

27<sup>th</sup> June 2012**Agenda Item:****REPORT OF GROUP MANAGER LOCALISM AND PARTNERSHIPS****REVIEW OF GATING ORDER AT WOULD'S FIELD, COTGRAVE****Purpose of the Report**

1. To provide Committee with the outcome of consultation with the Local Access Forum in relation to the continuation of the existing Gating Order at Would's Field, Cotgrave.

**Information and Advice**

2. A report which recommended the continuation of the Gating Order at Would's Field, Cotgrave was considered by the Rights of Way Committee on the 21<sup>st</sup> March 2012.
3. It was brought to the Committee's attention that consultation with the Local Access Forum had not been undertaken as was required under the County Council's Gating Order procedures. The Committee therefore resolved (2012/0003) that, subject to officers undertaking further consultations and there being no issues raised by the Local Access Forum as a result, the gate closing off access from Would's Field to Owthorpe Road remain in place, with a further review in two years' time to address the possibility of an extinguishment of this access point onto Would's Field.
4. Consultation with the Local Access Forum has now taken place. The views of the Local Access Forum are recorded at Appendix A. Also attached at Appendix A is the original letter from the Local Access Forum relating to the original request to gate this path in 2009.
5. Having considered the views of the Local Access Forum it is still considered appropriate to support the original recommendation in the report of the 21<sup>st</sup> March.
6. 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 are described below.

Appropriate consultation has been undertaken and advice sought on these issues as required.

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

7. The continuation of the Gating Order will reflect residents feedback and their perceptions of anti social behaviour and is supported by the local neighbourhood policing team.

### **Statutory and Policy Implications**

8. 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.

### **9. RECOMMENDATION/S**

It is recommended that the gate closing off access from Woulds Field to Owthorpe Road remain in place with a further review in twenty-two months' time which should address the possibility of an extinguishment of this access point onto Woulds Field.

**Ann Marie Hawkins Group Manager Localism and Partnerships**

**Adrian Dudley Community Safety Officer**

**For any enquiries about this report please contact: Adrian Dudley on 07880500572**

### **Constitutional Comments (SJE – 29/05/2012)**

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**

There are no direct financial consequences arising from the adoption of this report (DD 07/06/12)

## **Background Papers**

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

Cllr Richard Butler, Cotgrave

## APPENDIX B

12 September 2008  
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Jayne Francis  
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This letter constitutes formal advice from the Nottinghamshire Local Access Forum. Nottinghamshire County Council is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.

Dear Ms Jayne Francis

### OBJECTION TO THE INTENTION TO MAKE A GATING ORDER AT COTGRAVE

Nottinghamshire Local Access Forum is a statutory independent body set up to advise Local Authorities, Natural England, the Secretary of State and others on matters relating to countryside access. The Forum is administered and supported by Nottinghamshire County Council.

The Local Access Forum does not support the proposed Gating Order at Cotgrave. There are a number of issues which the Forum have concerns with, mainly the lack of evidence required to meet the statutory criteria set out in the Highways Act 1980 section 129A (3). The information available to the Forum i.e. the report submitted by Rushcliffe CDRP (Appendix 3) makes is no mention of burglaries or damage to properties and provides little justification to support the Order and the expenditure required to implement it.

During the Forum's site visit there was little physical sign of any vandalism, litter and graffiti indicative of an environment suffering from the level of anti-social behaviour required to meet the criteria of section 129A (3). Even if there are problems the Forum believes that by gating the gap onto Owthorpe Road will make little difference as the affected properties can be reached legitimately using the adopted highway, Would's Field, if the perpetrators so wished.

During the daytime site visit what is apparent is number of people walking on the frontages of the four 'affected' properties rather than the adopted path, which is undoubtedly a nuisance to these residents. This is exasperated by the lack of vegetation clearance and maintenance along the adopted path. There is also no physical barrier between the adopted path and the paved private drive, only a small strip of grass. Has any thought been given to clearing the obstruction (overhanging vegetation) and the installation of a

simple inexpensive physical barrier between the path and private drive? The Forum recommends that this is undertaken before consideration of a formal Gating Order.

The Forum is also disappointed to note that the proposed Gating Order, if made, will be implemented for 24 hours a day and seven days a week. The Forum note that where Gating Orders have been implemented in other parts of the country, 'night time' closures are managed by private security companies as part of wider duties thus providing economies of scale making the costs lower.

If you require any further information please do not hesitate to contact me via the Forum's Secretary on 01623 825491 (Neil Lewis).

Once again and very disappointingly, the Nottinghamshire Local Access Forum was not formally consulted on these orders. As with the Mansfield Woodhouse Order it was only by chance that the Gating Order was 'accidentally' picked up. Please note that The Highways Act 1980 (Gating Orders) (England) Regulations 2006 section 4(f) states that *'Copies of the notice referred to in regulation 3(a) shall be given by the council to ... any local access forum through whose area the relevant highway passes'*. Nottinghamshire County Council's guidance to the making of Gating Orders also makes reference to this (section 8.2(iii)). Can you please ensure that the correct procedures are followed and the Forum is consulted on all future Gating Orders, thank you.

Yours sincerely

Peter Hilley  
Nottinghamshire Local Access Forum Chair

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Dear Adrian

#### **Gating Order Review – Woulds Field, Cotgrave**

Thank you for providing Nottinghamshire Local Access Forum the opportunity to comment on the review, as per Nottinghamshire County Council's Gating Order Policy and Procedures.

As you are aware the Forum has supported a number of Gating Orders in the County and acknowledges, in some circumstances, they can help and assist the Police in managing crime and ASB.

However, the Forum does not support the continuation of this Order, which it did not support from the outset.

The Forum's view remains the same as that expressed during the initial consultation in late 2008, that is, there is a lack of any evidence (needed to meet the statutory criteria set out in the Highways Act 1980 section 129A (3)). Also, consultation carried out for the review indicates no change in reported crime and ASB since the gate was installed.

The path prior to the closure was obstructed by overhanging vegetation which caused path users to walk on the adjacent private driveways and not on the line of the path, no doubt causing nuisance to the householders. Our suggestion was to clear the obstruction first before considering closing the path, provide a form of barrier between the path and private driveways and then review.

The Forum refers you to an enclosed copy of our response to the Cotgrave Gating Order. The views in the letter are still valid and are the Forum's current opinion.

Yours sincerely

Peter Hiley  
Nottinghamshire Local Access Forum Chair

Nottinghamshire Local Access Forum is an independent statutory advisory body and the views expressed in this correspondence do not necessarily reflect the views of Nottinghamshire County Council.

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