

17 October 2007

Meeting of Executive Member for Neighbourhood Services and Advisory Panel

Report of the Director of Neighbourhood Services

Update on Alleygating in York

Summary

1. This report updates members on the progress of 'alleygating' and advises on the impact on refuse collections, street cleansing and enforcement activities.

Background

2. City of York Council agreed in March 2007 on the procedure and practice for introducing gates to alleys under legislation brought in by the Clean Neighbourhoods Act 2005. It is a well known fact that burglars prefer to break into houses through rear doors or windows where there is less chance of being seen, and many properties in York have a shared alley at the rear of their property which can facilitate the ease with which burglars operate. A copy of the Policy, Procedure and Practice document is attached at Annexe 1 for information.
3. In some parts of York, where gates have been installed, a reduction in burglaries by 87% has been achieved.
4. Many residents, who live in properties with alleys at the rear, have their refuse and recycling, where applicable, serviced directly from the alley. This can be by way of either wheeled bin or sack collection but dictates that the resident places their waste into the alley for collection. During the planning stage, waste services staff have worked closely with the alleygating officer to identify where changes may be needed to the collection service to these residents.
5. Alleys have historically been serviced by the City of York Council Street Cleansing service that have regularly undertaken sweeping and litter clearance on a regular schedule. As with the planning around waste collections, similar consideration was given to the impact on the cleanliness of the alleys once gated and how the ongoing maintenance would be undertaken.

Analysis

6. A list of alleys where gates have been installed is attached as Annexe 2 and a list of alleys where Notice of Intention is sought, is attached as Annexe 3.
7. Since the gates have been fitted at the alleys listed at Annexe 2, there have been little reports of problems with either refuse collection or street cleansing. Residents were asked to agree to changes in the service they receive when voting for the gates to be installed in the first instance.
8. Letters were sent to residents prior to installing the gates advising them of installation dates and arrangements for their future collections. In a few alleys, there was a delay in fitting the gates and some residents continued to present waste in the alley. In these cases waste was collected from the front and rear of the property and explanation letters sent to the residents affected.
9. Each alley that has, or is due to be, gated has undergone a 'deep clean' prior to installation of the gates. This also included rectifying any serious areas of damage or erosion so the alley was in acceptable order when the gates were fitted.
10. Prior to April 2006, alleygating legislation came under the Countryside and Rights of Way Act 2000 (CROW) and alleys, once gated, had their highway status extinguished. Alleygating now comes under the Clean Neighbourhoods and Environment Act 2005 and, once the gates are fitted, the alleys become 'restricted' not 'extinguished'. The alley therefore retains its highway status and remains the responsibility of the council. City of York Council will still undertake cleaning of the alley, though this will be at the request of residents rather than on a predetermined schedule.

Enforcement on Domestic Waste Presentation

Background

11. As the waste collection authority, City of York Council has a duty to arrange for household waste collection and can specify the arrangements that householders must follow to enable this service to be carried out.
12. The authority uses powers under Section 46 of the Environmental Protection Act as a tool for tackling household waste problems, including refuse presented too early, in the wrong location, side waste issues and the presentation of bulky waste, for which a charge should be applied.
13. Incorrect waste presentation contributes to litter on the street, and in particular back lanes, where it is at risk of damage due to pests, weather, vandalism and vehicles. This presents additional risks to public health, in the form of pests attracted to open waste. It is therefore important, when carrying out alley gating, that residents are clear on their new waste arrangements, as refuse left in the back lanes can result in accumulations and associated problems.

14. Under the Environmental Protection Act, Street Environment Officers and the two newly appointed Environmental Enforcement Officers are authorised to prescribe how household waste is to be presented by a legal notice. The notice can include requirements dealing with:-
- The size, construction and maintenance of the receptacles;
 - Placing of them to facilitate emptying and access for that purpose;
 - The placing of the receptacles for that purpose on highways
 - The substances or articles which may or may not be put into the receptacles or compartments of receptacles of any description
 - Precautions to be taken where particular substances or articles are put into them; and
 - The steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles.
15. Placing a receptacle or sack of refuse on the highway can only be done with the consent of the highways authority. Therefore placing waste out for collection before the appropriate time allocation is an offence as there is no consent outside the times specified by the authority. The closure of the alleys results in liability for damage, caused by any refuse left in the lane, on the residents who left the refuse.
16. Failure to comply with a Section 46 notice, without reasonable excuse, is a criminal offence. To avoid liability for this offence, a householder can pay a fixed penalty notice of £100. Failure to pay the fine can result in prosecution by Magistrates' Court where a fine not exceeding £1,000 could be issued.
17. The appointed officers follow an approved policy on the enforcement of domestic waste presentation which includes a graduated approach, using standard letters and advice to raise awareness (Executive Report, Refuse Bags out Early : Section 46 Enforcement, 13 October 2004).

Enforcement in Clifton

18. Following installation of the alleygates in Clifton, the Enforcement Officer for Clifton ward has been visiting the area several times a week to monitor waste presentation and is working closely with refuse collectors to ensure that back lanes are free from refuse.
19. As a result of this monitoring, first stage advisory letters have been sent to households in eight streets that have been alleygated, as it was noted that some residents continued to present sacks in the back lane as well as too far in advance of collection day. To date, 434 advice letters have been sent.
20. The officer has also visited individual householders to give advice and raise awareness of the change in presentation. Unfortunately some residents

continue to ignore this advice, and monitoring continues. To date, the authority has not served any Section 46 notices in Clifton.

Corporate Priorities

21. Improving the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible places. – Ensuring that improvements are made to street cleanliness. Important that back lanes are not used as a refuse presentation area as litter will increase.

Implications

22.

- **Financial** – None
- **Human Resources (HR)** – None
- **Equalities** – Equalities issues are covered in the approved policy at Annexe 1
- **Legal** - Legal issues are covered in the approved policy at Annexe 1
- **Crime and Disorder** – These issues are covered in the approved policy at Annexe 1
- **Information Technology (IT)** - None
- **Property** - None
- **Other**

Risk Management

23. There are no risks associated with this report other than those already covered in the approved policy and guidelines as per attached annexes.

Recommendations

24. Members are asked to note the contents of this report and the progress made by Neighbourhood Pride and Waste Services to minimise litter and refuse problems in alleygated areas.

Reason: To update Members.

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Report Approved Date

Specialist Implications Officer(s)

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Wards Affected: Clifton, Micklegate, Holgate, Hull Road, Westfield, Guildhall **All**

For further information please contact the author of the report

Background Papers:

Executive Report, Refuse Bags out Early: Section 46 Enforcement, 13 October 2004

Annexes

Annexe 1 Gating Order Policy, Procedure and Practice Document

Annexe 2 List of Alleys where Gates have been installed

Annexe 3 Notice of Intention to install gates on further alleys