

---

**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 7 alleyways in the Southbank area of Micklegate Ward, York**

**Summary**

1. This report considers the proposal to gate 7 alleyways in the Southbank area of Micklegate Ward in order to help prevent crime and antisocial behaviour (ASB) associated with these alleys (Annex 1 – Description and Location Plans of Alleys).

**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 6 routes, (excluding Balmoral Terrace) 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 alleyways.

**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. The scheme has been put forward by Safer York Partnership so that crime and ASB associated with the alleys in question 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 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.
6. With regards to waste collection, 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.
7. Currently, waste is presented in bags in the Southbank area and these are collected from the rear alleyways. If Gating Orders are made and gates installed, the waste will be presented in bags at the front of properties.

### **Consultation**

8. 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 Alley-gating website.
10. Ward Members and Group Spokesperson(s) have been consulted. Their comments, verbatim, are:

#### **Ward Councillors**

11. Cllr S Fraser: No comments received  
Cllr J Gunnell: No comments received  
Cllr D Merrett: How can we sensibly comment on the basis of this notice without seeing what the public have said and what officer draft recommendations are? As you know we are supportive of alleygating subject to local residents support, but on individual schemes its often the detail that matters, so we need that information.

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

12. 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

13. Six formal objections have been received regarding the proposals, four objections were received to the installation of the gates and the remaining 2 objections were to the changes in waste collection. See Annex 5 for a summary of their comments.
14. Of the above 4 objections 3 were received from Balmoral Terrace, all relating to the gates themselves and their positioning.
15. Two objections were received from Scarcroft Hill, one relating to waste collection and one to the installation of gates. A site visit with the Council blacksmith and residents was undertaken to determine the optimum location for the gate. The positioning of the gate at the front of the alley, next to a low wall, will require extra security measures in the form of railings/fence. The works for this have been detailed by a council Structural Engineer. Agreement is being sought with the property owner as to the works needed and subsequent maintenance. The outcome of this will be presented as an update at the meeting.
16. 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**

17. Option A. Do not authorise the making of the 7 Gating Orders. This option is not recommended.
18. Option B. Authorise the making of all 7 Gating Orders to restrict public use of the alleyways, changing waste collection from the rear of properties to the front of properties using bags. This option is not recommended.
19. Option C. Authorise the making of 6 Gating Orders, excluding Balmoral Terrace, to restrict public use of the alleyways. Waste collection will change from the rear of properties to the front of properties using bags on all alleys. This option is recommended.

## **Analysis**

20. Option A. This option would leave all the alleyways open for use by the public and the incidents of crime and ASB are therefore likely to continue at their current level.
21. Option B. This option would allow all the alleyways to be gated and therefore use by the public will be restricted.

22. Option C. This option would allow 6 of the alleyways to be gated thereby restricting public use over these, but would exclude Balmoral Terrace and so leave this open for public use. This is due to objections received regarding the position of the gate. In order to continue with the gating of this alleyway, another draft order would have to be published in the Press, on site and on the council's website and further formal consultation carried out. Due to the statutory timescales involved with re-advertising the order it will not be able to be included in this year's scheme. However, an amended scheme could be considered in the next financial year.
23. Should the alleyways be closed, the alternative routes, as shown on the Location Plans (Annex 1) are considered to be convenient.
24. Only those residents living in properties which are adjacent to or adjoining each restricted route will be given a Personal Identification Number in order to access the gates, along with emergency services and utilities who may need to access their apparatus.
25. Both Options B and C will require waste collection arrangements to change from the rear of properties to the front of properties.

### **Corporate Priorities**

26. The recommended option ties in with 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**

27. There are no financial implications associated with Option A. Legal costs (advertising) of approximately £2,500 have already been paid by Safer York Partnership. 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 £15,550. All funding for the installation of the gates is to be supplied by Safer York Partnership.
28. Additionally, due to the workload involved to achieve the legal process of this scheme this financial year (along with the two schemes in Holgate Ward), an extra £10,000 has been supplied by Neighbourhood Services for extra staffing.
29. The authority is responsible for maintenance of gates installed using Gating Orders.

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

30. To be delivered using existing staffing resources.

### **Equalities**

31. 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.
32. 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**

33. 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**

34. 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)**

35. There are no Information Technology implications.

### **Property**

36. There are no Property implications.

### **Other**

#### **Transport Planning Unit**

37. 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.
38. 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).

39. 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. The provision of heavy duty bin bags should be considered. This should reduce the instances of split and punctured bags, which would otherwise lead to spillage of rubbish.

## Risk Management

40. 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 27, 28 and 29) associated with Options B and C.

## Contact Details

**Author:**

Emily Machin  
Assistant Public Rights of Way  
Officer  
Network Management (City  
Development and Transport)  
Tel: (01904) 551338

**Chief Officer Responsible for the report:**

Damon Copperthwaite  
Assistant Director  
(City Development and Transport)

**Report  
Approved**



**Date** 17 November 2009

**Wards Affected:**

Micklegate 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