

 <p>CITY OF YORK COUNCIL</p>	<p>DIRECTORATE OF CITY & ENVIRONMENTAL SERVICES</p>	<p>REQUEST FOR DECISION</p>	
<p>Decision making level</p>	<p>OIC - Director</p>	<p>Date</p>	<p>13 February 2014</p>

Report Title: Public Rights of Way – Proposal to restrict public rights over the alleyway between Nunmill Street and Bishopthorpe Road, Micklegate Ward, York using Gating Order legislation – Update to previous OIC Report (4th December 2013)

<p>Decision Requested</p>
<p>To amend the decision made at the previous OIC meeting not to proceed to formal consultation to make a Gating Order on the alleyway between Nunmill Street and Bishopthorpe Road and defer it, pending the results of a second informal consultation on the proposal.</p>
<p>Reason</p>
<p>It has come to light that the report, which informed this decision, contained a statistical error.</p>
<p>Background Information</p>
<p>The previous report was presented at OIC on 4 December 2013. The report recommended that this scheme should not be taken forward, given the response received from residents during the initial consultation stage.</p> <p>It stated that <i>“of the residents of Nunmill Street / Bishopthorpe Road who responded to the consultation, the majority were in opposition to the proposal”</i>. This statement was incorrect.</p> <p>The table below (also included in the previous report) which shows the number of residents who responded Yes or No to the proposal clearly shows this error, as out of the 28 replies received, 18 were in support of the proposal whilst 10 were not.</p> <p>Although when taking the necessary changes in waste collection into consideration, support for the proposal fell to 15 for and 13 against.</p>

	Gating proposal		Waste collection changes	
	Yes	No	Yes	No
Nunmill Street / Bishopthorpe Road 30 replies received* (68 properties)	18	10	15	13

* 2 properties submitted comments but did not indicate Yes or No to the gating proposal or the proposed changes in waste collection.

Options

Option 1: Amend the decision not to progress this proposal to the Draft Gating Order stage, and defer it, pending the results of a second informal consultation.

Option 2: Do not amend the decision.

Analysis

Option 1: This option would allow a second informal consultation to be sent to affected residents giving them the opportunity to vote again on the gating proposal.

The letter will apologise for the statistical error, but will also explain that the original decision not to progress to the Draft Order stage was based on other relevant information provided by residents, for example;

- the need for regular vehicular access to garages;
- the difficulty that some people may have getting in and out of their vehicles to open and close the gates (this may lead to the gates being left open which will render the gates ineffective);
- strong feeling expressed against the necessary change in refuse collection.

In addition it will also advise of the considerable difference in levels of support for this scheme, in comparison to the other four, and that strong support from residents is essential for a gating scheme to be successful.

Given the above information and the additional knowledge that if gates are installed, waste collection will change to front of property (rather than either front of property or a central collection point as was initially proposed), residents will be able to make a more informed decision.

The feedback received from residents would then provide a much clearer picture of the level of support (or not) for gating and it is hoped that residents will view (and accept) any subsequent decision as having been

fairly made.

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.

Should option 2 be approved, a letter will be sent to all affected residents to clarify why the decision was made not to proceed with the gating proposal and apologise for the statistical error.

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			

Recommendations

That Option 1 be approved and a second informal consultation be carried out on the proposal to make a gating order on the alleyway between Nunmill Street / Bishopthorpe Road.

Contact Details

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Report Approved		Date	
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Wards Affected: Micklegate **All**

For further information please contact the author of the report