Options**

19. Option A. Do not authorise the making of the 10 Gating Orders. This option is not recommended.
20. Option B. Authorise the making of all 10 Gating Orders to restrict public use of the alleyways and change waste collection, from the rear of all affected properties, to front collection using bags. This option is not recommended.
21. Option C. Authorise the making of all 10 Gating Orders to restrict public use of the alleyways. Change waste collection from the rear of properties to front collection using bags on all alleyways except for those 5 streets for which objections were received regarding the proposed new methods of waste collection (see paragraph 9). These alleyways will operate a central collection point for bags to be situated outside the gated area for a trial period of three months. This option is recommended.

## **Analysis**

22. Option A. This option would leave the alleyways open for use by the public and the incidents of crime and ASB are therefore likely to continue at their current level.
23. Waste collection in the area will stay as it is at present (see paragraph 9) until April 2010 when it is due to change to alternate weekly collection of recycling and residual waste, with the collection of recycling being from the front of properties.
24. Option B. This option would allow the alleyways to be gated and therefore use by the public will be restricted.
25. Should the alleyways be closed, the alternative routes, as shown on the Location Plans (Annex 1) are considered to be convenient.
26. Only those residents living in properties which are adjacent to or adjoining each restricted route will be given a Personal Identification Numbers in order to access the gates, along with emergency services and utilities who may need to access their apparatus.
27. Waste collection will change from the rear of properties to the front of properties, as detailed in paragraph 9.
28. Option C. This option follows the analysis of Option B paragraphs 25, 26 and 27.
29. This option will mean that waste collection will change from the rear of properties to the front of the 5 streets listed below:

- Hanover Street East / Stamford Street East
- Hanover Street West / Stamford Street East
- Rosebery Street / Swinerton Avenue
- Stamford Street East / Garfield Terrace West
- Stamford Street West / Garfield Terrace

and from the rear of properties to central collection points outside the gates for the 5 streets listed below:

- Bismarck Street / Garnet Terrace
- Bright Street / Kingsland Terrace
- Carnot Street / Rosebery Street
- Salisbury Terrace / Bromley Street
- Stamford Street East / Garfield Terrace East

### **Corporate Priorities**

30. The recommended option meets the council's Corporate Strategy, Priority Statement No5 to make York "a safer city with low crime rates and high opinions of the city's safety record".

### **Implications**

#### **Financial**

31. There are no financial implications associated with Option A. Legal costs (advertising) of approximately £4,258 have already been paid (this scheme was advertised along with the proposal to gate another alleyway in Holgate Ward at a cost of £4,684). Supply and fit of a double gate with lock is approximately £975 and it is estimated that the cost of this scheme will be in the region of £21,450. All funding for the gates will be provided by Neighbourhood Services using a one off sum of £50,000 which has been made available this financial year for the implementation and improvement of alleygating schemes.
32. Due to the workload involved to achieve the legal process of this scheme this financial year (along with the Southbank and the St. Paul's Terrace schemes), £10,000 of the £50,000 has been used for extra staffing.
33. The authority is responsible for maintenance of gates installed using Gating Orders.

#### **Human Resources (HR)**

34. To be delivered using existing staffing resources.

#### **Equalities**

35. 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.

36. 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. During the installation of the gates, consideration should be given to the height of the locks and ease at which they can be opened and closed.

### **Legal**

37. Gating Order legislation gives the council powers to restrict public access to a relevant highway in order to help reduce crime and ASB associated with it. 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.

### **Crime and Disorder**

38. Other than that discussed in the main body of the report and Annex 3 and 4, there are no other crime and disorder implications.

### **Information Technology (IT)**

39. There are no Information Technology implications.

### **Property**

40. There are no Property implications.

### **Other**

#### **Transport Planning Unit**

41. Accessibility and road safety are two of the government's key priorities for transport policy and many of the policies in the Local Transport Plan have been adopted to improve these. The stopping-up of existing routes which currently act as short-cuts will reduce accessibility levels for users and potential diversion routes may be less safe for some users such as young children if they involve walking longer distances along busier roads, this has the potential to act as a disincentive for them to walk or cycle to school.
42. The health implications of the order should be considered as Gating Orders could potentially encourage the use of cars if the alternatives are too long or lack pedestrianised sections. This should be balanced against health impacts facing pedestrians from the ongoing crime or ASB in the alleyway. (paragraph 12 – Home Office Guidance relating to the making of Gating Orders 2006).
43. The Council's Walking & Cycling Officer has expressed concerns over residents having to put rubbish on front pavements as this will restrict the available footway width, and may force people to walk on the carriageway which has road safety issues. The reduced width will impact on those with prams, pushchairs, wheelchairs and mobility scooters. The visually impaired may also struggle to safely negotiate the cluttered footway.

## Neighbourhood Services

44. Neighbourhood Services would support Option C, above, and will work with residents and the alleygating team to minimise the disruption to residents.

## Risk Management

45. In compliance with the council's Risk Management Strategy, there are no risks associated with Option A but there is a low risk (Financial – see paragraphs 31, 32 and 33) associated with Options B and C.

## Contact Details

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Assistant Director  
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Report  
Approved



Date 17 November 2009

### Wards Affected:

Holgate Ward

All

**For further information please contact the author of the report.**

### Background Papers:

Highways Act 1980  
Crime and Disorder Act 1998  
Countryside and Rights of Way Act 2000  
Clean Neighbourhoods and Environment Act 2005 & the Home Office Guidance relating to the making of Gating Orders 2006  
The Highways Act 1980 (Gating Orders) (England) Regulations 2006 (SI 2006 No 537)  
City of York Council Gating Order Policy Document  
A step-by-step guide to gating problem alleys: Section 2 of the Clean Neighbourhoods and Environment Act 2005 (Home Office – October 2008)

- Annexes:**
- 1) Description and Location Plans of Alleys with Alternative Routes
  - 2) Summary of Legislative Requirements and Home Office Guidance for Gating Orders
  - 3) Summary of Crime and Anti-Social Behaviour Statistics for each Alleyway
  - 4) Crime and Anti-Social Behaviour Reports
  - 5) Summary of Residents Responses – Formal Consultation