
**Decision Session
Executive Member for City Strategy**

1 September 2009

Report of the Director of City Strategy

PUBLIC RIGHTS OF WAY – Amendments to the decision made at the Decision Session of the Executive Member for City Strategy on 7 July 2009 in connection with the Scarcroft View Gating Order, Micklegate Ward, York

Summary

1. At the Decision Session of the Executive Member for City Strategy held on 7 July 2009, it was resolved to:
 - i) Authorise the Director of City Strategy to instruct the Head of Civic, Democratic and Legal Services to make a Gating Order to close the access point/gap in the boundary, leading onto Scarcroft Green from Scarcroft Road back lane, Micklegate Ward, in accordance with s129A of the Highways Act 1980 and to provide a gate.
 - ii) Advise residents of Scarcroft View that the Council will agree to them having access via the gate onto the green should they make a financial contribution towards the costs of maintaining the gate.

It has since come to light that the Council has no power to seek a financial contribution from the public to install highway furniture.

2. The purpose of this report is therefore to amend this decision.

Recommendation

3. It is recommended that the Executive Member amends the original decision and resolves to:
 - i) Authorise the Director of City Strategy to instruct the Head of Civic, Democratic and Legal Services to make a Gating Order to close the access point/gap in the boundary, leading onto Scarcroft Green from Scarcroft Road back lane, Micklegate Ward, in accordance with s129A of the Highways Act 1980 and to provide a gate at that point.

- ii) Advise residents of Scarcroft View that the council may issue any person with a key to access the gate upon receipt of a reasonable deposit (amount to be determined by the Director of City Strategy). This deposit is refundable at any time on the safe return of the key.
- iii) The Council will waive this deposit in the event of exceptional circumstances such as hardship (to be determined by the Director of City Strategy).

Reasons

- 4. In order that the access point/gap in the railings, leading onto Scarcroft Green from Scarcroft Road back lane, Micklegate Ward, can be restricted to help prevent crime and anti-social behaviour currently associated with the back lane.
- 5. To allow access to those members of the public who wish to use it whilst implementing a deterrent to those who are causing the issues associated with the back lane.

Contact Details

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Report
 Approved

Date 19.08.09

Wards Affected:

All

Micklegate Ward

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)