

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

7 September 2010

Report of the Director of City Strategy

Public Rights of Way – Proposal to restrict public rights over one part of the snicket between Jute Road and Beckfield Lane, Acomb Ward, York

Summary

1. This report considers the proposal to gate one section of a snicket between Jute Road and Beckfield Lane, Acomb Ward in order to help prevent crime and antisocial behaviour (ASB) associated with this route (Annex 1 – Description and Location Plan of Snicket).

Recommendation

2. It is recommended that the Executive Member approves **Option B** and authorises the Director of City Strategy to instruct the Head of Civic, Democratic and Legal Services to make a Gating Order over the route, in accordance with Section 129A of the Highways Act 1980, as amended.

Reason

3. In order that public rights over the route can be restricted under S129A, Highways Act 1980 so that crime and ASB associated with the snicket can be reduced.

Background

4. This proposal has been put forward by the Acomb Ward Councillors after repeated requests from residents and the police to restrict public access along this route to help prevent incidents of crime and ASB. In order that a route can be considered for a Gating Order it must be demonstrated that it meets all the requirements of the legislation (see Annex 2 – Summary of Legislative Requirements).
5. Crime and ASB statistics produced by Safer York Partnership cover a number of years (January 2007 to June 2010) and show that this snicket facilitates crime and ASB (see Annex 3 – Crime and Anti-Social Behaviour Reports). Gating this route will not only help to reduce incidents of ASB in particular, but

also prevent it from being used as an escape route by criminals, leaving only one route open.

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.

Consultation

7. 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
 - A copy of the Notice was advertised in the Press, and copies posted at each end of the alley and on the Council's Alley-gating website.
8. Ward Members and Group Spokesperson(s) have been consulted. Their comments, verbatim, are:

Ward Councillors

9. Cllr D Horton: *"Am happy with the proposal."*
10. Cllr T Simpson-Laing: *"Thank you for this"*

Group Spokesperson(s)

11. Cllr Stephen Galloway: *"No comments at this stage."*
Cllr Ruth Potter: *"I am happy with this, thanks."*
Cllr Ian Gillies: *"Happy to support the Ward Councillors opinion."*
Cllr Andy D'Agorne: *"No objections – alternative is relatively minor diversion."*
12. No objections to the proposed Gating Order have been received.

13. Comments have been received from the Ramblers' Association to say that they have no objection to the proposal "*subject to the remaining parts of the snicket remaining open.*"
14. Should a Gating Order be made and gates installed, extra security may be needed on the gate at point A (see plan - Annex 1) in order to prevent access to the shed roof at the back of no. 81 Beckfield Lane using the gate post (see Annex 4 – Photographs of Snicket, Fig.3).

Options

15. Option A. Do not authorise the making of the Gating Order. This option is not recommended.
16. Option B. Authorise the making of the Gating Order to restrict public use of the snicket. This option is recommended.

Analysis

17. Option A. This option would leave the snicket open for use by the public and the incidents of crime and ASB are therefore likely to continue at their current level.
18. Option B. This option would allow the snicket to be gated and therefore use by the public will be restricted over that particular section.
19. Should the snicket be closed, the alternative route, as shown on the Location Plan (Annex 1) is considered to be convenient.
20. Only those residents living in properties which are adjacent to or adjoining the restricted route will be given access to the gates by way of a Personal Identification Number (PIN) code or a key, along with emergency services and utilities who may need to access their apparatus. Additionally, the council will continue to have access for maintenance purposes although this will be on a reactive basis only.

Corporate Priorities

21. The recommended option ties in with the council's Corporate Strategy, Priority Statement No 5 to make York "a safer city with low crime rates and high opinions of the city's safety record".

Implications

Financial

22. There are no financial implications associated with Option A. Legal costs (advertising) of approximately £900 have already been paid by Acomb Ward Committee. Supply and fit of a single gate with lock is approximately £700 and it is estimated that the remaining cost of this scheme including installation will be in the region of £2,000. All funding for the procurement and installation of the gates is to be supplied by Acomb Ward Committee with the possibility of assistance from Target Hardening.

23. The authority is responsible for maintenance of both gates and locks, which are installed using Gating Orders.

Human Resources (HR)

24. To be delivered using existing staffing resources.

Equalities

25. 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.
26. Special consideration should be given to those people with disability who perhaps presently use the route as a shortcut/access to their property 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

27. 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

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

Information Technology (IT)

29. There are no Information Technology implications.

Property

30. There are no Property implications.

Other

Transport Planning Unit

31. 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.

32. 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).

Risk Management

33. 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 22 and 23) associated with Option B.

Contact Details

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**Report
Approved**



Date 23.08.10

Wards Affected:

Acomb 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 Plan of Snicket with Alternative Route
 - 2) Summary of Legislative Requirements and Home Office Guidance for Gating Orders
 - 3) Crime and Anti-Social Behaviour Reports for Jute Road Snicket study area
 - 4) Photographs of Snicket