



Nottinghamshire  
County Council

## Report to Rights of Way Committee

28<sup>th</sup> November 2012

Agenda Item:

### REPORT OF GROUP MANAGER, LOCALISM AND PARTNERSHIPS

#### APPLICATION FOR A GATING ORDER AT – CLERKSONS ALLEY, MANSFIELD.

##### Purpose of the Report

1. The purpose of this report is to consider an application for a Gating Order at Clerksons Alley, which runs between Clumber Street and Market Place/junction of West Gate, Mansfield.
2. The Clean Neighbourhoods and Environment Act 2005 inserted sections 129A-129G into the Highways Act 1980. The Act allows highway authorities to introduce Gating Orders to restrict the use of a highway for the purpose of preventing crime and anti social behaviour instead of permanently stopping it up or diverting it.
3. The Highways Act 1980 (Gating Orders) (England) Regulations 2006 specify the procedures councils should follow when they wish to make, vary or revoke gating orders.
4. Clerkson's Alley, runs between Clumber Street and Market Place/junction of West Gate. Mansfield and is located in Mansfield Town Centre which has a vibrant night time economy. A map showing the exact location can be found at Appendix A.
5. For over 10 years businesses have been consulted seeking proposals to reduce crime in this area, with no positive outcomes. Businesses have put forward and support the recommendation of gating this alley way as the only safe option in protecting staff and premises.
6. The number of crimes committed in this alley is due to its location and ranges from ASB to sexual and drug activities. The peak type of offence in this location is violence and drugs offences.
7. The number of organisations who support this proposal are:
  - Notts Police
  - Mansfield Town Partnership
  - Mansfield Community Safety Partnership
  - Businesses in the vicinity of Clerkson's alley
  - The Mansfield Business Improvement District (BID)
  - The Local Access Forum

8. Due to the Local Access Forum's knowledge and data presented they feel there is clear evidence that ASB and crime is taking place and there are alternative routes close by.
9. The Local Access Forum agrees that closing this alley would result in benefits to the occupants of the properties adjacent to this alley which outweigh any loss and inconvenience to the general public.
10. The Local Access Forum has agreed that it would be beneficial to 'gate' Clerkson's Alley and do not object to this proposal offered. However, the Forum wishes to make it clear that they do not support the widespread use of Gating Orders to deal with ASB and Crime, and see 'Gating' as the last resort.
11. The closure of this alleyway would make no difference to visitors of the town centre, because parallel to Clerkson's Alley is Regent Street. Shops on Regent Street have access to the rear of Clerkson's Alley making this access much safer for business occupants in providing safe egress from the rear of the premises.
12. It is a requirement within the County Council's Guide to the Making of Gating Orders (2008 as amended) that any application for a gating order shall be approved by the relevant Community Safety Partnership (CSP). The application for the Gating Order was approved by the CSP on the 14<sup>th</sup> of November 2012.
13. The application for this Gating Order has been made using the application form prescribed in the County Council's Guide to the Making of Gating Orders 2008. The application form is at Appendix B.
14. Whilst the information in the application does not indicate that permanently stopping up or diverting these footpaths is appropriate at this time, the application does detail issues which demonstrate that the existence of this alleyway is facilitating the persistent commission of sustained anti social behaviour and violence.
15. Should the recommendation below be approved by the Committee, the proposal to make each of the Gating Orders will be published, and representations invited, which will include consultation with statutory consultees and the broader community. Any concerns raised concerning the applications will be considered in accordance with the County Council's agreed procedures.

### **Other Options Considered**

16. As set out in the body of this report other options to reduce the impact of the anti social behaviour and crime have been considered and where appropriate tried/considered as shown in Appendix B.

### **Reason/s for Recommendation/s**

17. The recommendation offers the most likely solution to the needs of the local residents and shop tenants to be protected from anti social behaviour and crime.

## **Statutory and Policy Implications**

18. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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 are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION/S**

- 1) It is recommended that the application for a Gating Order at Clerkson's Alley, Mansfield is approved subject to consideration of any representations received from statutory consultees (in accordance with the County Council's agreed procedures)

**Chris Walker**  
**Temp Group Manager, Safer and Engaged Communities**

**For any enquiries about this report please contact: Chris Walker – Temp Group Manager, Safer and Engaged Communities (0115 9772460) or Yvette Armstrong Community Safety Officer (0115 9773058)**

## **Constitutional Comments**

**(SJE – 16/11/2012)**

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 (DJK 15.11.2012)**

The contents of this report are duly noted; there are no financial implications arising.

## **Background Papers**

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**

**Mansfield North.**  
Councillor Joyce Bosnjak  
Councillor Parry Tsimbiridis