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**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 the alleyway between St Paul’s Terrace and Railway Terrace, Holgate Ward, York**

**Summary**

1. This report considers the proposal to gate the alleyway between St Paul’s Terrace and Railway Terrace, Holgate Ward in order to help prevent crime and antisocial behaviour (ASB) associated with it (Annex 1 – Location Plan).

**Recommendation**

2. It is recommended that the Executive Member approves **Option B** and authorises the Director of City Strategy to instruct the Head of Civic, Democratic and Legal Services to make a Gating Order over this route in accordance with Section 129A of the Highways Act 1980, as amended.

**Reason:** In order that public rights over the alleyway be restricted under S129A, Highways Act 1980 so that crime and anti-social behaviour associated with the route 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. Requests have been received from residents and Councillors to gate this alleyway so that crime and ASB associated with it can be reduced. Crime and ASB statistics produced by Safer York Partnership covering a period from 01/10/2008 to 30/09/2009, show that this alleyway is a ‘high crime’ area (see Annex 3).
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.

## Consultation

6. 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.
7. Ward Members and Group Spokesperson(s) have been consulted. Their comments, verbatim, are:

### Ward Councillors

8. Cllr J Alexander: The local Councillors have received requests for alleygating along St Paul's Terrace and Railway Terrace due to burglaries. It would be beneficial for this scheme to go ahead.

Cllr D Bowgett: No comments received

Cllr S Crisp: No comments received

### Group Spokesperson(s)

9. 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

10. No formal objections have been received regarding the proposed Gating Order. One resident has requested that the width of the entrance into the alley at the south end be kept as wide as possible (and no less than 74cm) should a gate be installed to allow access for his motorbike, as he stores it in his back yard for safe keeping. Access from the north end of the alley is possible, however it is a longer route to use.

## Options

11. Option A. Do nothing and not progress the request to make a Gating Order to restrict public access along the alleyway. This option is not recommended.
12. Option B. Authorise the making a Gating Order to restrict public use of the alleyway. This option is recommended.

## Analysis

13. Option A. This option would leave the alleyway open for use by the public and the incidents of crime and ASB are therefore likely to continue at their current level.
14. Option B. This option would allow the alleyway to be gated and therefore use by the public will be restricted.
15. Should the alleyway be closed, the alternative route as shown on the Location Plan (Annex 1) is considered to be convenient.
16. Only those residents living in properties which are adjacent to or adjoining the restricted route will be given a Personal Identification Numbers in order to access the gates, along with emergency services and utilities who may need to access their apparatus.
17. Residents of St Paul's Terrace and Railway Terrace already present their waste in bin bags at the front of their properties so waste collection arrangements will not change should the Gating Order be approved and gates installed.

## Corporate Priorities

18. The recommended option ties in with the council's Corporate Strategy, Priority Statement No 5 to make York "a safer city with low crime rates and high opinions of the city's safety record".

## Implications

### Financial

19. There are no financial implications associated with Option A. Legal costs (advertising) of approximately £425 have already been paid. (This scheme was advertised along with 10 other proposals in Holgate Ward at a cost of £4684). Supply and fit of a single gate with lock is approximately £700 and it is estimated that the cost of this scheme will be in the region of £1350. All funding for the gates to be provided by Neighbourhood Services.
20. The authority is responsible for maintenance of gates installed using Gating Orders.

### Human Resources (HR)

21. To be delivered using existing staffing resources.

### **Equalities**

22. 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.
23. 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**

24. 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**

25. 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)**

26. There are no Information Technology implications.

### **Property**

27. There are no Property implications.

### **Risk Management**

28. 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 19 and 20) associated with Option B.

### **Contact Details**

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#### **Chief Officer Responsible for the report:**

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**Report  
Approved**



**Date** 17 November 2009

#### **Wards Affected:**

Holgate 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) Location Plan with alternative routes
  - 2) Summary of Legislative Requirements and Home Office Guidance for Gating Orders
  - 3) Crime and Anti-Social Behaviour Statistics