

**EXECUTIVE
COMMITTEE**

29th May 2012

**IMPLEMENTATION OF A PILOT SCHEME TO GATE AN ALLEYWAY
BETWEEN CRABBS CROSS LANE AND ST PETERS CLOSE, CRABBS
CROSS**

Relevant Portfolio Holder	Portfolio Holder for Community Safety
Portfolio Holder Consulted	Yes
Relevant Head of Service	Angie Heighway, Head of Community Services
Ward(s) Affected	Crabbs Cross
Ward Councillor(s) Consulted	Yes
Non-Key Decision	Yes

1. SUMMARY OF PROPOSALS

- 1.1 Under s.2 of the Clean Neighbourhoods and Environment Act (CNEA) 2005 Redditch Borough Council has the power to implement a Gating Order made by the relevant Highways Authority in order to restrict access to any public highway by gating it. The reason for the gating can be due to serious and/or persistent anti-social behaviour (ASB) and/or crime.
- 1.2 There have been long-standing issues of ASB crime and disorder associated with a particular pathway between Crabbs Cross Lane and St Peters Close in Crabbs Cross. Following consultation with residents carried out by Redditch Borough Council, Redditch Community Safety Partnership and West Mercia Police and the implementation of a number of alternative measures to address the issues, an application for a pilot scheme Gating Order has been submitted to Worcestershire County Council and approved.

2. RECOMMENDATIONS

The Executive Committee is asked to RESOLVE that:

the implementation of the Gating Order for the Crabbs Cross Lane pilot scheme be approved, which would have the effect of allowing gates/barriers to be erected between Crabbs Cross Lane and St Peters Close at the location identified on the map attached at Appendix 1.

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3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications for the Council in implementing the Gating Order for this pilot scheme. Due to the complexities and history of this particular case Redditch Community Safety Partnership and Worcestershire County Council have identified funding to support delivery of this pilot in its entirety. A total cost in the region of £10,000 has been identified for the pilot scheme which includes manufacture, installation and provision for opening/closing the gates for a 5 year period. It has been agreed that this cost will be split equally between Redditch Community Safety Partnership and Worcestershire County Council.
- 3.2 Highways Officers from Worcestershire County Council have advised that approval for any future Gating Order applications will be subject to the Borough Council identifying funding for all costs outside of those incurred in the advertising and making of the order. Currently no budget has been identified for any future Gating schemes and further work will need to be carried out in order to present options for a procedure to assess any future gating order requests.

Legal Implications

- 3.3 Under s.2 of the Clean Neighbourhoods and Environment Act 2005, Worcestershire County Council can exercise its power to make and implement a Gating Order to prevent or regulate passage along a public right of way to reduce crime and/or anti-social behaviour. In doing so, Worcestershire County Council has to be satisfied that premises adjacent to the highway are affected by crime and/or anti-social behaviour, that the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour and consider the effect on adjoining occupiers, others in the locality and the availability of any alternative route.
- 3.4 Under the same legislation, Redditch Borough Council can exercise its power under s.129B (7) to implement, operate and maintain the gate authorised by the order.
- 3.5 Under Section 17 of the Crime and Disorder Act 1998 as amended by the Police and Justice Act 2006, Local Authorities have a statutory duty to do all they can to reduce crime, disorder and ASB in an area.

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Service / Operational Implications

- 3.6 There has been a long history of crime and anti-social behaviour associated with the pathway between Crabbs Cross Lane and St Peters Close. These incidents involve damage to fences, objects thrown into private gardens, trespass into private gardens, disorderly gatherings, alcohol misuse and litter.
- 3.7 The design features of the pathway encourage crime and anti-social behaviour as the pathway is narrow, poorly overlooked, set back some distance from the road and contains a dog-leg.
- 3.8 These issues have been regularly identified by residents and local police as concerns. A range of alternative interventions have been applied in the area such as targeted patrols, Section 30 Dispersal Orders, liaison with schools and the establishment of a local youth club to provide diversionary activity. However it has always been maintained that the closure of the pathway during the peak times of ASB activity would provide the most benefit. Redditch Community Safety Partnership provided detailed data analysis of crime, disorder and ASB in the area over a 5 year period which was submitted to Worcestershire County Council in support of the Gating Order proposal.
- 3.9 Following submission of the gating order proposal, sponsored by Worcestershire County Councillor Barry Gandy, lengthy negotiations between Redditch Borough Council and Worcestershire County Council took place, during which time it was agreed that due to the complexities of this particular area and its circumstances, the proposal would be pursued and jointly funded as a pilot scheme. Following this agreement, the Gating Order proposal was formally advertised on 1st February 2012.
- 3.10 The pilot scheme proposal is for the installation of two gates, one at either end of the alley (shown at Appendix 1), to prevent illegitimate access and protect properties adjacent to the route. These gates are to be locked twice weekly Friday 18:00hrs to Saturday 07:00hrs, and Saturday 18:00hrs to Sunday 07:00hrs coinciding with times when majority of problems occur. Outside of these times gates will remain open to allow residents legitimate use of the pathway to access local shops. The locking and unlocking of the gates will be undertaken by a registered security company identified through a competitive procurement process. This will ensure safe and efficient operation of the gates as detailed in the Order.

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- 3.11 Worcestershire County Council has advised that there were no public objections to the making of order during the statutory advertisement period between 1st February and 1st March 2012, therefore should Redditch Borough Council formally agree to implement, operate and maintain the gates authorised in the order, the order will be sealed and will remain in place for the agreed pilot scheme period of 5 years.

Customer / Equalities and Diversity Implications

- 3.12 Full consultation with local residents and with relevant stakeholders has been undertaken. This has been facilitated through the joint neighbourhood group / PACT meetings and at specific community meetings to discuss the proposed gating order. These meetings have consistently shown high levels of concern with crime and anti-social behaviour on Crabbs Cross Lane. West Mercia Police are in full support of the proposed pilot scheme and have fully contributed to the evidence gathering and application process.
- 3.13 In particular, the gate opening and closing times have been negotiated in full consultation with local residents to ensure legitimate users of the path were not disadvantaged or inconvenienced by the measures put in place to reduce crime, disorder and ASB committed by a minority of people in the area. This type of arrangement is not usual practice when implementing Gating Orders. Other examples of gating orders across the country tend to be permanent closures or affect so few residents as to allow individual gate keys to be issued. Therefore this pilot scheme has been developed as a one off solution to mitigate the complexities of this particular area and the concerns of the local residents. A letter to local residents has been drafted outlining matters including the funding and operational responsibilities for the pilot scheme (attached at Appendix 2) which will be circulated to relevant parties immediately prior to implementation.

4. RISK MANAGEMENT

- 4.1 In implementing this Gating Order pilot scheme there is a risk of raising the expectations of local residents experiencing similar issues in other areas as to how widely this power will be used. If formally agreed, this will be the first Gating Order made in the county and Worcestershire County Council have indicated that alongside the financial restrictions associated with this process, capacity implications mean that there are likely to be only 2 to 3 orders made a each year across the county.
- 4.2 To reduce this risk it is proposed that following approval and implementation of the pilot scheme in Crabbs Cross Lane, the Community Safety Team develop a robust gating order assessment procedure to be presented to the Committee for approval. A formal

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assessment criteria and procedure will ensure that should further funding be identified for future schemes there is a transparent process for prioritising applications.

5. APPENDICES

- Appendix 1 - Map showing the alleyway between Crabbs Cross Lane and St Peters Close.
- Appendix 2 - Draft letter for circulation to local residents.

6. BACKGROUND PAPERS

Home Office Guidance – CNEA 2005 Guidance on Gating Orders.
Worcestershire County Council Gating Order Policy.
Crabbs Cross Lane Gating Order Proposal sponsored by Local County Cllr Barry Gandy.
GO/R/01 Worcestershire County Council Environmental Services.
Report on Crabbs Cross Lane Gating Order.
Memorandum of Understanding between RBC and WCC - Crabbs Cross Lane Gating Order.

AUTHOR OF REPORT

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