

 <b>CITY OF YORK COUNCIL</b>	<b>DIRECTORATE OF CITY &amp; ENVIRONMENTAL SERVICES</b>	<b>REQUEST FOR DECISION</b>	
<b>Decision making level</b>	<b>OIC - Director</b>	<b>Date</b>	<b>26 September 2013</b>

**Report Title:- Public Rights of Way – Proposal to restrict public rights over an alleyway in Clifton Ward, York, using Gating Order legislation**

<b>Decision Requested</b>
<p>Authorisation to make a Draft Gating Order under section 129A of the Highways Act 1980, to restrict access along an alleyway between Fountayne Street and Scaife Street, Holgate Ward.</p>
<b>Reason</b>
<p>This Gating Order has been requested by local residents and Safer York Partnership in order to help prevent crime and anti-social behaviour (ASB) associated with the back lane (Annex 1 – Location Plan).</p>
<b>Background Information</b>
<p>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. Before an alleyway can be considered for a Gating Order it must be demonstrated that it meets all the requirements of the legislation (Annex 2 – Legislation &amp; Guidance).</p> <p>Crime and ASB statistics produced by Safer York Partnership covering a period from August 2012 to July 2013, show that there have been 5 incidents of burglary or attempted burglary on properties adjacent to this alleyway over the last 12 months (Annex 3 – Crime &amp; ASB Statistics). This may be considered to be a high number of incidents for only 26 properties.</p> <p>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. This is the only alleyway left in this area of Clifton Ward that can be gated using</p>

Gating Order legislation.

### **Consultation Process**

Pre-order consultation has been carried out, in accordance with the Rights of Way Review Committee Practice Guidance Notes 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 and; all emergency services including North Yorkshire Police Authority. The recommended consultation period of 12 weeks was however reduced to 8 weeks due to the tight timescales necessary to process the gating order within this financial year.

26 properties are adjacent to or adjoin this alleyway. A response has been received from 14 of them, with 12 in favour of gating and 2 against it (Annex 4 – Response from Residents). Vehicular access is possible to the rear of 121 – 125 Haxby Road so residents were given 2 options for possible gate positions (Annex 1). Position A would include 121 – 125 Haxby Road in the gated area but vehicular access would no longer be possible as the alley is too narrow to accommodate a gate as well as allow vehicles to pass. Position B would set the gate back in to the alley and allow vehicular access to remain but would not provide protection for 121 – 127 Haxby Road or 3 Fountayne Street. The consultation results show that vehicular access is essential and therefore a gate would be placed at position B should the Gating Order process be successful. There are concerns that a gate in this position would be used to access properties directly next to it e.g. the gate might be used to aid climbing the walls. The gates are designed in such a way as not to aid climbing and once installed are 2.4m high. It would nevertheless be possible to offer extra fencing to those properties concerned which could be fixed to the top of the walls. This may help to give peace of mind to them as they would not be included in the gated area.

### **Statutory Powers**

The Council, as Highway Authority for the area, has the power under section 129A of the Highways Act 1980 to make a Gating Order.

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.

### **Ward Member(s) view - Clifton**

Cllr H Douglas: *“I personally welcome this gating order as I know this to be a real problem for some residents and they will benefit greatly from this.”*

Cllr K King: *“I support the residents views on this item.”*

Cllr D Scott: *“As do I.”*

### **Group Spokespersons view**

Cllr A D’Agorne: No comments received.

Cllr D Merrett: No comments received.

Cllr A Reid: *“I have no objection to this gating order.”*

Cllr C Steward: No comments received.

### **Financial Implications**

Capital funding has been secured for the scheme through the Council and Safer York Partnership. Advertising a Draft Gating Order is approximately £1,000. After statutory consultation has been carried out, and if authorisation to seal the Draft Gating Order is given, the process of procurement and installation will begin. Supply and fit of a double gate with lock is approximately £1,175. A single gate with lock is approximately £975. It is estimated that the cost of this scheme (1 x double gate, 1 x single gate and additional fencing), including advertising, will be in the region of £3,400.

Advertising a single Draft Gating Order costs approximately £1,000, however it is estimated that any additional Draft Gating Orders advertised at the same time will cost approximately £200 extra each.

The authority is responsible for maintenance of gates installed using Gating Orders.

### **Options**

Option 1: Authorise the Draft Gating Order to be advertised and statutory consultation to begin.

Option 2: Do not authorise the Draft Gating Order to be advertised.

## Analysis

Option 1: This option would allow a Draft Gating Order to be advertised and statutory consultation to be carried out.

If formal objections are received, a further report will be prepared for decision at OIC as to whether the objections should be overruled and the Gating Order sealed. If no objections are received, the Gating Order will be sealed and the procurement process for the gates will begin.

Should the alleyways be closed, the alternative routes as shown on the Plan (Annex 1) are considered to be convenient.

Only those residents living in properties which are adjacent to or adjoining the restricted route will be given a Personal Identification Number with which to access the gates, along with emergency services and utilities who may need to access their apparatus.

Option 2: This option would leave the alleyways open for use by the public and the incidents of crime and ASB are therefore likely to continue at their current level.

### Level of Risk

1-3 Acceptable	✓	16-20 Action Plan	
4-8 Regular Monitoring		21-25 Registered as a corporate risk	
9-15 Constant Monitoring			

### Internal Consultation

Implications:

Legal - other than those discussed in the main body of the report and annexes, there are no other legal implications.

Financial - other than those discussed in the main body of the report and annexes, there are no other financial implications.

HR – to be delivered using existing staffing resources.

Sustainability – there are no Sustainability implications.

Equalities – 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.

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.

Property – there are no Property implications.

Crime and Disorder - other than those discussed in the main body of the report and Annexes, there are no other crime and disorder implications.

**Recommendations**

That Option 1 be approved and the Draft Gating Order be advertised and statutory consultation begin.

Contact  
Details

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**Report  
Approved**

**Date**

**Wards Affected: Clifton**

**All**

**For further information please contact the author of the report**

- Annexes:**
- 1) Location Plan with alternative route
  - 2) Summary of Legislative Requirements and Home Office Guidance for Gating Orders
  - 3) Crime and Anti-Social Behaviour Statistics
  - 4) Response from Residents