

Cabinet Member for Transport, Planning and Sustainability 18 April 2013

Report of the Director of City and Environmental Services

Public Rights of Way – Presentation of Petition for the night time closure of snickets off Ashbourne Way

Summary

1. This report presents a petition (Annex 1) submitted by Mrs Hopwood a resident of Ashbourne Way, requesting the night time closure of snickets off Ashbourne Way (Annex 2 – Location Plan A) to help reduce the level of crime and anti-social behaviour (ASB) which is occurring in the area. The snickets in question are considered to be public highway and therefore a Gating Order(s) will be required to restrict public access.

Recommendations

2. The Cabinet Member is asked to consider:
Not progressing the request for night time closure of the snickets.

Reasons:

- i. Crime and ASB is unlikely to be reduced significantly if the routes are only closed at night time.
- ii. A reasonably convenient alternative route is not available for either route.

Background

3. The petition requests the night time closure of snickets off Ashbourne Way due to crime and ASB associated with them.
4. The first snicket (Annex 2 - Location Plan A: Path 1 – A to B) which is the subject of the petition runs between Nos.7, 9, 11 and 13 on Spindle Close leading out between No.37 and No.44 Ashbourne Way. This is a public highway and is recorded on the List of Streets Maintainable at Public Expense (i.e. adopted highway). The second snicket (Annex 2 - Location Plan A: Path

2 – C to D) runs from Bellhouse Way across Acomb Moor (also known as Foxwood Park) to a point between No.28 and No.30 Ashbourne Way. This route is a claimed public right of way and investigations are currently being undertaken to ascertain its status. Although there are gates at both ends of this route it is understood that they have never been locked (Annex 3 – Photographs).

5. There are 47 properties which either front on to Ashbourne Way or whose boundaries adjoin it, 4 of which are adjacent to the paths in question. There are a further 4 properties on Spindle Close (Nos. 7, 9, 11 and 13) which are adjacent to Path 1.
6. Crime and ASB statistics: Crime and ASB statistics (Annex 4) were requested for the period between 1 January 2012 to 31 December 2012 for the following locations:
 - Path 1 - Spindle Close to Ashbourne Way
 - Path 2 - Bellhouse Way to Ashbourne Way, and
 - The whole of Ashbourne Way
7. The statistics for Path 1 show 6 incidents of crime and 5 incidents of ASB over the 12 month period.
8. The statistics for Path 2 show that there were 2 incidents of crime and no incidents of ASB reported.
9. For the whole of Ashbourne Way there were 10 incidents of crime recorded and there were 7 incidents of ASB.
10. A night time closure of both paths has been requested. If, during the 12 month period, the paths had been closed between 19:00 and 07:00 (for example) the following number of incidents of crime and ASB may have been prevented:
 - Path 1: 1 incident of crime and 3 incidents of ASB
 - Path 2: 2 incidents of crime
 - The whole of Ashbourne Way: 6 incidents of crime and 3 incidents of ASB.
11. Availability of a reasonably convenient alternative route: The shortest alternative route available for both paths is shown on Plan B (Annex 5). The alternative routes include the use of other snickets between Heron Avenue and Carrfield, and Carrfield and Foxton. For Path 1 (A to B) the approximate distance following the alternative route from one end of the path to the other end is 1,045m which takes approximately 11 minutes to walk. For Path 2 (C to D) the approximate distance is 734m which takes approximately 9 minutes to walk.

12. There is another alternative route, which uses adopted highway to circumnavigate Acomb Wood. This route is not shown on Plan B as it is longer still, at approximately 1,580m.
13. It is worth noting that the above mentioned snicket between Heron Avenue and Carrfield was the subject of a residents' petition, received by the council in 2007. The petition requested the night time closure of the path due to the alleged crime and ASB associated with it, although crime and ASB statistics produced at the time showed that no crime or ASB could be attributed to the path.
14. Additionally, the night time closure of the snickets between Carrfield and Foxton, and Carrfield and Chantry Close, were also considered in 2007. At the time, a decision was made to close them at night as long as funding could be secured to manage the opening and closing of the gates.
15. Bearing in mind the authority is responsible for opening and closing the gates at the times stated on a Gating Order, coupled with the cost of employing a security firm to open and close the gates 365 days a year (upwards of £5k per snicket, per year), it was decided to carry out an experimental night time closure of the Carrfield Chantry Close snicket using an electronically operated magnetic locking mechanism. The mechanism was to be timed to release and lock the gate in the morning and evening using electricity supplied from a neighbouring lamp column. The gate was installed, but was removed before the electricity was connected due to the fact that it attracted ASB and was vandalised on a number of occasions, as was the fence of the adjacent property. The Gating Order was eventually revoked after further consultation with residents.
16. The proposed gate for the snicket between Carrfield and Foxton was never installed, due to the problems described above and the fact that there was no funding available to employ a security firm to open and close any gate that might have been installed.
17. An additional problem, that proved unpopular with residents, was the fact that the only residents who are automatically supplied the means to access an alley gate are those with a private right of access along the route in question, and also those with adjacent properties. Many residents of Carrfield and Chantry Close requested to have the means to access the gate during the times that it was closed, as the alternative route was considered to be too long for those with disabilities and those

wishing to use the snicket to visit friends and family in the neighbouring street.

18. Gating Order legislation is thus best suited to gating rear alleyways along the back of houses. In these cases it is straight forward who does/does not get access to the gate. Difficulties arise when gating snickets such as those leading off Ashbourne Way, as generally no one has a private right of access along the snicket in question and therefore the only residents entitled to access the gate are those with properties directly adjacent to the restricted path.
19. In the case of the Carrfield and Chantry Close the decision was made to give anyone with a 'Blue badge' the means to access the gate if they wished.
20. Funding for the scheme: Alleygating in York is usually funded through Safer York Partnership along with match funding from the relevant Ward Committee(s). Ward Committee funding is now no longer available, although the meeting of the Council on 28 February approved a £50k Capital budget for Alleygating in 2013/14. It is envisaged that this amount will be allocated to gate priority alleyways that suffer from relatively high levels of crime and ASB. The snickets leading off Ashbourne Way are currently no. 99 (Path 1) and no. 137 (Path 2) on the priority list.
21. All political party spokespersons and affected Ward Members have been consulted. Comments were received from:

Dringhouses and Woodthorpe Ward Member(s)

Cllr Ann Reid: *"As the Councillor who presented the petition I would support option 2. There is an ongoing problem with vandalism and ASB in this area and many residents would feel safer if there was some control over access during the night hours."*

Cllr Anna Semlyen: No comments received.

Cllr Gerard Hodgson: No comments received.

Westfield Ward Member(s)

Cllr Dafydd Williams: No comments received.

Cllr Lynn Jeffries: No comments received.

Cllr Stephen Burton: No comments received.

Group Spokesperson(s)

Cllr Andy D'Agorne: *"While I am not familiar with the area I would suggest that either path 1 or path 2 should be excluded from closure so as to maintain a sustainable walking route for local people. Ideally the route which is most overlooked and well lit should be retained. Concentrating any foot traffic on one route would tend to increase safety for those using it and surveillance of those who you would rather not see using it!"*

Cllr Dave Merrett: No comments received.

Cllr John Galvin: No comments received.

22. In addition, comments have been received from North Yorkshire Police:

Jon Bostwick, Dringhouses and Woodthorpe Neighbourhood Beat Manager: *"The snickets that lead from Ashbourne Way to Spindle Close and Bellhouse Way (in my opinion) are used by local criminals as a thoroughfare to travel into Woodthorpe from the Foxwood area to commit crime and ASB. Evidentially this is difficult to quantify but I am aware that when criminals are caught for Woodthorpe crimes, some live in the Foxwood area which would point toward them possibly using these snickets. Also although on the decrease, ASB on Ashbourne Way when it did occur was connected to the snickets being used by the youths involved."*

Asked if there are any strategies that have been put in place by the police over the last few months which could have contributed to the reduction in crime and ASB on Ashbourne Way, Jon Bostwick gave the following response:

"We placed Ashbourne Way on our tasking document for regular patrols which meant an increase in uniform patrols by SNT [Safer Neighbourhood Team] and response. This probably helped matters. Since this was stopped no further incidents have been reported."

Consultation

23. The purpose of this report is to request a decision as to whether or not to proceed to the Feasibility Stage of the alley-gating process. Pre Order consultation with prescribed bodies,

including residents, would be carried out as part of the Feasibility Stage, along with work to establish how the scheme would be funded.

Options

24. Option 1: Do not progress the request to gate the snickets.
25. Option 2: Progress the request to gate the snickets to Feasibility Study stage.

Analysis

Option 1

26. Assuming that the 2 routes directly facilitated every recorded incident of crime and ASB in Ashbourne Way, and taking into account the number of incidents that occurred in 2012 (Annex 4), if the routes had been closed between 19:00 and 07:00, incidents may only have been reduced by half. It could be argued that this is not a significant enough reduction.
27. Comments received from North Yorkshire Police (Paragraph 22) suggest that levels of crime and ASB can be reduced for the area if regular patrols are carried out.
28. At no. 99 (Path 1) and no. 137 (Path 2) on the alleygating priority list, the relative levels of crime and ASB associated with these snickets are not high.
29. Gating Order legislation requires that a reasonably convenient alternative route is available if a route is to be restricted (Annex 6 - Legislation). Given the relatively low level of reported crime and ASB, it would be difficult to argue that at 1,045m and 734m, the alternative routes to these paths are reasonable.

Option 2

30. If the request is progressed to Feasibility Stage, there is likely to be significant opposition from residents in surrounding streets as the routes which have previously been investigated for closure would potentially be used more frequently. It could be argued that this may raise the potential for more crime and ASB to be committed on those streets.
31. Should the proposal be successful, only properties which are adjacent to, or adjoining, the restricted route would be given access during the night time closures (Annex 6 – Legislation), this may divide residents.

Council Plan 2011 - 2015

32. The gating of the alleyway would support the Council Plan priority to '*Build Stronger Communities*'.

"Safer inclusive communities –

To tackle crime and increase community safety, we will raise the community profile of the Safer York Partnership and establish an annual crime summit. We will also work with the Safer York Partnership to engage residents in tackling antisocial behaviour in our neighbourhoods".

Implications

33. The following implications have been considered:

- (a) **Financial** - It may be possible to secure additional capital funding for the procurement and installation of gates and locks on these routes. There would be additional implications for the maintenance of the gates and associated locks.

There would also be an additional £5k (approx) revenue budget to be found to employ a security firm to open and close the gates 365 days a year, at the times stated within the order.

- (b) **Human Resources (HR)** – Additional resources to open and close the gates would be required as above. This could also deflect from other statutory duties.
- (c) **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.

- (d) **Legal** – other than that discussed in the main body of the report and Annexes, there are no other legal implications
- (e) **Crime and Disorder** – other than those discussed in the main body of the report and Annexes, there are no other crime and disorder implications.
- (f) **Information Technology (IT)** – None.
- (g) **Property** – the route of Path 2 leads across Acomb Moor (also known as Foxwood Park) which is owned by City of York Council.
- (h) **Other** – None.

Risk Management

- 34. The implementation of a Gating Order is a power of the authority, not a duty. There are no rights of appeal should a decision not to progress with a Gating Order be made. However, Crime and ASB levels local to the area are likely to continue should a Gating Order not be pursued.

Contact Details

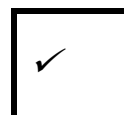
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**Report
Approved**



Date 03/04/13

Specialist Implications Officer(s)

Wards Affected: Dringhouses and Woodthorpe, Westfield

For further information please contact the author of the report

Background Papers:

Highways Act 1980 (as amended), section 129

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)

Disability Discrimination Act 1995

Annexes

Annex 1: Petition

Annex 2: Location Plan A

Annex 3: Photographs

Annex 4: Crime & ASB statistics

Annex 5: Location Plan B

Annex 6: Legislation