CITY OF YORK COUNCIL

Agenda Item

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

15 January 2007

Report of the Director of City Strategy

PUBLIC RIGHTS OF WAY - PETITION SEEKING CLOSURE OF A SNICKET LEADING FROM MAYFIELD GROVE TO ST HELEN'S ROAD, DRINGHOUSES.

Summary

1. This report advises the Advisory Panel of the receipt of a petition signed by 101 residents living in the Dringhouses area, requesting that a snicket leading from St Helen's Road into Mayfield Grove be closed at night because of problems with criminal activity and anti-social behaviour.

2. The report recommends that the Advisory Panel advises the Executive Member to approve **Option C** and leave the snicket open to public use.

Background

3. The snicket is recorded as York Footpath No34 (formally Dringhouses and Woodthorpe Footpath No6) and is an adopted highway under the control of City of York Council; it is therefore a public right of way (see plan Annex 1).

4. The snicket provides a well-used short cut for pedestrians and cyclists between St Helen's Road and Mayfield Grove and allows access to the Hob Moor/Nelsons Lane play area via Aintree Court and Lingfield Crescent. It also provides the same level of access into a wooded area and fishing pond off Nelson's Lane and the option of accessing Hob Moor (via Nelson's Lane).

5. If the snicket is used in the opposite direction, from Mayfield Grove onto St Helen's Road, this avoids having to travel from Nelson's Lane/Lingfield Crescent/Aintree Court onto Tadcaster Rd and is therefore in keeping with the Council's policy to reduce car usage. It is also one of the authority's designated safe routes to school for pupils attending Dringhouses Primary School.

6. Although cyclists do use the snicket, installed cycle barriers require them to dismount whilst using the snicket and then remount at the other end. However, this is still preferable to using the busy Tadcaster Road.

Crime Analysis

7. The crime analysis of the study area shows that in the 12 months from April 2004 to March 2005 (see Annex 2A), there were 50 crimes committed; 3 of these were recorded as auto crime and 4 as burglaries. There were also 8 instances of criminal damage and 2 assaults. The 11 fraud offences were mainly 'making off without payment' from the petrol station situated within the study area and can be discounted as they cannot be attributed to the snicket. This reduces the overall total number of crimes to 39.

8. Crime reports for the year April 2005 to March 2006 (see Annex 2B) show a total of 57 crimes committed; 6 of which were auto crime and 10 burglaries. There were 11 reports of criminal damage and assaults increased to 7. Making off without payment offences from the garage increased to 18, which, when removed from the overall figures shows a total of 39 crimes, the same as in the previous year.

9. Although thefts have greatly reduced from 22 to 5 in the study area, all other crimes have not only increased, but have occurred later in the day so that they now appear to be committed either early evening or at night. The main statistics relating to Gating Order legislation are burglary, auto crime and criminal damage. Burglaries are up from 4 to 10, which is a 150% increase; auto crime is up from 3 to 6, which is a 100% increase and reports of criminal damage are up from 8 to 11, which is a 37.5% increase.

10. There is no doubt that this area has suffered from increased levels of crime and anti-social behaviour between the years 2004/5 and 2005/6 and as they appear to occur later in the day, the making of a Conditional Gating Order to close the snicket at night would be likely to reduce crime in the area. Because of officer recommendation to keep the snicket open, it may be beneficial for the ward committee to consider other methods of reducing crime in the area.

The Petition

11. The petition, a copy of which is attached to this report in Annex 3, was received by post on 28 September 2006. It has been signed by 101 residents in an area covering Mayfield Grove, North Eastern Terrace, Aintree Court and part of St Helen's Road, asking for the snicket to be closed off after school hours with lockable gates. The statement for the closure request reads: -

"Partial closure of Dringhouses School Snicket after school hours. Because young people using it as a way out for:

- *Burglars*
- *Smashing car windscreens*
- *Wing mirrors*
- *Damage to property*
- *Drug taking*
- *Drinking*
- *Human toilet*
- *Dog toilet"*

Relevant Law

12. The Highways Act does not allow for conditional closure, as requested by the petitioners, as they only deal with permanent closures.

13. Section 2 of the Clean Neighbourhoods and Environment Act 2005 inserts a new section to the Highways Act 1980, namely S129 and refers to 'Gating Orders'. These regulations came into force on 1 April 2006.

14. Gating Orders allow the closure of public rights of way in a similar way to Alleygating legislation. The same criteria has to be met regarding crime and anti-social behaviour, but affected public rights of way do not have to be in a designated area.

15. Unlike Alleygating legislation, Gating Orders allow permanent, temporary, or conditional closures of public rights of way, such as at night. A serious problem with conditional gating orders is the necessary locking of the gates at night and then opening them the next morning.

16. Regulation 8(e) of the Highways Act 1980 (Gating Orders) (England) Regulations 2006 (SI No 537) states that: *"[A gating order must contain] contact details of the person who is responsible for maintaining and operating any barrier [or gate] whose installation is authorised by the order"*. Following pressure from your officers for clarification, advice from the Home Office is that under this regulation, it is not necessary for the 'person' in question to be a named individual. Instead, this can be any suitable position or role within the council, such as the Alleygating Officer, or Highways Manager. This way, the order would not need to be changed every time a new person fills the role. The post does however need to be a Council employee with the specific responsibility of managing the gates and there must be fail safe arrangements to cover holidays, sickness, etc. However, no department within the council prepared to take on this responsibility, therefore it would mean employing someone with the sole task of opening and closing alley gates within the city; as using a private contractor such as Mayfair etc would not provide that fail safe.

17. A problem with Conditional Gating Orders is that failure to unlock the gates at the specified time, could render the authority liable to prosecution for unlawful obstruction of a highway and at present the management of this is not covered in the existing City of York Council Alleygating Policy document. This document is therefore being rewritten to reflect the new legislation and once it has been completed, it will be put before the relevant Advisory Panel for consideration. Until then this new legislation cannot be used. However, because of difficulties in managing the gates 365 days a year, year in and year out, the recommendation of the new policy will be that this authority does not carry out conditional closures.

18. Another aspect of the new legislation is that if any of the emergency services object to a closure, then the Gating Order must go to a public inquiry for determination. Costs would be borne by the local authority.

Alternative Pedestrian Routes

19. As with any closure of a public right of way, reasonably convenient alternatives must be considered. There is only one alternative to using this snicket and that is by travelling in an easterly direction along St Helen's Road, turn left into Tadcaster Road, then left into Mayfield Grove. Or if accessing the Nelson's Lane play area, carrying on along Tadcaster Road towards the city before turning left into Nelson's Lane, with the play area on the right.

20. Should a decision be made for a conditional closure, the snicket would remain open during the day, therefore the alternative route would not have to be used whilst the school is open. However, at night during closure times, the public would have to make use of this alternative route.

Consultation

21. The three emergency services; Police, Fire and Rescue Service and Ambulance Service have all been consulted to see if they had any observations on the requested closure.

22. None of these three services object to the conditional closure, although the ambulance service make clear in their reply that access must be maintained during the periods that the school is occupied.

23. As this report is to advise Members of the case being put forward by the petitioners, no other consultation has taken place. Should Members feel that the request for conditional closure should be progressed, then a further report will need to be prepared following the adoption of the revised Alleygating Policy.

Options

24. Option A. Use S118 of the Highways Act 1980 to close the snicket.

25. Option B. Conditional closure of the snicket by means of a Gating Order.

26. Option C. Do nothing and leave the snicket open to public use.

Analysis

27. Option A - Use S118 of the Highways Act 1980 to close the snicket, as the snicket is not in an area designated by the Secretary of State for the Environment, Food and Rural Affairs as a high crime area. This would entail starting a process, which could take up to six months to complete and is not likely to be successful as it would have to be proved that the snicket is not needed for public use. This would not be possible. Also, closures under this legislation are permanent and the lack of the pedestrian and cycle route to the school would not be in line with the council's corporate objectives on sustainable transport. This is not recommended.

28. Option B - Consider closing the snicket by means of a Conditional Gating Order. The times of opening and closing the gates would at least need to coincide with school hours. The management of this would need to be in line with the City of York Council Alleygating Policy and Procedure Document, should it be decided to adopt this type of closure. However, the recommendation is not to adopt conditional closures because of the gate management difficulties. This is not recommended.

29. Option C - Do nothing and leave the snicket open to public use. This would not solve the problems faced by the petitioners, as crime and anti-social behaviour would still exist. Despite this, this option is recommended.

Corporate Priorities

30. The recommended option ties in with the council's Corporate Aim No1: *Take Pride in the City, by improving quality and sustainability, creating a clean and safe environment.*

31. The second Local Transport Plan (LTP2). The *hierarchy of transport users* is firmly embedded within this plan, with pedestrians and cyclists being at the top of our priority when considering travel choice. It is evident from the preceding comments that the retention of the link for public use during daylight hours, fits soundly within council transport policy. The encouragement of travel by sustainable modes also corresponds with other 'wider quality of life objectives' as contained in the Community Strategy, such as those relating to health. The permanent closure of the link would have the potential to encourage increased trips by private car, which does not accord with Objective 1.3 to: *Make getting around York easier, more reliable and less damaging to the environment.*

Implications

- **Financial**

32. Should the Advisory Panel decide on conditional closure, funding would need to be sought to implement the recommended proposal and manage the opening and closing of the gates. This would normally come from the ward committee budget, but would need to be addressed in any subsequent closure report.

- **Human Resources (HR)**

33. There are no HR implications.

- **Equalities**

34. There are no Equalities implications.

- **Legal**

35. As well as any relevant legal orders being made, there are legal implications should a conditional closure be recommended, in that the opening and closing

of the gates would need to be managed 7 days a week, 52 weeks of the year, including public holidays, year in and year out. Should this gate management fail, the council could be in breach of the Order and liable to prosecution for unlawful obstruction. It is open to any individual to initialise a prosecution for obstruction so the council would be vulnerable for all time to such action.

- **Crime and Disorder**

36. Other than that discussed, there are no other crime and disorder implications.

- **Information Technology (IT)**

37. There are no IT implications.

- **Property**

38. There are no property implications.

- **Other**

39. There are no other implications.

Risk Management

40. The risks involved with doing nothing, mean that the snicket may continue to remain a concern in terms of the potential relationship with crime and anti-social behaviour. However, the risks of making a conditional closure order and then not being able to fulfil those conditions, has a greater legal risk.

41. The risks involved with agreeing to Option B, are of ensuring that the gate is unlocked at the specified time every morning, seven days a week, 52 weeks a year. Should this not be done, City of York Council would be allowing an unlawful obstruction.

Recommendations

42. It is recommended that the Advisory Panel advise the Executive Member to accept **Option C,** and resolve to:

    1. Note the petitioners' request for closure; and

    2. Leave the snicket open for public use at all times.

The reason for making this decision is that, although it meets the criteria of the legislation, as set out in paragraphs 11 to 15 of this report, which allows the conditional closure of alleys found to be facilitating the commission of criminal and/or anti-social behaviour; the management of opening and closing the gates in accordance with the conditions of the order, are not possible.

Contact Details

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Alleygating Officer
Public Rights of way Unit
9, St Leonard's Place
YORK
YO1 7ET

Tel: 551338

Chief Officer Responsible for the report:
Damon Copperthwaite
Assistant Director
City Development and Transport

Report Approved ☐ **Date**

Wards Affected: **All** ☐

Dringhouses and Woodthorpe Ward

For further information please contact the author of the report

Background Papers:

Highways Act 1980
Countryside and Rights of Way Act 2000
Clean neighbourhoods and Environment Act 2005
City of York Council Alleygating Policy

Annexes

1. Plan of snicket
2. Crime analysis from North Yorkshire Police.
3. Residents' Petition

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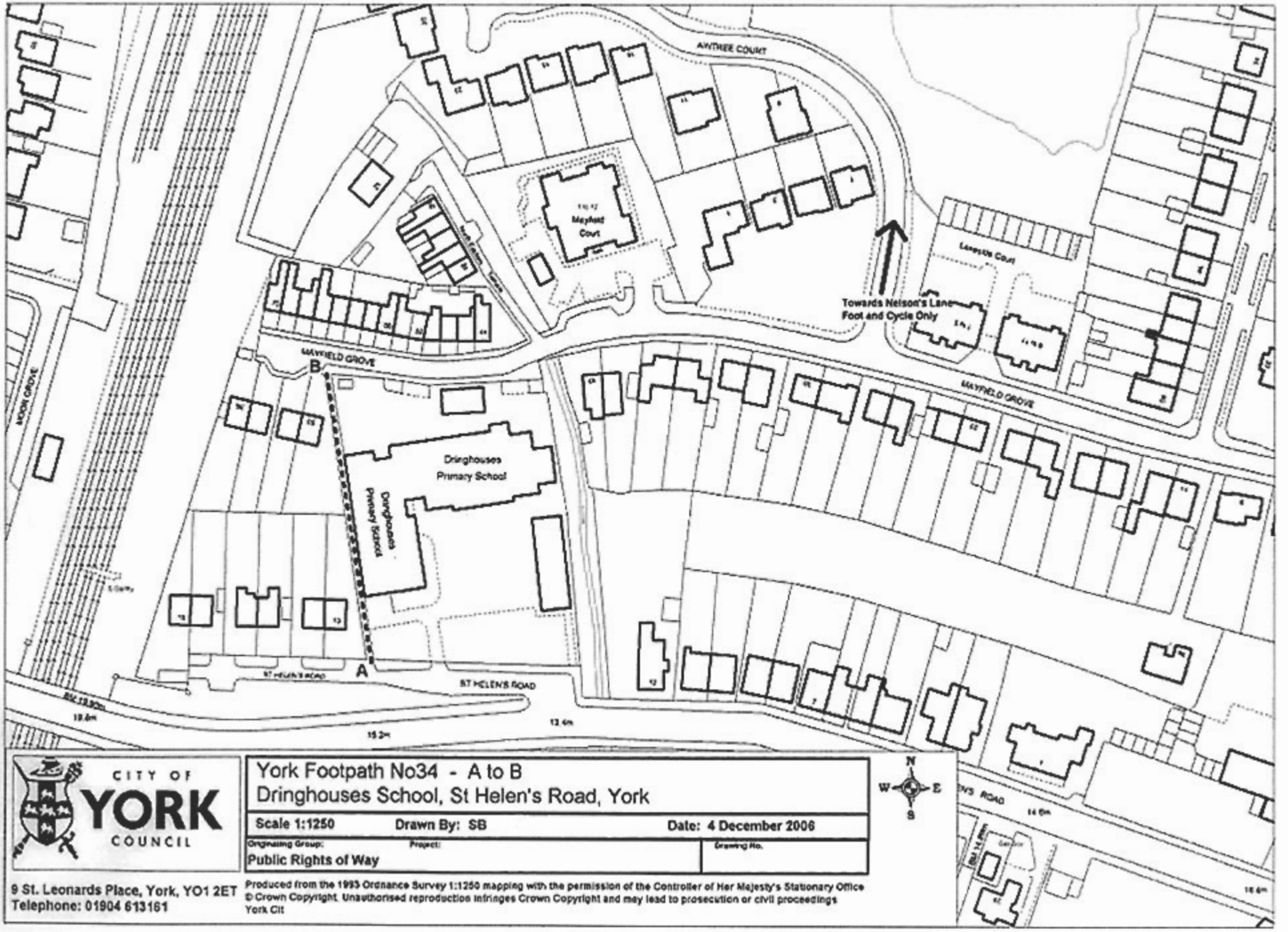

CITY OF YORK COUNCIL

York Footpath No34 - A to B
Dringhouses School, St Helen's Road, York

Scale 1:1250 | Drawn By: SB | Date: 4 December 2006

Originating Group: Public Rights of Way | Project: | Drawing No.

N W E S

9 St. Leonards Place, York, YO1 2ET
Telephone: 01904 613161

Annex 2A

Police Crime Reports For The St Helen's Road Mayfield Grove Study Area

April 2004 to March 2005

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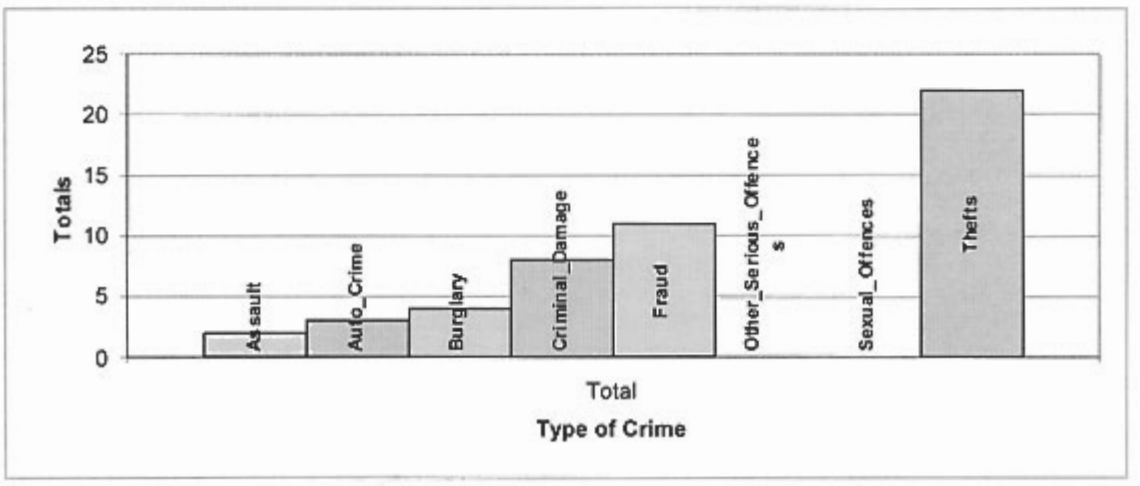
Architectural Liaison Officer Report

Crime Analysis Study Area:	=	St-Helens Road / Mayfield Grove Study Area
Planning Application Reference:	=	Alleygating
Size of Study Area from Application	=	Please See Map
Study Period Start:	=	01/04/2004
Study Period End:	=	31/03/2005
Date Study Completed	=	02/10/2006
Number of Months in Study Period	=	12
Geocoding Accuracy Rate	=	95%

Crime Group	Total
Assault	2
Auto_Crime	3
Burglary	4
Criminal_Damage	8
Fraud	11
Other_Serious_Offences	0
Sexual_Offences	0
Thefts	22
Grand Total	50

A Table of Crime in the Study Area (Above) and corresponding Graph (Below)



A Table of Crime by Crime Group and then Crime Type

EVENT_GROUP	HO_DESCRIPTION	Total
ASSAULT	COMMON ASSAULT ETC.	1
	OTHER WOUNDING ETC.	1
AUTO_CRIME	THEFT FROM VEHICLE	3
BURGLARY	BURGLARY IN A BUILDING OTHER THAN A DWELLING	2
	BURGLARY IN A DWELLING	2
CRIMINAL_DAMAGE	CRIMINAL DAMAGE TO OTHER BUILDINGS	3
	CRIMINAL DAMAGE TO VEHICLES	5
FRAUD	CHEQUE & CREDIT CARD FRAUDT	1
	OTHER FRAUD	10
THEFTS	OTHER THEFT OR UNAUTHORISED TAKING	5
	SHOPLIFTING	14
	THEFT FROM AUTOMATIC MACHINE OR METER	1
	THEFT OF PEDAL CYCLE	2
Grand Total		50

Report Produced by Ian Cunningham Crime Analyst, SYP, and Jim Shanks Architectural Liason Officer NYP

A Table of Crime by Month of the Year and Hour of the Day in the Study Area

Month	Total
Jan	7
Feb	4
Mar	1
Apr	2
May	10
Jun	5
Grand Total	

Month	Total
Jul	7
Aug	4
Sep	2
Oct	3
Nov	4
Dec	1
	50

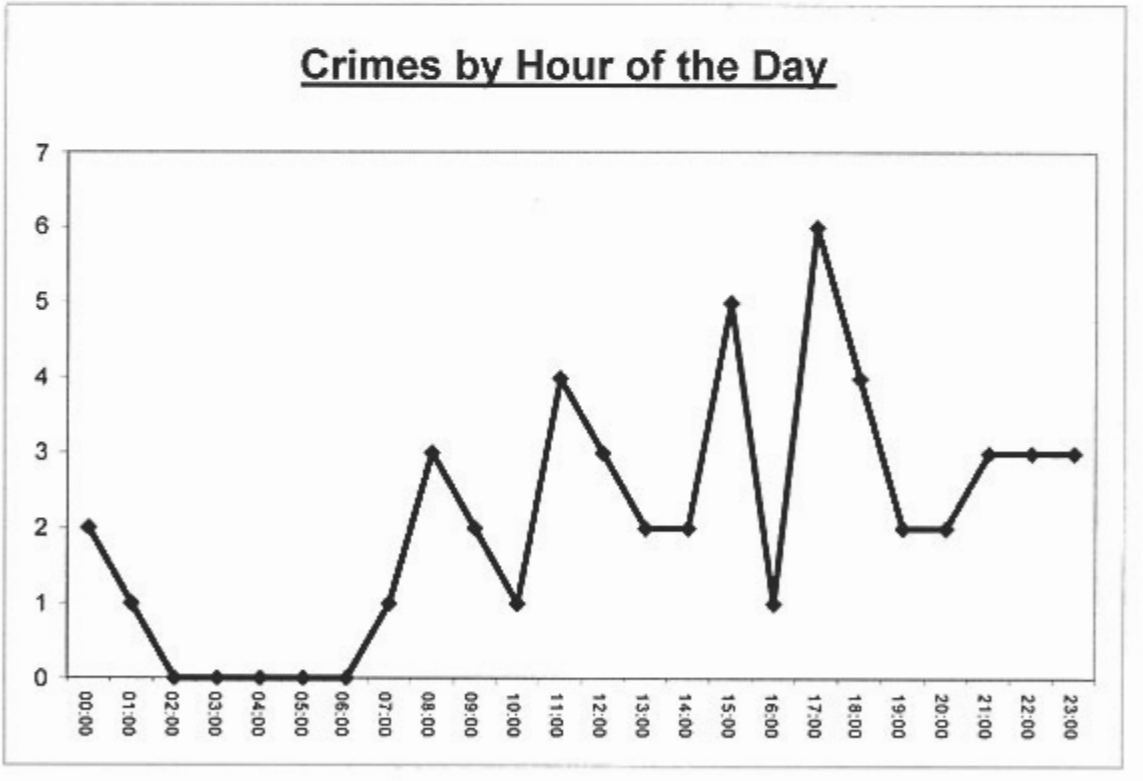
Crime Day	Total
Mon	6
Tue	10
Wed	8
Thu	5
Fri	12
Sat	2
Sun	7
Grand Total	50

Expected Average Crime per Month = **4.17**

Expected Average Crime per Day = **7.14**

A Table of Crime by Hour of the Day in the Study Area

	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	Total
Total	2	1	0	0	0	0	0	1	3	2	1	4	3	2	2	5	1	6	4	2	2	3	3	3	50



Report Produced by Ian Cunningham Crime Analyst, SYP, and Jim Shanks Architectural Liason Officer NYP

Annex 2B

Police Crime Reports For The St Helen's Road Mayfield Grove Study Area

April 2005 to March 2006

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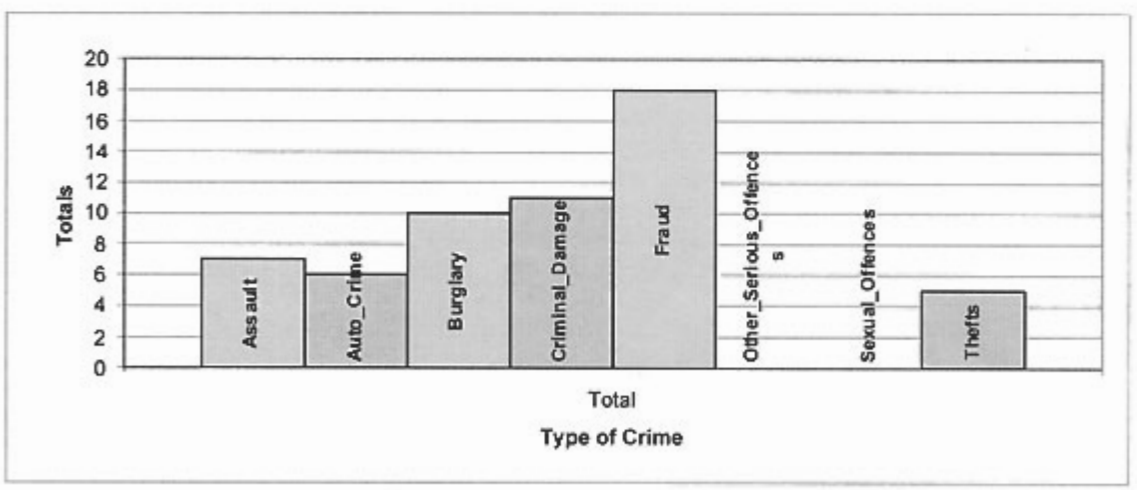
Architectural Liaison Officer Report

Crime Analysis Study Area:	=	St-Helens Road / Mayfield Grove Study Area
Planning Application Reference:	=	Alleygating
Size of Study Area from Application	=	Please See Map
Study Period Start:	=	01/04/2005
Study Period End:	=	31/03/2006
Date Study Completed	=	02/10/2006
Number of Months in Study Period	=	12
Geocoding Accuracy Rate	=	95%

Crime Group	Total
Assault	7
Auto_Crime	6
Burglary	10
Criminal_Damage	11
Fraud	18
Other_Serious_Offences	0
Sexual_Offences	0
Thefts	5
Grand Total	**57**

A Table of Crime in the Study Area (Above) and corresponding Graph (Below)



Report Produced by Ian Cunningham Crime Analyst, SYP, and Jim Shanks Architectural Liason Officer NYP

A Table of Crime by Crime Group and then Crime Type

EVENT_GROUP	HO_DESCRIPTION	Total
ASSAULT	ASSAULT ON CONSTABLE	2
	COMMON ASSAULT ETC.	2
	OTHER WOUNDING ETC.	3
AUTO_CRIME	THEFT FROM VEHICLE	2
	THEFT OR UNAUTHORISED TAKING MOTOR VEHICLE	2
	VEHICLE INTERFERENCE	2
BURGLARY	BURGLARY IN A BUILDING OTHER THAN A DWELLING	10
CRIMINAL_DAMAGE	CRIMINAL DAMAGE TO OTHER BUILDINGS	2
	CRIMINAL DAMAGE TO VEHICLES	9
FRAUD	OTHER FORGERY OR UTTERING	3
	OTHER FRAUD	15
THEFTS	OTHER THEFT OR UNAUTHORISED TAKING	3
	SHOPLIFTING	2
Grand Total		57

A Table of Crime by Month of the Year and Hour of the Day in the Study Area

Month	Total
Jan	2
Feb	2
Mar	7
Apr	7
May	4
Jun	5
Grand Total	

Month	Total
Jul	1
Aug	3
Sep	6
Oct	4
Nov	1
Dec	15
	57

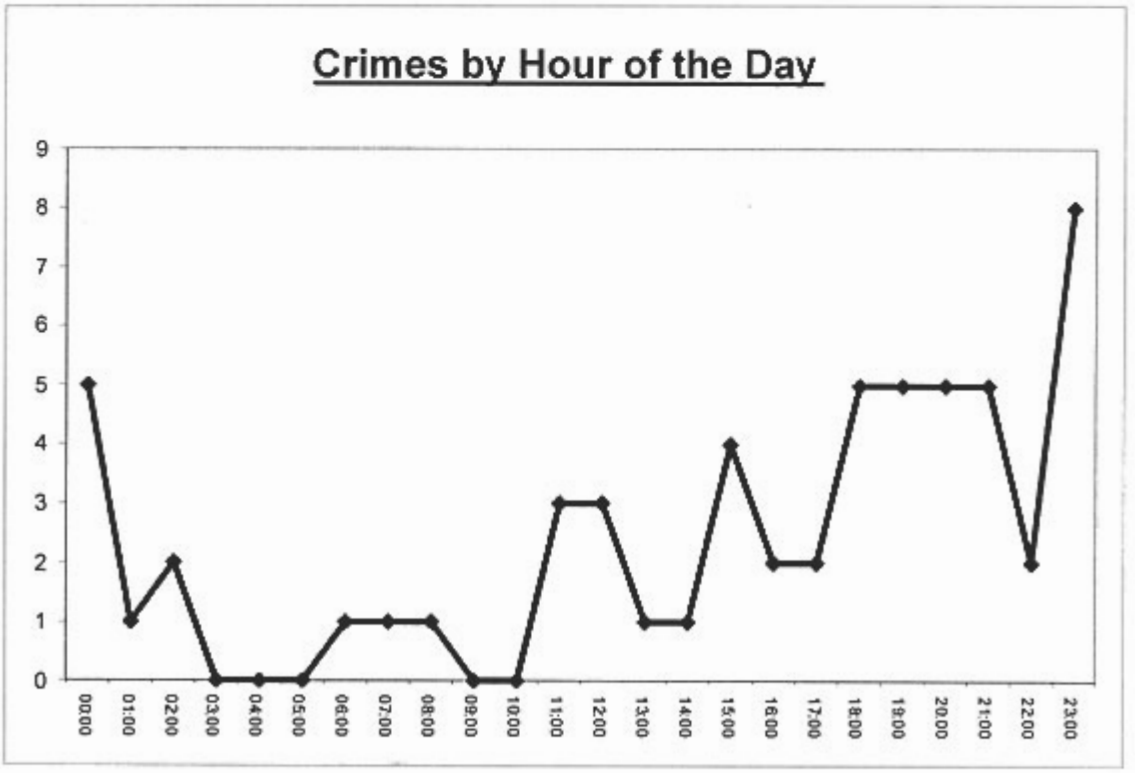
Crime Day	Total
Mon	11
Tue	7
Wed	17
Thu	7
Fri	7
Sat	4
Sun	4
Grand Total	57

Expected Average Crime per Month = **4.75**

Expected Average Crime per Day = **8.14**

A Table of Crime by Hour of the Day in the Study Area

	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	Total
Total	5	1	2	0	0	0	1	1	1	0	0	3	3	1	1	4	2	2	5	5	5	5	2	8	57



MR COLIN RENNISON
[illegible] DRIVE
YORK
117367 YO24 1HL
PHONE 01904 706319

PARTIAL CLOSURE OF DRINGHOUSES SCHOOL SNICKET AFTER SCHOOL HOURS.

BECAUSE YOUNG PEOPLE USEING IT AS A WAY OUT FOR

BURGLERS
SMASHING CAR WIND SCREENS
WING MIRRORS
DAMAGE TO PROPERTY
DRUG TAKING
DRINKING
HUMAN TOILET
DOG TOILET

C Rennison

PETITION FOR THE PARTIAL CLOSURE OF DRINGHOUSES SCHOOL SNICKETT

NAME	ADDRESS
COL RENVISOIN	50 MAYFIELD GROVE YORK
Jacqueline Rennison	50 mayfield grove York
Anne McEndoo	44 Mayfield Grove.
E Webster	70 MAYFIELD GROVE
H. BURTON	60 MAYFIELD GROVE
S BURTON	60 MAYFIELD GROVE
FS Nowell	56 MAYFIELD GROVE
E Nowell.	56 Mayfield Grove
J. Stringer	68 Mayfield Grove
M CRADWELL	7. AINTREE COURT
J CRADWELL	7. AINTREE COURT
J Wells	5 AINTREE COURT
J. Wallis	1 AINTREE COURT.
C Wallis	1 Aintree court
S Wallis	1 Aintree Court
P CHILTON	2 AINTREE COURT
D. Chilton	2 Aintree court, York.
P wilson	9 Aintree Court
Paul wilson	" " "
N wilson	" " "
D wilson	" " "
J HANLEY	11 AINTREE COURT
L HANLEY	" "
S HANLEY	"
Dave Fowler	8 Aintree Court
Graham Fowler	—" —
Rebecca fowler	—" —
Chris Fowler	—" —
Malcolm Veale	19 "
MELANIE BURR	23 AINTREE COURT.
R Shorley	20 Aintree Court.
CHARLES BURNETT	16 Aintree Court
Donna Burnett	16 Aintree Court
E Field	4 AINTREE COURT
M Field	
J. WREN	6 Aintree Court.
	" "

PETITION FOR THE PARTIAL CLOSURE OF DRINGHOUSES SCHOOL SNICKETT

NAME	ADDRESS
JANE FEAKES	19 NORTH EASTERN TCE, DRINGHOUSES, YORK. YO24 1HN
JAMES THOMPSON	18 NORTH EASTERN TERRACE, DRINGHOUSES, YORK, YO24 1HN
BRIAN MARDMAN	21, " " " " "
MARGERY SNAPE	14. NORTH-EASTERN TERRACE. DRINGHOUSES.
HAZEL PEARSON	16 NORTH EASTERN TERRACE — DRINGHOUSES
ROY DEWHURST	" " "
SIMON FEAKES	19 NORTHEASTERN TERRACE DRINGHOUSES
SALLY REGGETT	18 NORTH EASTERN TERRACE, YORK YO24 1HN
Kimberley Whittle	20 North Eastern Terrace, York
Chloe Noyce	20 North Eastern Terrace, York.
BERYL JOHNSON	45 MAYFIELD GROVE DRINGHOUSES
PHIL JOHNSON	45 MAYFIELD GROVE, DRINGHOUSES
PAT WOOD	35 MAYFIELD GROVE DRINGHOUSES.
Linda Smykin	33 mayfield Gr York.
Jean Fry	31 Mayfield Grove
Anne Fry	19 Mayfield Grove
Reg Fry	31 Mayfield Grove
[illegible]	24 Mayfield Grove
TONY IVESON	29 MAYFIELD GROVE
John Atkinson	23 Mayfield Grove
Linda Blenkham	23 Mayfield Grove
Debbie Buck	17 Mayfield Grove
Andrew Baxter	" " "
Caroline Brinkfield	" " "
Chris Brinkfield	" " "
JOHN LUPSCOMB	13 MAYFIELD GROVE
ANGELA LUPSCOMB	" " "
[illegible]	7 MAYFIELD GROVE
A. Mallon	9A Mayfield Grove
Joanne Copeland	54, Tadcaster Road, Dringhouses.
Clare Murphy	25 Mayford Grove
Martyn Murphy	" "
ALAN & JEAN MORRIS	21 " "
John Hopkins	4 Mayfield Grove
Elizabeth Power	" "
Jeanette Logan	2 Mayfield Grove
Kenneth Logan	2 Mayfield Grove

PETITION FOR THE PARTIAL CLOSURE OF DRINGHOUSES SCHOOL SNICKETT

NAME	ADDRESS
Sue Jackson	66 Mayfield Grove, York
Jo Wishart	64 Mayfield Grove, York
Dan Crump	64 Mayfield Grove York
John Swain	53 Mayfield Grove York
Michael Adams	58 Mayfield Grove. York. YO24 1HL
C. Wriggleswoth	59. Mayfield Grove - York
G. Wriggleswoth	59. Mayfield Grove - York
Craig Rennison	50 Mayfield Grove York
Sam Waterfield.	62 mayfield Grove York YO24 1HL
S. Robson	43 Mayfield Grove York YO24 1HJ.
N. Hart	43 Mayfield Grove York YO24 1HJ
Putsche Rudolf.	57. Mayfield Grove York YO24 1HJ.
Putsche Ruth	57. Mayfield Grove York YO24 1HJ
Chris McDonald	46 Mayfield Grove York YO24 1HL
[illegible] McDonald	46 Mayfield Grove York YO24 1HL.
[illegible]	11 Mayfield Grove York
[illegible]	11A Mayfield Grove York
[illegible] Evans	5. Mayfield Gr York YO24 1HJ
[illegible] Smith	27 Mayfield Gr York
Claire Smith	27 Mayfield Gr York
M E Kellett	13. ST Helen Rd York
IAN Kellett	13 ST Helen Rd York.
P.Y. Green	39, Mayfield Grove, York
[illegible]	" "
Robin C. Wallis	1 Aintree Court York YO24 1EW
Elaine Winstanley	9. Mayfield Grove Dringhouses York.
Alan Winstanley	9 Mayfield Grove Dringhouses York
Alex Winstanley	9 Mayfield Grove Dringhouses, York