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

29 October 2007

Report of the Director of City Strategy

**PUBLIC RIGHTS OF WAY – Proposal To Restrict Public Rights
Over Alleyways In The Clifton, Guildhall And Micklegate Wards,
York**

Summary

1. This report considers the restriction of public rights over 25 alleyways in the Clifton, Guildhall and Micklegate Ward areas, using crime prevention legislation under Section 129A of the Highways Act 1980, as amended by the Clean Neighbourhoods and Environment Act 2005 (See plans in Annex 1).
2. The report recommends that the Advisory Panel advise the Executive Member to approve **Option C** and authorise the making of the proposed Gating Orders which will then allow the installation of lockable 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. In March 2004, The Groves part of Guildhall Ward, parts of Clifton Ward and parts of Micklegate Ward were designated by the Secretary of State for

Environment, Food and Rural Affairs as a high crime area for the purposes of crime prevention under the Countryside and Rights of Way Act 2000.

7. A number of alleys in the three designated areas have been identified by the police and Safer York Partnership Crime Analyst as facilitating crime and anti-social behaviour (see police crime reports in Annex 2). Several high profile initiatives have been undertaken by the police to reduce the level of crime and anti social behaviour in this region of the city, in order to fulfil both police and Council responsibilities under the Crime and Disorder Act 1998. Alleygating is one of the methods proposed to reduce those crime figures and this scheme would involve the installation of 33 gates.
8. The implementation of Alleygating in other parts of the city, has shown a significant reduction in crime 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.
9. In order to simplify the gating process and facilitate accurate crime analysis for each alley, all three designated area have been broken down into 'zones'. Each of these zones has been allocated the name of one of the streets within that zone. The 26 alleys mentioned in this report lie in 14 of these zones.
10. The following 2 alleyways are in Clifton Ward, but are situated in The Groves Designated High Crime Area and are:
 - The alley which starts between the sides of No1 and No3 Vyner Street, before travelling in a southerly direction to the side of No2 Fountayne Street. Also from midway between these two points, travelling in a westerly direction to between the rear of No15 Vyner Street and No16 Fountayne Street (see Annex 1 Map 1).
 - The alley which starts between the sides of No69 and No71 Vyner Street before travelling in a southerly direction to between the sides of No68 and No70 Fountayne Street. Also from midway between these two points, travelling in an easterly direction to between the rear of No21 Vyner Street and No20 Fountayne Street (see Annex 1 Map 2).
11. The following 13 alleyways are Guildhall Ward and situated in The Groves Designated High Crime Area and are:
 - The alley which starts in Earle Street at the rear of No1 Diamond Street, travelling in a north easterly direction to the rear of No53 Diamond Street (see Annex 1 Map 3).
 - The alley which starts between the sides of No1a and No3 Neville Street, travelling in a south westerly direction to the rear of No3 Neville Street before turning 90° to the right and continuing in a south easterly direction before emerging into Eldon Street, between the rear of No71 and No73 Eldon Street (see Annex 1 Map 4).

- The alley which starts in Bowling Green Lane at the rear of No1 Park Crescent travelling in a south easterly direction to the rear of No15 Park Crescent (see Annex 1 Map 5).
 - The alley which starts in Bowling Green Lane between the rear of No25 Lowther Street and No32a Park Crescent, travelling in a south easterly direction to the rear of No21 Park Crescent (see Annex 1 Map 6).
 - The narrow pedestrian alley, which starts in Groves Lane between the rear of No1 Lockwood Street and No16 Penley's Grove Street, travelling in a south easterly direction to the rear of No18 Lockwood Street and No2 Penley's Grove Street (see Annex 1 Map 7).
 - The alley which starts between the rear of No34 Lockwood Street and No2 Waverley Street, travelling in a south easterly direction to the rear of No19 Lockwood Street, before turning 90° in a north easterly direction to the side of No19 Lockwood Street (see Annex 1 Map 8).
 - The alley which starts in Garden Street at the rear of No68 St John Street, travelling in a south westerly direction to the rear of No54 St John Street (see Annex 1 Map 9).
 - The alley which starts in Groves Lane at the rear of No1 Waverley Street travelling in a south easterly direction to the rear of no19 Waverley Street (see Annex 1 Map 10).
 - The alley which starts in Eldon Street between the rear of No110 and No114 Eldon Street, travelling in an easterly direction to between the rear of No37 Nelson Street and No27 Eldon Terrace (see Annex 1 Map 11).
 - The alley which starts at the side of No2 Warwick Street travelling in an easterly direction to the rear of that property before turning 90° in a southerly direction to the rear of No10 Warwick Street, turning 90° in a westerly direction to the side of that property; also from the rear of No6 Warwick Street travelling in an easterly direction to between the rear of No43 Walpole Street and No28 Nelson Street (see Annex 1 Map 12).
12. The following 16 alleyways are situated in the South Bank Designated High Crime Area of the Micklegate Ward and are as follows:
- The alley which starts at the side of No17 Finsbury Street, travelling in a westerly direction to the rear of that property before turning 90° in a southerly direction to the rear of No71 Finsbury Street, before turning 90° in an easterly direction to the side of that property (see Annex 1 Map 13).

- The short alley which starts between No2 and No4 Darnborough Street and travels to the rear of No20 Bishopgate Street (see Annex 1 Map 14).
- The alley which starts at the rear of No2 East Mount Road, travelling in a south easterly direction to the rear of No22 East Mount Road (see Annex 1 Map 15).
- The zig-zag alley which starts at the side of No13 Ebor Street travelling in an easterly direction to the rear of No40 Vine Street (see Annex 1 Map 16).
- The short alley which starts at the side of No2 Vine Street, travelling in a northerly direction to the rear of No24 Bishopthorpe Road (see Annex 1 Map 17).
- The alley which starts at the side of No2 Millfield Road, travelling in a westerly direction before turning 90° in a southerly direction to the rear of No78 Millfield Road (see Annex 1 Map 18).
- The alley which starts at the side of No51 Scarcroft Hill, travelling in an easterly direction to the rear of No10 Telford Terrace; also from the rear of No6 Telford Terrace, travelling in a northerly direction to the rear of No2 Wentworth Road; also from the rear of No29 Scarcroft Hill, travelling in an easterly direction to between No8 and No10 Wentworth Road (see Annex 1 Map 19).
- The alley which starts from between the sides of No43 & No45 Dale Street travelling in a southeasterly direction for 21 metres to the rear of No45 before turning 90° in a southwesterly direction for 53 metres to the rear of No71 Dale Street (see Annex 1 Map 20).
- The alley which starts from between the sides of No46 & No48 Dale Street continuing in a northwesterly direction for 20 metres to the rear of No48 before turning 90° in a southwesterly direction for 51 metres to the rear of No74 Dale Street (see Annex 1 Map 21).
- The alley which starts from the side of No26 Charlton Street continuing in a southerly direction for 42 metres to the rear of No68 Bishopthorpe Road (see Annex 1 Map 22).
- The alley which starts from between No1 and No3 Vine Street and travelling in a southerly direction for 25 metres to the rear of No40 Bishopthorpe Road (see Annex 1 Map 23).
- The alley which starts from between the rear of No39 Vine Street and No17 Charlton Street continuing in a westerly direction for 33 metres to the rear of No27 Vine Street; also commencing from between the rear of No39 Vine Street and No17 Charlton Street continuing in a westerly direction for 46 metres to the rear of No10 Charlton Street (see Annex 1 Map 24).

- The alley starting from between the rear of No41 Vine Street and No1B Anne Street, continuing in an easterly direction for 19 metres to the rear of No47 Vine Street (see Annex 1 Map 25).
13. A crime report for each of the alleys is contained in Annex 2 of this report. Although some of the alleys appear to have experienced fairly low levels of crime and anti social behaviour, their closure would benefit the reduction of crime in other alleys within this proposal, by closing off 'blocks' of alleys.

Consultation

14. External consultation was carried out in August this year, in accordance with Home Office guidelines on the making of Gating Orders under S129A of the Highways Act 1980 and included:
- All affected residents and businesses.
 - 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.
15. Notices have also been advertised on the Council's web site, in the local newspaper and at each alley.
16. City of York Council Cleansing Department have been consulted and there are no objections. These proposals do not affect door step recycling.
17. There have been 4 objections to this scheme, from residents. 3 of these objections are for the Finsbury Street alleyway (Annex 1 Map 13). These objections are valid and are around concerns of noise, positioning of gates and refuse collection points. One objection is for the Vyner Street / Fountayne Street alleyway (Annex 1 Map 1). The objection relates to the alley being a more attractive route for cyclists than using the other thoroughfares. The objector does not live in a property which adjoins the alleyway. Although this objection may be valid it is felt that the interests of the residents, affected by these closures, outweigh the views of the objector.

Options

18. Option A. Restrict public rights over all 25 alleys and allow the making of Gating Orders. This is not recommended.
19. Option B. Do nothing and leave the alleys open to public use. This is not recommended.

20. Option C. Authorise the making of Gating Orders to restrict public rights over 24 of the alleys that are the subject of this report, but exclude the Finsbury Street alleyway (Annex 1 Map 13) and leave this particular alley open to public use. This option is recommended

Analysis

21. Option A - Restrict public rights over all the above-mentioned alleys. This would enable lockable gates to be fitted to the entrances of all the alleys mentioned, allowing only residents and businesses to use them and would assist with other planned crime prevention measures in reducing crime and anti social behaviour in the three designated area. It would also improve the quality of life for residents living alongside or adjacent to these alleys.
22. Option B - Do nothing and let public rights remain over all the alleys mentioned above. This would mean that crime and anti-social behaviour would continue at its present level, or even escalate, which could diminish the effects of other crime prevention measures being considered. It could also have an impact on the quality of life for residents living alongside or adjacent to these alleys.
23. Option C - Restrict public rights over all the above-mentioned alleys excluding the Finsbury Street alleyway (Annex 1 Map 13) for which there has been 3 objections from residents. The objections tendered (concerns of noise, positioning of gates and refuse collection points) are considered to be valid. If these objections were upheld they could delay or prevent the scheme from going ahead in this area. This option would therefore enable lockable gates to be fitted to the entrances of the remaining 24 alleys mentioned, and allow the residents affected by those alleys to have the same benefits detailed in Option A.

Corporate Priorities

24. The recommended option 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."*
25. 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.
26. Although the preferred option has no bearing on vehicle usage, it may appear to conflict with the council's policy to improve sustainable methods of transport, such as walking and cycling. However the alternative routes are, in most cases, only a minor inconvenience and it is felt that the interests of residents outweighs those of any users of these routes.

Implications

- **Financial**

27. Funding for this scheme has been obtained from a combination of Ward Committee budgets and target hardening and burglary reduction match funding by the Safer York Partnership. The only other financial implications relate to officer time and administration costs.

- **Legal**

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

- **Crime and Disorder**

29. There are already gated alleys in these areas which have all shown a reduction in crime and anti social behaviour in those streets adjacent to them. There has also been fewer or no reports of fly tipping and graffiti in those alleys and it is felt that crime and anti social behaviour will fall significantly in the proposed areas; 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.

30. There are no implications affecting the following.

- **Human Resources (HR)**
- **Equalities**
- **Information Technology (IT)**
- **Property**
- **Other**

Risk Management

31. In compliance with the Councils Risk Management Strategy. There are no risks associated with the recommendations of this report.

Recommendations

32. It is recommended that the Advisory Panel advise the Executive Member to accept **Option C**, and resolve to:
 1. Note any outstanding objections and decide whether or not it would be in the best interests of the local community to make the Orders recommended in 2. below and

2. Authorise the Director of City Strategy to instruct the Head of Civic, Democratic and Legal Services to make Gating Orders for each of the 24 above mentioned alleys (excluding Finsbury Street), 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 of this report, which allows the closure of alleys found to be facilitating the commission of criminal and/or anti-social behaviour.

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Wards Affected:

All

Clifton
Guildhall
Micklegate

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 (SI 2006 No537)
5. City of York Council Gating Order Policy Document

Annexes

1. Plans of alleys
2. Police crime reports (available in Member's Library or from the Guildhall, York)