

 CITY OF YORK COUNCIL	DIRECTORATE OF CITY & ENVIRONMENTAL SERVICES	REQUEST FOR DECISION	
Decision making level	OIC - Director	Date	26 September 2013

Report Title: Public Rights of Way – Proposal to restrict public rights over five alleyways in Micklegate Ward, York using Gating Order legislation

Decision Requested

A decision as to whether or not to make a Draft Gating Order under section 129A of the Highways Act 1980, to restrict access along five alleyways in Micklegate Ward:

Millfield Road / Thorpe Street,
Thorpe Street / Russell Street,
Russell Street / Scott Street,
Scott Street / Nunmill Street,
and Nunmill Street / Bishopthorpe Road

Reason

These Gating Orders have been requested by local residents, North Yorkshire Police, Safer York Partnership and Councillors in order to help prevent crime and anti-social behaviour (ASB) associated with the back lanes (Annex 1 – Plans).

Background Information

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 & Guidance).

Crime and ASB statistics produced by Safer York Partnership covering a period from August 2012 to July 2013, show that these alleyways have been subject to incidents of crime and ASB over the last twelve months (Annex 3 – Crime & ASB Statistics).

Millfield Road / Thorpe Street: This alley has been subject to incidents of burglary, criminal damage and ASB in particular.

Thorpe Street / Russell Street: This alley has been subject to incidents of theft, criminal damage and ASB.

Russell Street / Scott Street: This alley has been subject to incidents of burglary and ASB.

Scott Street / Nunmill Street: This alley has been subject to incidents of criminal damage, theft and ASB.

Nunmill Street / Bishopthorpe Road: In the last twelve months this alley has not been subject to any recorded incidents of crime or ASB. However, it was the subject of a petition raised by residents in 2012 requesting that gates be installed due to the high level of crime experienced at the time. The subsequent report which was produced (and considered at the Decision Session – Cabinet Member for Transport, Planning and Sustainability on 2nd August 2012) included the crime profile for the alley between June 2011 and May 2012. This showed there had been 6 recorded incidents of burglary, 4 incidents of assault, 4 incidents of theft and 4 incidents of ASB.

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.

In York, Gating Orders have been made predominantly on rear alleyways of terraced houses. Often, rear alleyways are where residents leave household waste for collection by Waste Services. At present it is council policy, however, that refuse collection teams do not enter gated alleys. This means that when Gating Orders have been made and gates installed, the refuse collection has changed from the rear to the front of property. Occasionally it has been necessary to set up central collection points (CCP) for refuse in some areas where gates have been installed.

The current view held by Waste Services is that, although front of property collection is preferred, given the difficulties they have experienced with changes in collection when alleyways have been gated previously, they would seek to implement CCPs as standard should gating go ahead.

Recycling is always collected from the front of properties in gated areas however.

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.

Response from residents has been high with approximately 50% of the consultation forms returned. Residents were asked if they agree to the proposal to gate the alley or not and also if they agree to any necessary changes in waste collection. Annex 4 details residents' responses for each alley. The following table gives a summary of the results:

	Gating proposal		Waste collection changes	
	Yes	No	Yes	No
Millfield Road / Thorpe Street 41 replies received (89 properties)	35	6	33	8
Thorpe Street / Russell Street 49 replies received (86 properties)	35	14	35	14
Russell Street / Scott Street 43 replies received (89 properties)	32	10	28	12
Scott Street / Nunmill Street 41 replies received (79 properties)	33	8	30	9
Nunmill Street / Bishopthorpe Road 30 replies received (68 properties)	18	10	15	13

Reasons for not supporting the proposal include: the change in waste collection (whether it were to be at a CCP or front of property); the inconvenience of negotiation a gate with a bike; the area feeling like a gated community; that the area is safe and gating is not needed; that gating the area would make it feel less safe; that the council's money

could be spent elsewhere; that access for certain vehicles would be restricted; that CCP's would obstruct vehicular access; that the lanes are used as a safe cut-through to avoid the busy Scarcroft Road and gating will prevent this; ideology.

Additionally, those residents living in properties next to where a gate would be installed expressed concern about the noise gates would cause and that if waste is collected from a CCP, it would be directly next to their property and cause vermin and smells etc.

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 - Micklegate

Cllr D Merrett: (See below)

Cllr J Gunnell: (See below)

Cllr S Fraser: *“Given the proven effectiveness of other such schemes, the three Micklegate Ward Councillors are generally supportive of these particular schemes progressing, subject to the consultation which has been conducted showing a majority of the residents concerned with each alley indicating they favour the scheme. We would however hope that the concerns which residents may have expressed can be satisfactorily addressed, where practicable, to gain further support for the scheme being implemented.”*

Group Spokespersons view

Cllr A D'Agorne: No comments received.

Cllr D Merrett: (As above)

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, however it is estimated that any additional Draft Gating Orders advertised at the same time will cost approximately £200 extra each. After statutory consultation has been carried out, and if authorisation to seal the Draft Gating Orders is given, the process of procurement and installation begins. Supply and fit of a double gate with lock is approximately £1,175. It is estimated that the cost of this scheme (13 x double gates), including advertising, will be in the region of £17,075.

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

Options

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

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

Analysis

Option 1: This option would allow the Draft Gating Orders 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(s) sealed. If no objections are received, the Gating Order(s) will be sealed and the procurement process for the gates will begin.

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

Only those residents living in properties which are adjacent to or adjoining the restricted routes 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.

As per policy, refuse collection would be required to change from the rear to central collection points. Recycling will be collected from the front of all properties.

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.

However, Ian Cunningham, Crime Analyst for Safer York Partnership has made the following comments:

“As there has been a higher level of concerns raised with the schemes in Micklegate, than in any previous schemes since 2007, Safer York Partnership would not recommend taking this alley-gating scheme forward. These schemes have been requested repeatedly by residents, police officers and community groups since the alleygating programme began, but it is obvious from the consultation responses that this scheme would be divisive.

Crime prevention schemes and especially alley-gating tend to have the greatest impact when they are wanted and accepted by residents, and after looking at the initial consultation replies, this is unlikely to be the case in these five alley-gating systems.

Alley-gating tends to have the greatest impact when all streets in an area are gated and therefore it is advised not to take an individual system forward.”

Should option 2 be approved, all affected residents will be informed of this decision by letter.

This option does not however preclude the possibility of a future gating scheme. Should crime and ASB levels remain at their current levels it would be possible to carry out a further consultation with residents in 2014 to gauge if there is a change in opinion for a gating scheme.

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 that discussed in the main body of the report and annexes, there are no other legal implications.

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

Communities and Neighbourhoods (Waste Services) - other than that discussed in the main body of the report, there are no other Communities and Neighbourhoods implications.

Recommendations	
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That Option 2 be approved and the Draft Gating Orders not advertised.

Contact Details	
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Report Approved		Date	
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Wards Affected: Micklegate	All
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For further information please contact the author of the report
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- 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