
**Meeting of the Executive Member for
City Strategy and Advisory Panel**

29 October 2007

Report of the Director of City Strategy

**PUBLIC RIGHTS OF WAY - PROPOSAL TO RESTRICT PUBLIC
PEDESTRIAN RIGHTS OVER THE SNICKET AT THE SIDE OF NO14
BELLHOUSE WAY, FOXWOOD.**

Summary

1. This report presents a proposal to restrict public pedestrian rights along the snicket leading from Bellhouse Way into Houndsway, Foxwood, using new legislation under Section 129A of the Highways Act 1980, as amended by the Clean Neighbourhoods and Environment Act 2005.
2. The report recommends that the Advisory Panel advise the Executive Member to approve **Option B**, to authorise the making of a Gating Order to restrict public pedestrian rights over this snicket at all times and allow the fitting of alley gates.

Background

3. The Clean Neighbourhoods and Environment Act 2005 (CNE) brought in new legislation under the Highways Act 1980 (HA), by inserting Section 129 (HA) and allowing local authorities to make Gating Orders to reduce and prevent crime and anti social behaviour. A full explanation can be found in the City of York Council Gating Order Policy Document.
4. This legislation allows local authorities to make Gating Orders to restrict public use along public highways (usually rear alleys) in order to reduce crime and anti social behaviour. However their highway status is retained, which makes it easy to revoke or review the need for the Order to remain in place.
5. A Gating Order is made in much the same way as existing Alleygating legislation brought in by the Countryside and Rights of Way Act 2000 (CROW), except that the council may still make an Order even if there are objections, as long as it is satisfied that the making of the Order is in the interests of local residents. It does not have to be referred to the Secretary of State for determination as under the CROW Act.

6. The snicket is situated between Bellhouse Way and Houndsway and is an adopted highway under the control of City of York Council; it is therefore a public right of way (see Annex 1).
7. On 6 January 2006, a report was presented to the Executive Member for City Strategy and The Advisory Panel, following receipt of a petition from residents affected by crime and anti social behaviour either in or from this snicket. This report provided both police statistics of crime and anti social behaviour, which could have been committed in or from this snicket.
8. The recommendation of the Panel was to advise the Executive Member to review the petitioners' request, once the new legislation had been implemented. That legislation is now in force.
9. There is no advantage for members of the public to use this snicket as there are two further snickets situated within a short distance of this one.

Consultation

10. External consultation has been carried out in accordance with Home Office guidelines on the making of Gating Orders under S129A of the Highways Act 1980 and included:
 - All affected residents.
 - All statutory consultees set out in the Parliamentary Rights of Way Review Committee's Code of Good Practice for consultation on proposed changes to rights of way, 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 the North Yorkshire Police Authority.
11. Notices have also been advertised on the Council website, in the local newspaper and at each end of the snicket.
12. There have been no objections to the making of this Gating Order.

Options

13. Option A. Do nothing and leave the snicket open to public use. This is not recommended.
14. Option B. Restrict public pedestrian rights over the snicket by means of a Gating Order under S129 of the Highways Act 1980. This option is recommended.

Analysis

15. Option A - Do nothing and leave the snicket open to public use. This would not alleviate the problems faced by residents affected by this snicket and would do nothing to improve their quality of life. This is not recommended.
16. Option B - Restrict public pedestrian rights over the snicket by means of a Gating Order under S129 of the Highways Act 1980. This would allow the snicket to be closed to public use and would deter criminal and anti social behaviour, thereby improving residents' quality of life. This option is recommended.

Corporate Priorities

17. Option B ties in with the council's Corporate Strategy, Priority Statement No4 *"Reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York."*
18. 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.

Implications

- **Financial**

19. Funding for this scheme has been obtained from the Ward Committee budget. The only other financial implications relate to officer time and administration costs.

- **Legal**

20. Other than the relevant legal orders being made, there are no other legal implications.

- **Crime and Disorder**

21. There are already a number of gated alleys in the City, which have all shown a reduction in crime and anti social behaviour in those streets. There is also less opportunity for fly tipping and graffiti in those alleys and it is felt that crime and anti social behaviour will fall significantly in this two snicket; thereby allowing the Council to achieve one of its duties under the Crime and Disorder Act. The implications of allowing this scheme are therefore very favourable.
22. There are no implications affecting the following.

- **Human Resources (HR)**
- **Equalities**

- **Information Technology (IT)**
- **Property**
- **Other**

Risk Management

23. In compliance with the Council's Risk Management Strategy. There are no risks associated with the recommendations of this report.

Recommendations

24. It is recommended that the Advisory Panel advise the Executive Member to recommend **Option B**, and resolve to:
1. Note any outstanding objections. and
 2. Authorise the Director of City Strategy to instruct the Head of Civic, Democratic and Legal Services to make a Gating Order for the snicket in accordance with S129A of the Highways Act 1980, as amended.

Reason

The reason for making this decision is that it meets the criteria of the legislation, as set out in paragraphs 3, 4 and 5 where restriction of public rights over this route would be to the benefit of the local community and that there are reasonably convenient alternative routes available.

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Crime & Disorder : Ian Cunningham, Safer York Partnership Crime Analyst
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Wards Affected:

All

Westfield Ward

For further information please contact the author of the report

Background Papers:

1. Highways Act 1980
2. Crime and Disorder Act 1998
3. Clean neighbourhoods and Environment Act 2005
4. The Highways Act 1980 (Gating Orders) (England) Regulations 2006
5. City of York Council Gating Order Policy.
6. EMAP Report dated 6 January 2006, entitled Public Rights of Way - Petition Seeking Closure of a Snicket Next to No14 Bellhouse Way, Foxwood.

Annexes

1. Plan of Snicket