



**REPORT OF SERVICE DIRECTOR,  
POLICY, PLANNING AND CORPORATE SERVICES**

**TO INFORM MEMBERS OF THE FINAL RESULTS FROM THE FURTHER CONSULTATION UNDERTAKEN REGARDING THE RESOLUTION THAT A GATING ORDER BE MADE TO CLOSE THE ALLEYWAY BETWEEN CEDARLAND CRESCENT AND NOTTINGHAM ROAD, NUTHALL.**

**Purpose of the Report**

1. To inform Members of the latest information from the further consultation exercise and refreshed analysis of crime, disorder and anti-social behaviour which took place following the Resolution of the Rights of Way Committee on 27<sup>th</sup> June 2012 (determining that the relevant procedures be commenced in relation to a Gating Order to close the path for 24 hours per day, 7 days a week).

**Information and Advice**

2. Members will recall that the Resolution to close the alleyway was based on historical data of crime, disorder and anti-social behaviour incidents in and around the alleyway prior to June 2012. The County Council "Guide To The Making of Gating Orders On Highways And Public Rights of Way", (hereafter referred to as "the Guide"), makes it clear that an application for a Gating Order must contain "evidence that the highway is an intrinsic contributor to the levels of crime and disorder in that locality". The Guide also requires that the impact of a Gating Order on the local community be considered.
3. As part of the procedure for the submission of a Gating Order Application to the County Council people had been consulted by the Community Safety Partnership in order to gain their views and of the 47 who responded 53% supported the closure of the alleyway. The local Community Safety Partnership were also in favour of closure at that time.
4. The subsequent County Council procedures (set out in the Guide) require the Council to consult by publishing the intention to make a Gating Order that would, in effect, close the alleyway on a permanent basis, informing local people and interested parties. This was undertaken by notices, letters to local people, and information on the Council website and at Kimberley Library. This

consultation period was in operation between 12<sup>th</sup> November and 10<sup>th</sup> December 2012.

5. During this time 42 responses from local people were received. 12% (5 respondents) were in favour of closing the alleyway. 79% (33 respondents) were against, and 9% (4 respondents) had no preference. In addition a petition to keep the alleyway open was presented to the County Council with 129 signatures from local people (some of which included the 42 people who sent in individual responses).
6. In view of this high percentage of residents against the closure of the alleyway it was considered appropriate to undertake an additional detailed consultation exercise with the public and all known interested parties (including contacting a wider group of local residents), offering the opportunity not only to state/reaffirm their views on closure, but also to provide specific local information on how closing or keeping the path open would specifically affect them/the area, as well as views on any alternative solution, for example scheduled night time closure by volunteer key holders from the local area – a solution that has been very successful at another footpath in Broxtowe, namely Kew Gardens (albeit that the circumstances are slightly different there, so again, a direct comparison cannot be drawn).
7. This additional detailed consultation exercise ran for a period of six weeks, ending on 29<sup>th</sup> January 2013. All households on Cedarland Crescent received an individual letter and questionnaire, notices were placed on lamp posts adjacent to the alleyway, and information was available both on the County Council Website (including an online consultation form for responses) and at Kimberley library.
8. To support this additional consultation the officers requested a refreshed analysis of the latest information on any crime, disorder and anti-social behaviour incidents in the area from Nottinghamshire Police.

### **Final Results from the Additional Consultation**

9. At the close of 29th January 2013, 128 replies had been received. These can be summarised as follows:

	<b>Number</b>	<b>%</b>
Those in favour of closing the alleyway	19	15
Those in favour of keeping the alleyway open	103	80
Those in favour of night time closure of the alleyway	6	5

10. Although a much larger number of responses were received from this additional detailed consultation exercise, the results are consistent, in percentage terms, with those from the Council's earlier consultation exercise (undertaken in November 2012).

11. The latest consultation also asked residents to indicate if they would be willing to form a volunteer group, who would have responsibility for opening and closing the gate each evening and morning, if night time closure was ultimately deemed to be the most appropriate solution in this location. 5 people indicated that they would be willing to be part of such a rota. Based on the experience at Kew Gardens, and at similar schemes operating in Nottingham City, the minimum number of residents required for such a rota is 10.
12. A final part of the consultation asked residents to detail any other solutions they would wish to be considered. None were suggested.
13. At the meeting of the Rights of Way Committee on 23rd January 2013, Members requested that the final results from the additional consultation exercise be further analysed to show any change of opinion as distance from the alleyway increases. This is shown below:

Distance from the alleyway	Up to 50 metres	51-100 metres	101-150 metres	151-200 metres	201 or more metres	No address specified	Total
Those in favour of closing the alleyway	5 4%	3 2%	2 2%	3 2%	4 3%	2 2%	19
Those in favour of keeping the alleyway open	24 19%	17 13%	19 15%	8 6%	34 27%	1 1%	103
Those in favour of night time closure of the alleyway	0	0	2 2%	1 1%	3 2%	0	6

14. Night time closure was a very unpopular option with the majority of residents, with few respondents offering any supportive views. Apart from the 6 residents in favour of night time closure, 14 residents stated that night time closure would be inappropriate due to the fact that the alleyway is very well used by local people not only during the day but also well into the late evening for connecting with public transport, visiting friends, attending regular social events and clubs, and other social activities.
15. The additional consultation exercise gave local residents the opportunity to state any particular views or concerns they may have. Very strong views from residents supporting and opposing the closure of the alleyway were received. Some of these views are shown below:-

**(i) From residents in favour of closing the alleyway**

*“Keep it closed until crime is down to the level where people who live on Cedarlands are happy. Think of the elderly, some have lived here for 50 years and deserve their right to happiness”*

*"We don't like to have to pick our way through dog mess, litter or having to sweep our frontage because of the rubbish. We feel very strongly it would be better closed all the time that way the residents would be happy – not the chosen few"*

*"It is no great hardship to walk round to Nottingham Road"*

*"I have experienced a considerable amount of anti-social behaviour resulting in damage to my property. This activity usually happens at night time so if it was closed it won't be a flashpoint for crime and other forms of anti-social behaviour"*

**(ii) From residents in favour of keeping the alleyway open**

*"I have used the alleyway since 1970 and at 83 years of age it would be a hardship to close the alleyway. I have had no problems in the past 40 years"*

*"The more people use it the safer it is". If closed it could become a rubbish dump/health hazard. I use it to access transport and visit the park. I have lived here for 34 years and experienced very few problems"*

*"It provides convenient access to public transport and retail facilities. There does not seem to be a problem that needs to be fixed. In the years I have lived here I have used the alleyway everyday and at all times of the day and evening. I have never witnessed or experienced anti-social behaviour or seen any evidence of it"*

*"I have lived here for 59 years, I need this alleyway to use the tram and bus. This is a lifeline for me"*

16. The refreshed analysis of crime, disorder and anti-social behaviour shows no incidents in and around the alleyway reported to the police over the last 12 months (up to 11th February 2013). This reduction from the historically understood position (which suggested that there was some evidence of crime, disorder and anti-social behaviour) may be accounted for, in part, by two significant changes in the local landscape adjacent to the alleyway, namely, the opening of a care home on land that had previously been derelict, and a change in the operating style for the local public house which is now concentrating much more on promoting a restaurant style "experience".
17. Officers from the County Council undertook a site visit to the alleyway in January 2013. At that time the alleyway was in a good state of repair with adequate lighting provision. During this visit the officers confirmed the alternative pedestrian route that residents would have to use, should the alleyway be closed. In their opinion the alternative route would add on approximately 10 minutes to journey times for a fit and active person, all on footways at the side of a public carriageway. Half of this additional journey would be up a slight/moderate incline. As currently, if using the alleyway, one major road would have to be crossed to gain access to both the local tram and bus stops. Many of the respondents to the consultation are retired people and

a number have limited mobility. A number of the responses do refer to this additional distance making “getting out” much more challenging, and in some cases impossible, indicating that any closure would very detrimentally affect their quality of life.

### **Other Options Considered**

18. **(i) Full closure of the alleyway.** Under this option, the alleyway would be closed for 24 hours per day and for 7 days per week. The law requires, as set out in the Guide, that a Gating Order may only be made where there is evidence that “the existence of the alleyway is facilitating the persistent commission of crime or anti-social behaviour” and the closure of the alleyway is the most appropriate solution for addressing this. Using the most up to date information from Nottinghamshire Police there is no evidence of the alleyway facilitating such activities.

**(ii) Partial closure of the alleyway.** Under this option, the alleyway would be locked/unlocked each evening/morning. The Guide requires that “they, Gating Orders, should aim to provide an environment that is safe, equitable, and enjoyable to use by everyone regardless of age, disability, gender, race, religion or belief, sexual orientation or social exclusion.” The Guide requires that consideration be given to the potential impact of a Gating Order on “access to facilities”, in particular “bus stops/taxi ranks” From the latest consultation exercise, there is evidence that the alleyway is heavily used both during the day and evening by the local community with the alleyway providing a direct link to the nearest bus and tram stops. The information suggests that even partial closure would have a significant detrimental effect on elderly persons resident in the locality.

### **Reason for Recommendations**

19. Since the original decision by the Rights of Way Committee on 27<sup>th</sup> June 2012, “that the relevant procedures be commenced in relation to a Gating Order to close the path for 24 hours per day, 7 days a week”, there has been:-
- significant voicing of local opinions, with a shift to 80% in favour of keeping the alleyway open
  - a significant reduction in reported crime, disorder and anti-social behaviour to nil
  - significant improvement to the local landscape

In consideration of the above, and the requirement that a Gating Order must be based on substantial evidence, “that the highway is an intrinsic contributor to the levels of crime and disorder in that locality” and that before making such an order a Council must assess the “effects on the community” of any form of Gating Order, the information obtained and referred to in this Report has led officers to conclude that, as is recommended to the Committee below, the current position on site (distinct from any historical problems there may have been) does not meet the legal requirements necessary for closure, even in part and it is therefore recommended that the alleyway remains open on a 24/7 basis at this time.

## **Statutory and Policy Implications**

20. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they have been brought out in the body of the report. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Recommendations**

21. It is recommended that:
- i) the alleyway between Cedarland Crescent and Nottingham Road, Nuthall, be kept open on the basis of the information set out within this report
  - ii) the situation is monitored by the local Community Safety Partnership for the next 12 months, to ensure that if there should be any significant increase in levels of crime, disorder and anti-social behaviour, facilitated by the alleyway, the issue of whether the making of a Gating Order would be an appropriate solution can be revisited upon receipt of any further Application from the local Community Safety Partnership.

**Martin Done, Service Director Communications and Marketing**

**For any enquiries about this report please contact: Tony Shardlow, Community Safety Officer, Safer and Engaged Communities x73846.**

## **Constitutional Comments (SJE – 25/02/2013)**

22. This decision falls within the terms of reference of the Rights of Way Committee to whom the exercise of the Authority's powers relating to gating orders (either on recommendation from another committee or as necessary) has been delegated.

## **Financial Comments**

23. There are no financial implications arising from the recommendations contained within this report. Monitoring, and responding to, the situation in the area will be undertaken as part of the mainstream activity of the local Community Safety Partnership. However, for information, the installation of a gate at this location there would result in a one off cost of approximately £10,000. There would also be ongoing costs for maintenance and repair.

## **Background Papers**

24. Guide to the Making of Gating Orders on Highways and Public Rights of Way- Nottinghamshire County Council 2008.

**Electoral Division(s) and Member(s) Affected**

25. Nuthall - Councillor Philip Owen.