
Meeting of the Executive Members for City Strategy and Advisory Panel

11 September 2006

Report of the Director of City Strategy

Public Rights Of Way – Proposal To Extinguish Public Rights Along Certain Alleyways in the Clifton Designated Area, York.

Summary

1. This report presents a proposal to extinguish public rights along a total of 19 alleyways in the Clifton designated area, using legislation under Section 118B of the Highways Act 1980, as amended by the Countryside and Rights of Way Act 2000 (CROW).
2. The report recommends that the Sub-Committee approves option A, to extinguish public rights over all the alleys mentioned in the report, which will allow the installation of lockable alley gates.

Background

3. Section 118B of the Highways Act 1980, which was amended by the CROW Act, allows the closure of public rights of way (specifically rear alleys) for the purposes of crime prevention, if those alleys are in an area designated by the Secretary of State as a high crime area and it can be shown that the alleys are facilitating the commission of criminal and/or anti-social behaviour.
4. In March 2004 parts of Clifton were designated by the Secretary of State for Environment, Food and Rural Affairs as a high crime area for the purposes of crime prevention under the Countryside and Rights of Way Act 2000.
5. A total of 19 alleys in the Clifton designated area have been identified by the police and Safer York Partnership Crime Analyst as facilitating crime and anti-social behaviour (see police crime reports in annex 2). This region is showing some of the highest crime figures in the City of York Council administrative area and in order to fulfil both police and council responsibilities under the Crime and Disorder Act 1998 a number of initiatives have been undertaken to reduce the level of crime. Alleygating is one of the methods proposed to reduce those crime figures and this scheme would involve the installation of 50 gates.
6. An Alleygating scheme in Grosvenor Terrace, also in the Clifton Designated area, has shown a fall in crime of 87.5% in the street as a whole, not just the

alley, in the six months since gates were installed. These results, which were obtained from police crime records, have been encouraging and show that Alleygating can significantly reduce crime in an area.

7. In order to simplify the closure process and facilitate accurate crimes analysis for each alley, the Clifton designated area was broken down into 'zones'. Each of these zones has been allocated a name using one of the streets within that zone and is covered individually.
8. **Falsgrave Crescent Zone.** This zone is made up of a single alley with 3 entrances, affecting a total of 54 houses (see plan No1 Annex 1).
 - This alley services the rear of a total of 54 houses situated in Falsgrave Crescent, Glencoe Street, Ratcliffe Street and Burton Stone Lane and could be closed off using 3 gates at points A, B and C on the plan.
9. **Filey Terrace Zone.** This zone is made up of 4 separate alleys, affecting a total of 270 houses (see plan No2 Annex 1).
 - The first alley has six entrances and services the rear of 104 houses situated in Falsgrave Crescent, Pembroke Street, Shipton Street, Baker Street and Ratcliffe Street and could be closed off with 6 gates at points A, B, C, D, E and F on the plan.
 - The second alley has five entrances and services the rear of 75 houses situated in Upper Newborough Street, Hudson Street, Baker Street and Ratcliffe Street and could be closed off using 5 gates at points G, H, I, J and K on the plan.
 - The third alley has four entrances and services the rear of 73 houses situated in Filey Terrace, Hudson Street, Upper Newborough Street and Ratcliffe Street and could be closed off using 4 gates at points L, M, N and O on the plan.
 - The fourth alley has two entrances and services the rear of 18 houses situated in Shipton Street, Baker Street and Newborough Street and could be closed off using 2 gates at points P and Q on the plan.
10. **Ratcliffe Street Zone.** This zone is made up of 5 separate alleys affecting a total of 111 houses (see plan No3 Annex 1).
 - The first alley has two entrances and services the rear of 59 houses situated in Ratcliffe Street, Field View, Burton Stone Lane and Haughton Road and could be closed off with 2 gates at points A and B on the plan.
 - The second alley has three entrances and services the rear of 30 houses situated in Ratcliffe Street and Hillsborough Terrace and could be closed off with 3 gates at points C, D and E on the plan.

- The third alley has one entrance and services the rear of 7 houses situated in Allan Street and could be closed off using a single gate at point F on the plan.
 - The fourth alley has one entrance and services the rear of 8 houses situated in Allan Street and could be closed off using a single gate at point H on the plan.
 - The fifth alley has one entrance and services the rear of 7 houses situated in Haughton Road and could be closed off using a single gate at point J on the plan.
11. **Scarborough Terrace Zone.** This zone is made up of 3 separate alleys affecting a total of 124 houses (see plan No4 Annex 1).
- The first alley has two entrances and services the rear of 90 houses situated in Scarborough Terrace and Newborough Street and could be closed off using 2 gates at points A and B on the plan.
 - The second alley has two entrances and services the rear of 23 houses situated in Newborough Street and could be closed off using 2 gates at points C and D on the plan.
 - The third alley has two entrance and services the rear of 11 houses situated in Newborough Street and could be closed off using 2 gates at points E and F on the plan.
12. **Shipton Street Zone.** This zone is made up of 2 separate alleys affecting a total of 45 houses (see plan No5 Annex 1).
- The first alley has one entrance and services the rear of 16 houses situated in Glencoe Street and Burton Stone Lane and could be closed off with a single gate at point A on the plan.
 - The second alley has two entrances and services the rear of 29 houses situated in Shipton Street, Pembroke Street and Glencoe Street and could be closed off using 2 gates at points D and E on the plan.
13. **West of Burton Stone Lane Zone.** This zone is made up of 4 separate alleys affecting a total of 210 houses (see plan No6 Annex 1).
- The first alley has two entrances and services the rear of 33 houses situated in Horner Street and Burton Stone Lane and could be closed off using 2 gates at points A and B on the plan.
 - The second alley has three entrances and services the rear of 58 houses situated in Garth Terrace, Horner Street and Burton Stone Lane and could be closed off using 3 gates at points C, D and E on the plan.

- The third alley has five entrances and services the rear of 47 houses situated in Surtees Street, Garth Terrace and Burton Stone Lane and could be closed off using 5 gates at points F, G, H, I and J on the plan.
- The fourth alley has three entrances and services the rear of 47 houses situated in Cromer Street, Surtees Street and Burton Stone Lane and could be closed off using 3 gates at points K, L and M on the plan.

Consultation

14. All residents affected by the proposals have been consulted with the following results.
15. **Falsgrave Crescent Zone.** Out of 54 residents, there were 23 replies, of which 4 were objections to the scheme. This equates to a 42.6% response with objections from 7.4% of those consulted.
16. **Filey Terrace Zone.** Out of 270 residents, there were 93 replies, of which 22 were objections to the scheme. This equates to a 34.3% response with objections from 8.1% of those consulted.
17. **Ratcliffe Street Zone.** Out of 111 residents, there were 40 replies, of which 5 were objections to the scheme. This equates to a 36.4% response with objections from 4.5% of those consulted.
18. **Scarborough Terrace Zone.** Out of 124 residents, there were 41 replies, of which 2 were objections to the scheme. This equates to a 33.1% response with objections from 1.6% of those consulted.
19. **Shipton Street Zone.** Out of 45 residents, there were 19 replies, of which 4 were objections to the scheme. This equates to a 42.2% response with objections from 8.9% of those consulted.
20. **West of Burton Stone Lane Zone.** Out of 210 residents, there were 77 replies, of which 17 were objections to the scheme. This equates to a 36.7% response with objections from 8.1% of those consulted.
21. The consultation analysis shows that out of a possible total of 788 residents, there were 282 responses of which 45 were objectors. This equates to a 35.8% response with objections from 5.7% of those consulted.
22. Pre Order consultation has been carried out in accordance with the Parliamentary Rights of Way Review Committee's Code of Practice for consultation on proposed changes to rights of way. These consultees include The Ramblers' Association, British Horse Society, Open Spaces Society and other similar organisations and all relevant utility companies such as gas companies, telephone companies, electricity companies etc. Only one objection has been received from the Open Spaces Society, whose main concern was lack of crime evidence and the availability of reasonably convenient alternative routes. As this objection seems to stem from a lack of

local knowledge, crime statistics and an explanation of local issues has been sent to them. A reply has yet to be received.

23. All Emergency Services have been consulted, and have no objections to the proposals; they do not foresee any problems with closure of the alley.
24. City of York Council Cleansing Department have been consulted, and only two areas of minor concern were raised relating to refuse vehicle access. These have now been addressed and there are no objections.

Options

25. Option A. Extinguish public rights over all the above-mentioned alleys.
26. Option B. Do nothing and let public rights remain over all the alleys mentioned above.

Analysis

27. Option A – Extinguish public rights over all the above-mentioned alleys. This would enable alley gates to be fitted to the entrance to all the alleys mentioned and would assist with other planned crime prevention measures in reducing crime overall in the Clifton designated area.
28. Option B – Do nothing and let public rights remain over all the alleys mentioned above. This would mean that crime and anti-social behaviour would continue, which could diminish the effects of other crime prevention measures being considered.

Corporate Priorities

29. The recommended option meets the council's Corporate Aim 1: *Take pride in the City, by improving quality and sustainability, creating a clean and safe environment.*
30. This aim relates to the environment and sustainable methods of transport, such as walking and cycling. Although this scheme will cut down the number of short cuts between residences and retail outlets, it is felt that this is outweighed by the increased security and reduced opportunities for fly-tipping and anti-social behaviour. Residents overall quality of life would be improved, with only a minor reduction in accessibility as the majority of residents will not be affected by alley closures when going about their daily lives.

Implications

- **Financial**

31. Funding for this scheme has been obtained by the police from various sources, including Central Government target hardening and burglary reduction grants. The only financial implications relating to City of York Council are officer time and administration costs.

- **Human Resources (HR)**
32. There are no HR implications.
- **Equalities**
33. There are no equalities implications.
- **Legal**
34. Other than the relevant legal orders being made, there are no legal implications.
- **Crime and Disorder**
35. Although one gated alley in the area has shown a crime reduction of 87.5% overall in that street, it would be idealistic to think that the same levels could be achieved in this instance. However, it is felt that crime will fall significantly and thereby allow the council to achieve on of its duties under the Crime and Disorder Act. The implications of allowing this scheme are therefore very favourable.
- **Information Technology (IT)**
36. There are no IT implications.
- **Property**
37. There are no property implications.
- **Other**
38. There are no other implications.

Risk Management

39. Not applicable.

Recommendations

40. It is recommended that the Advisory Panel advise the Executive Member to accept **Option A**, and resolve to:
1. To authorise the Director of City Strategy to instruct the Head of Legal Services to make Special Extinguishment Orders for each of the above mentioned alleys. These Orders will extinguish public rights along those alleys and allow lockable gates to be fitted.
 2. That if no objections are received to the making of these Orders, or that if any objections that are received are subsequently withdrawn, the

Head of Legal Services be authorised to confirm the Orders recommended in 1. above.

3. That if objections are received and not subsequently withdrawn, a further report be placed before the Committee, to enable Members to consider whether or not to pass the relevant opposed Orders to the Secretary of State for determination.

The reason for making this decision is that it meets the criteria of the legislation, as set out in paragraphs 3 and 4 of this report, which allows the closure of alleys found to be facilitating the commission of criminal and/or anti-social behaviour.

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Report Approved**Date** 29 August 2006**Specialist Implications Officer(s)** N/A**Wards Affected:****All** **Clifton**

For further information please contact the author of the report

Background Papers:

1. Highways Act 1980
2. Crime and Disorder Act 1998
3. Countryside and Rights of Way Act 2000
4. City of York Council Alleygating Policy

Annexes

1. Alleygating Zone plans
2. Police Crime Reports