



Nottinghamshire
County Council

Report to Rights of Way Committee

28th November 2012

Agenda Item:

REPORT OF GROUP MANAGER, LOCALISM AND PARTNERSHIPS

APPLICATION FOR A GATING ORDER AT – CLERKSON’S ALLEY, MANSFIELD.

Purpose of the Report

1. The purpose of this report is to consider an application for a Gating Order at Clerkson’s 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 14th 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 Tsimbirdis

APPENDIX A and B

Background

The picture below shows the location of Clerkson’s alleyway, which runs between Clumber Street and Market Place/junction of West Gate., Mansfield.



APPENDIX B

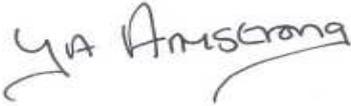
PROPOSED GATING ORDER FOR Clerksons Alley, Mansfield

APPLICATION FROM	APAC/MPAC Partnership
<p>1. LOCATION OF HIGHWAY</p> <ul style="list-style-type: none"> provide sufficient details and a suitable map (attach separately) to identify the start and end points of the highway, including, as appropriate, house numbers, street names, parish/district/sub-district, number if PROW 	<p>See attached map.</p> <p>Clerksons alley runs between Clumber Street and Market Place/junction of West Gate., Mansfield.</p> <p>This application is for a gating order which will allow temporary closure allowing shop use/access during day light hours and closure at the close of trading.</p>
<p>2. NATURE OF THE PROBLEMS</p> <ul style="list-style-type: none"> provide details of the type and location of all relevant crime and ASB NOTE – Police Incident Crime Numbers <u>must</u> be provided together with other relevant evidence indicate how the following main criteria are met and how they are applicable to this application - <ul style="list-style-type: none"> premises adjoining or adjacent to the highway are affected by crime or ASB the existence of the highway is facilitating the persistent commission of criminal offences or ASB it is in all the circumstances expedient to make the Order for the purposes of reducing crime or anti-social behaviour 	<p>Historically Clerksons Alley has aided perpetrators to carry out acts of extreme violence, where a member of staff was severely assaulted and hospitalised approximately twelve months ago. At the time of writing this application an incident of sexual assault has also been reported.</p> <p>A number of crimes have been committed in this alley due to its location ranging from ASB to sexual and drug activities. The peak type of offence in this location is violence and drugs offences. ‘Clerksons’ alley is located in Mansfield Town Centre which has a vibrant night time economy and has been identified as a Partnership Plus area.</p> <p>For over 10 years local businesses have lobbied for gating and have consulted with, about proposals in reducing crime in this area, with no positive outcomes. At the time of writing this application businesses are putting forward and supporting the recommendation of gating this alley way as the only safe option in protecting staff and premises.</p> <p>The number of organisations who support the proposal of gating off Clerksons alley are:</p> <ul style="list-style-type: none"> Notts Police Mansfield Town Partnership Mansfield Community Safety

		<ul style="list-style-type: none"> Partnership • Businesses in the vicinity of Clerkson's alley • The Mansfield Business Improvement District (BID)
3.	<p>ALTERNATIVE METHODS OF REDUCING CRIME OR ASB</p> <ul style="list-style-type: none"> • provide details of the alternative methods that have been tried or considered, or dismissed (give reasons). Indicate which have been tried and which have been considered or dismissed. Also indicate the actual or presumed levels of effectiveness of each method. • indicate why stopping off or diverting the highway is not considered appropriate. • indicate any previous contact/discussions with the County Council concerning possible stopping up. 	<p>Additional Police patrols have been carried out over a number of years. Officers have worked hard to improve the situation by altering patrol patterns and providing crime reduction advice with little lasting success.</p> <p>CCTV has been considered and the site assessed for suitability however:</p> <ul style="list-style-type: none"> - 2 cameras would be required due to the layout of the footpath - The lighting columns are not of the required height of 8m - There is insufficient lighting to enable effective monitoring - Many of the people using the site wear hoods limiting the use of CCTV <p>The likelihood of diversionary activities having an impact on the level of crime and anti social behaviour is considered very low due to the nature of offences recorded.</p>
4.	<p>ACCESS DWELLINGS/PREMISES/FACILITIES TO</p> <ul style="list-style-type: none"> • provide location details and addresses of all properties or facilities whose access would be <u>directly</u> affected by the restrictions • for each of these properties or facilities indicate its type and normal use. Also indicate whether the highway provides the primary or only access • provide location details and addresses of all buildings or facilities whose access is <u>indirectly</u> affected by the restrictions (i.e. always accessible, but takes longer to get there) 	<p>If the order were granted no properties would be affected for direct access.</p> <p>The closure of this alleyway would make no difference to visitors of the town centre, because parallel to Clerkson's is Alley is Regent Street. Shops on Regent Street have access to the rear of Clerkson's Alley making this access much more safer for business occupants in providing safe egress from the rear of the premises.</p>
5.	<p>ALTERNATIVE ROUTES</p> <ul style="list-style-type: none"> • provide details, including location maps (attach separately), of alternative routes during the 	<p>Alternative route:</p> <p>There are two pedestrianised streets that run parallel with Clerksons Alley. Both streets are</p>

	<p>restricted periods</p> <ul style="list-style-type: none"> indicate the approximate increase in distance and foot or cycle journey times involved and comment on the potential negative aspects of the alternative routes (e.g. non-compliance with mobility standards, personal safety issues, lack of surfaced highway or lack of adequate crossing points, etc.) 	<p>safer and are monitored by CCTV, both streets have good lighting. Clerksons Alley is rarely use as a route into the town centre because the road is uneven and the lighting is very poor.</p>
6.	<p>RESTRICTIONS</p> <ul style="list-style-type: none"> indicate the times and periods of the restrictions, providing reasons for the appropriateness thereof provide details and addresses of the premises or facilities for which access is required at particular times or periods. Also indicate how the premises or facilities would be affected if the restrictions did not match these times or periods and how such effects would be mitigated 	<p>It is proposed to gate the footpath restricting general 24hr access but allowing access during business hours for business or over the shop tenancy. This will involve establishing a strict open and closure policy to be operated between businesses who have access to Clerksons Alley.</p>
7.	<p>MANAGEMENT OF THE RESTRICTIONS</p> <ul style="list-style-type: none"> suggest the particular bodies or organisations willing and capable of opening/closing the gates/barriers at the designated times/periods. NOTE – the body or organisation <u>must</u> have the capacity and resources available to fulfil these obligations on 100% of occasions and also must be able to provide full indemnities for employees and third parties (currently £5m) 	<p>Businesses and tenants have suggested and support the policing of ‘Clerksons’ alley as they feel people with legitimate reasons should only be allowed access.</p>
8.	<p>EFFECT ON THE COMMUNITY</p> <p>indicate the positive and the negative effects on particular sections of the community (not just those adjoining or adjacent to the restricted highway). Include comments that indicate how the negative effects can be reduced to acceptable levels.</p>	<p>It is clear from consultations businesses owners and tenants are fully supportive on the issue of closure.</p> <p>This closure will certainly give the business owners a better quality of life with reduced anti social behaviour, crime and serious offences. There will be no negative effect on the general public users of the Town Centre</p>
9.	<p>CONSULTATION</p> <ul style="list-style-type: none"> indicate which groups/individuals/bodies or organisations have been consulted, 	<p>Consultation was undertaken by the MPAC, and Mansfield Town Centre Partnership.</p> <p>Business owners were asked to complete a</p>

	<p>either formally or informally, and supply their comments</p> <ul style="list-style-type: none"> for negative comments from such consultations, indicate what modifications have been made to the proposals or indicate why any particular comments should not be taken into account and considered further <p>indicate which groups/individuals/bodies or organisations it was not possible to consult, but which it is considered should be given the opportunity to comment on the proposals</p>	<p>short consultation form.</p> <p>Out of the fifty forms sent out, six have been returned in favour of closure. The Mansfield Town Centre Partnership have been lobbied on numerous occasions by local businesses for gates to be installed.</p>
10	<p>MANAGING DIVERSITY</p> <ul style="list-style-type: none"> provide comments on the direct or indirect effects of the proposals on the grounds of age, disability, gender, race, religion or belief, sexual orientation or social exclusion. (Notes to assist with this are provided in the Procedure Notes for Gating Orders) 	<p>This order would have no direct or indirect effect on disability groups.</p> <p>Signage: It is proposed signage will be clear, unambiguous, easy to read and will be positioned ensuring visibility is good for all.</p> <p>Gates: In consultation with NCC the proposed gate design will conform to National and NCC standards.</p> <p>Access will be by keys and will be made available to businesses and tenants.</p> <p>The affects of the proposal offered does not discriminate on the grounds of: age, disability, gender, race, religion or belief, sexual orientation and other social exclusion issues.</p>
11.	<p>FUNDING</p> <ul style="list-style-type: none"> indicate the amount of funding available from other than the County Council's specific budget for Gating Orders indicate whether this funding is available for either or both of the initial implementation and the annual ongoing management/maintenance costs 	<p>Capital with a small Revenue budget for maintenance has been secured via the Community Safety Partnership Partnership Plus budget and Notts County Council Community Safety Portfolio budget.</p>
12.	<p>OTHER INFORMATION/COMMENTS</p> <ul style="list-style-type: none"> indicate the source/origin of the initial request for consideration of a 	<p>The initial request was made by the BID and Mansfield Town Centre Partnership and supported by the CSP on behalf of Business</p>

	<p>Gating Order</p> <ul style="list-style-type: none"> • comment here on any other matter in support of this application • if the CDRP has made other applications, indicate the priority of this application compared to those others 	<p>whose rear access is on Clerksons Alley.</p>
<p>Completed on behalf of Mansfield Partnership Against Crime (MPAC)</p>	<p>Yvette Armstrong 18th of October 2012</p>	
<p>Authorised on behalf of</p>	<p>Yvette Armstrong</p>	
<p>for submission to Nottinghamshire County Council</p>	<p style="text-align: center;"></p> <p>Signed Date 18th October 2012</p>	

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Issue		Y/N	Remarks including next actions
1	<p>Status of the highway</p> <p>private adopted* ▶ no action by NCC</p> <p>unmetalled PROW* ▶ action - Area Highway Manager</p> <p>*see Procedures ▶ action - Countryside Access Team Manager</p> <p><i>Section 4.3</i></p>	Y/N Y/N Y/N	Unmetalled PROW
2	Has the application been completed fully and correctly, and does it provide full justification for a Gating Order?	Y/N	Yes
3	Are all of the main criteria met? And have the relevant Members been consulted?	Y/N	Yes
4	Are there any conflicts with other NCC Policies, Standards or Plans (including diversity issues)?	Y/N	No
5	If the application from the CDRP was initially unacceptable/incomplete, has the CDRP been given the opportunity to modify/amend it for further consideration?	Y/N	N/A
Date of EPPM		RECOMMENDATION	

**Completed on behalf of the Area Highway Manager
(North/South*)/Countryside Access Team Manger***
(* delete as appropriate)

print name

Yvette Armstrong signed

Date 23rd October 2012