

3 November 2009

Decision Session
Executive Member for City Strategy

Report of the Director of City Strategy

PUBLIC RIGHTS OF WAY – Proposal to gate three snickets at The Reeves, Westfield Ward, York

Summary

1. This report is in response to the receipt of a petition (see Annex 1) signed by 50 residents living in The Reeves area. This petition requests the closure of three snickets leading from Thoresby Road into The Reeves (Annex 2), because of persistent problems with criminal activity and antisocial behaviour (ASB).

Recommendation

2. Taking into account the requirement to balance the council's commitment to reducing crime and antisocial behaviour within the city, with the access needs of the residents of the area that would be affected by the Gating Orders requested in the petition should they be implemented, there are 2 options available. Option A - proceed with the Gating Order process or, Option B - not proceed with the Gating Order process.

Reason

3. The level of crime and ASB occurring in the area, and also associated with the snickets, meets the criteria of the legislation which allows the closure of snickets that are found to be facilitating the commission of persistent criminal activity and/or ASB. However, the survey carried out by Ward Members indicates that a significant proportion of residents living in Thoresby Road would not wish for the snickets to be closed. It is for the Executive Member to determine which option to take forward.

Background

4. A petition was received from the residents of The Reeves, following discussion with Ward Members. There has previously been discussion with the Community Police Team with regard to closing the snickets.

5. Crime and ASB statistics produced by Safer York Partnership covering a period from 01/01/2006 to 31/08/2009 (crime) and from 01/01/2008 to 31/07/2009 (ASB), show that The Reeves is a 'high crime' area and suffers regular occurrences of ASB (see Annex 3).
6. The Police Architectural Liaison Officer, conducted a site visit and carried out a survey of the street and snickets in question. His subsequent report (included within Annex 3) states that The Reeves has what is termed as a 'leaking' cul-de-sac layout i.e. the three snickets undermine the 'defensible space' of the street. Long term research has shown that permeable street networks, if not carefully designed, can become susceptible to higher levels of crime
7. The first snicket (Number 1 on the plan – Annex 1), running between house numbers 47 and 49 The Reeves and leading into Thoresby Road, is only partly overlooked by properties and has therefore mainly very limited natural surveillance. During the site visit, it was noted that the snicket showed little signs of care and ownership being littered with cans, bottles and litter. This indicates ASB issues associated with people congregating in the snicket. Additionally, the horizontal bar on one of the cycle barriers, at the Thoresby Road entrance, was broken, giving unrestricted access to cycles and motor cycles.
8. The second snicket (Number 2 on the plan – Annex 1), runs between house numbers 32 and 34 The Reeves. This snicket was better maintained, though there was instance of graffiti on an outbuilding boundary wall at number 49. On entering the snicket at either end, it is not possible to see the exit owing to it being 'dog-legged' half way along. This design does not comply with current 'designing out crime' guidance of as it creates a possible entrapment site and fear of crime generator. The snicket has one street light at the dog leg, which is inadequate.
9. The third snicket (Number 3 on the plan – Annex 1), runs between house numbers 28 and 30 The Reeves. This is a narrow snicket, with no natural surveillance and no lighting. Again, it is dog legged and so the exit cannot be seen from either entrance, giving rise to the same possible problems as with snicket Number 1.
10. The report states that no other crime reduction initiatives are in place in this area but that the closure and gating of these snickets will substantially reduce the incidents of crime and ASB. The report, produced on behalf of North Yorkshire Police, fully supports closure of the snickets.

Consultation

11. As this report is to advise the Executive Member of the receipt of the petition no formal consultation has taken place yet. Nonetheless, Ward Members have conducted their own survey which covered not just The Reeves, but a much wider area and included 432 properties in the area (see Annex 4). A summary of the results of this survey is included in Table 1 below.

Table 1: Survey results from all residents consulted

	Leave open	Close at night	Full closure
Snicket 1	43%	33%	23%
NB: 5% of residents who responded to the survey require access to the garages from snicket 1.			
Snicket 2	31%	36%	32%
Snicket 3	37%	29%	33%

12. When broken down further to include the opinions of the 54 properties in The Reeves, the majority of the 25 that responded would support either full or partial closure.

Table 2: Survey results for The Reeves

	Leave open	Close at night	Full closure
Snicket 1	5	9	9
Snicket 2	4	8	11
Snicket 3	7	7	10

13. Ward Members and Group Spokesperson(s) have been consulted. There comments, verbatim, are:

Ward Councillors

14. Cllr Stephen Galloway: *“We recently undertook a survey of opinions in this area on the snicket issue. Attached are the detailed house by house results. (see Annex 4 (includes summary of the results)).*

There was no consensus over the need to close any of the snickets.

Only 1 snicket (that with an entrance near 92 Thoresby Road) attracted a majority in favour of (night time) closure.”

Cllr Susan Galloway: No comments received

Cllr Andrew Waller: No comments received

Group Spokesperson(s)

15. Cllr Ruth Potter: *“No comments at this stage”*

Cllr Ian Gillies: No comments received

Cllr Andy D'Agorne: No comments received

Options

16. Option A. Progress the request to make Gating Orders under S129 of the Highways Act of 1980 to restrict public use of the snickets.
17. Option B. Do not progress the request to make Gating Orders to restrict public access along the snickets

Analysis

18. Option A. This option would allow pre-order consultation, followed by formal consultation, on the requested Gating Orders to begin. From this it could be determined which, if any, of the snickets could be gated to restrict access and also what method would be most preferable; full closure or night time closure.
19. The statistics for crime and ASB in the area show that there have been persistent levels of both, and therefore the legislative requirements for a Gating Order have been met in this respect. This option carries support from the police and would greatly assist in their efforts to reduce crime and ASB in the area.
20. However, as only those residents with properties which are adjoining or adjacent to the snickets, or those who have a private right of access to property (for example there may be a private right of access from properties to the garages behind 33-43 The Reeves), would be eligible for the Personal Identification code needed to access the gates, this would leave a substantial number of residents in the area without access along the snickets in question.
21. Should the snickets be closed, a decision would have to be made as to whether the alternative route, as shown on the location plan (Annex 1) along Thoresby Road, could be considered to be a reasonable and convenient alternative, taking into consideration the high level of crime and ASB associated with the snickets. The shortest alternative routes (approximately) for each snicket, from one end to the other, are as follows:
 - Snicket 1 – 575m
 - Snicket 2 – 466m
 - Snicket 3 – 312m
22. Option B - This option would leave the snickets open for use by the public and although resident's would continue to be able to use the snickets the incidents of crime and ASB are likely to continue at their current level.

Corporate Priorities

23. Option A 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.” This aim relates to improving the quality of life for York residents, by implementing a range of key objectives designed to reduce crime and the fear of crime and also tackle persistent nuisance behaviour, which can make life intolerable to some people.

24. Option B ties in with the council’s policy to improve sustainable methods of transport, such as walking and cycling.

Implications

Financial

25. Should the Executive Member decide to approve the progression of Gating Orders, funding would need to be secured before the formal consultation process can begin. This would normally come from the Ward Committee budget and would need to be addressed in any subsequent closure report.

Human Resources (HR)

26. To be delivered using existing staffing resources.

Equalities

27. There are no equalities implications to this report.

Legal

28. 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 5 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

29. 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)

30. There are no Information Technology implications.

Risk Management

31. In compliance with the council’s Risk Management Strategy, Option A is subject to internal budgetary pressure (Financial – see paragraph 25), there are no risks associated with Option B.

Contact Details

Author:

Alison Newbould
Public Rights of Way Officer
Network Management (City
Development and Transport)
Tel: (01904) 551481

Chief Officer Responsible for the report:

Damon Copperthwaite
Assistant Director
(City Development and Transport)

Report
Approved



Date

23 October 2009

Wards Affected:

Westfield 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) Petition
- 2) Location Map with alternative route
- 3) Crime and Anti-Social Behaviour Statistics including report from Jim Shanks, Police Architectural Liaison Officer
- 4) Plan showing extent of survey carried out by Ward Members
- 5) Summary of Legislative Requirements and Home Office Guidance for Gating Orders