

27th June 2012**Agenda Item:****REPORT OF GROUP MANAGER, LOCALISM AND PARTNERSHIPS****APPLICATION FOR A GATING ORDER AT CEDARLAND CRESCENT,
NUTHALL****Purpose of the Report**

1. The purpose of this report is to consider an application for a Gating Order at Cedarland Crescent, Nuthall.

Information and Advice

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 the highway.
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. At Cedarland Crescent, Nuthall a footpath connects Cedarland Crescent with Nottingham Road (map at Appendix A) which has been the subject of discussions regarding anti social behaviour for a number of years. The police and other community safety partners have been trying to reduce the impact of the anti social behaviour in the area by increasing police patrols, consideration of CCTV and giving safety advice to residents. However, the problems have continued for many residents.
5. Consultation with residents has produced a very polarised response to the proposed Gating Order. The local Police Community Support Officer distributed 100 consultation documents with just under 50 returned. Of these there was almost a 50/50 split on the issue. Some very strongly worded responses were received with vehement support matched by equally vehement rejection of the proposal.
6. Consultation was also undertaken with the Nottinghamshire Local Access Forum. The view of the LAF is that the level of anti social behaviour is not sufficient to warrant gating the footpath. The Local Access Forum's response is at Appendix C. It is clear, however, that there have been problems on this footpath over a

number of years and that gating the path is a response that has not been tried by community safety partners. If the Gating Order is approved then its impact will be assessed as part of the required periodic review.

7. The footpath concerned does provide a short cut to the main bus routes into Nottingham and the tram system. Closing the footpath would involve an additional walk of 5 to 10 minutes for some residents. The footpath has steps at one end and is not currently suitable for people with disabilities and is awkward for those with prams or pushchairs.
8. 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). A report was taken to the South Nottinghamshire Community Safety Partnership Strategic Group on the 18th April 2012.
9. The application for the Gating Order was approved by the CSP but subject to some caveats. These were that the gates are open during daylight hours and closed after dark. If the arrangement for opening and closing the gates is found to be not working effectively then the CSP have required that the gates be locked open.
10. 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.
11. 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 footpath is facilitating the persistent commission of sustained anti social behaviour and criminal damage.
12. 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

13. 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.

Reason/s for Recommendation/s

14. The recommendation offers the most likely solution to the needs of the local residents to be protected from the sustained anti social behaviour and criminal damage.

Statutory and Policy Implications

15. 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 Cedarland Crescent, Nuthall is approved subject to:
 - a) the caveats required by the South Nottinghamshire Community Safety Partnership as identified in paragraph 9 above, specifically that the gates are open during daylight hours and closed after dark, and locked open should the arrangements for opening and closing not prove effective.
- 2) consideration of any representations received from statutory consultees (in accordance with the County Council's agreed procedures)

Ann Marie Hawkins
Group Manager, Localism and Partnerships

For any enquiries about this report please contact: Ann Marie Hawkins, Group Manager, Localism and Partnerships (0115 9772460) or Adrian Dudley, Community Safety Officer (07880 500572).

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

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

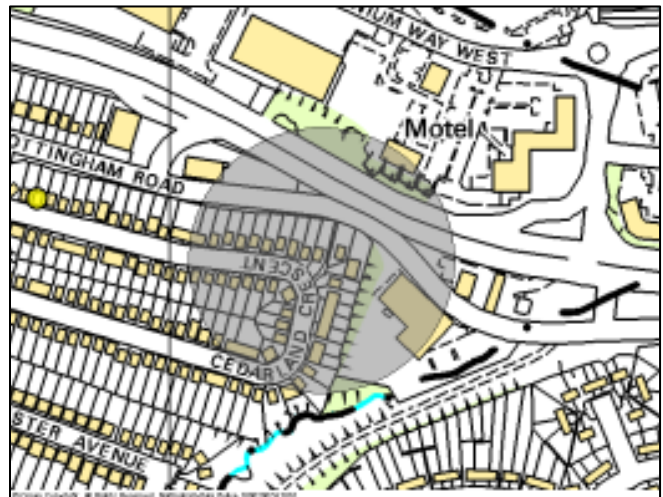
Electoral Division(s) and Member(s) Affected

Cllr Philip Owen – Nuthall

APPENDIX A

Background

The pictures below show the location of the alleyway, which is located within the Nuthall East & Strelley ward of Broxtowe:



The alley links Cedarland Crescent with Nottingham Road.

The picture above right shows a 100m radius around the alley.

APPENDIX B

APPLICATION FORM

PROPOSED GATING ORDER FOR Cedarland Crescent, Nuthall,
Nottinghamshire, NG16

APPLICATION FROM

**Sth NOTTS COMMUNITY SAFETY
PARTNERSHIP**

1.	LOCATION OF HIGHWAY <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>Footpath linking Cedarland Crescent and Nottingham Road, Nuthall NG16. See attached map.</p> <p>The footpath runs between numbers 49 and 51 Cedarland Crescent. The application is to close the footpath using a Gating Order for its entire length.</p> <p>Consideration is being given to a temporary closure which would allow use during day light hours.</p>
2.	NATURE OF THE PROBLEMS <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 	<p>In the last 12 months there have been 9 incidents at this location including vehicle theft, criminal damage and burglary with a similar number in the previous year.</p> <p>On Cedarland Crescent there have been reports of damage to vehicles, using walls</p>

	<p>criteria are met and how they are applicable to this application -</p> <ul style="list-style-type: none"> o premises adjoining or adjacent to the highway are affected by crime or ASB o the existence of the highway is facilitating the persistent commission of criminal offences or ASB o it is in all the circumstances expedient to make the Order for the purposes of reducing crime or anti-social behaviour 	<p>and fences as toilets, putting stones through windows and stealing fence panels.</p> <p>The footpath between 49 and 51 Cedarland Crescent facilitates access for those involved in or commissioning crime and anti social behaviour and makes the area hard to police effectively with so many points of access. The proximity to Broxtowe Country Park and the ease of access to Cedarland Crescent is viewed by police and residents as a major influence on patterns of crime and anti social behaviour in the area.</p> <p>It is clear from residents consultation that the problems at this location have been an issue for a considerable period of time (many years).</p> <p>Residents also cite people accessing the tram parking cars across gates and at dangerous bends in the road although it seems there is spare parking capacity at the tram stop.</p>
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. The local beat police officer and PCSO have both worked hard to improve the situation for residents by altering patrol patterns and providing crime reduction advice.</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 no vehicular access to one of the lamp columns - There is insufficient lighting to enable effective monitoring - Many of the young people using the site wear hoods limiting the use of CCTV - There are significant privacy issues as the locations of any cameras would cover the rear of property's and privacy zones would be virtually impossible to reduce allowing a view of the footpath only. <p>It is clear from police and residents that perpetrators of crime and anti social behaviour are coming from the social housing on the nearby Broxtowe Estate. As such the likelihood of additional diversionary activities having an impact on the level of crime and</p>

		anti social behaviour is considered low.
4.	ACCESS TO DWELLINGS/PREMISES/FACILITIES <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 footpath runs between properties and would not effect access to dwelling houses.</p> <p>Closure would involve a longer walk for people living near the footpath who wish to access Nottingham Road buses and the tram stop at Cinderhill. This concern was raised by some residents in Cedarland Crescent.</p> <p>The additional time for accessing Nottingham Road buses and the tram would be in the order of 10 minutes for those living at the south east end of Cedarland Crescent.</p> <p>The footpath concerned has steps at one end which make it inaccessible for those with mobility problems.</p>
5.	ALTERNATIVE ROUTES <ul style="list-style-type: none"> provide details, including location maps (attach separately), of alternative routes during the restricted periods 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>The footpath concerned is not presently compliant with mobility standards due to the existance of the flight of steps part way along its length it is therefore inaccessible to buggys, pushchairs and wheelchairs.</p> <p>Alternative route:</p> <p>The alternative route would go up Cedarland Crescent, along Woodland Drive and then turn right into Nottingham Road.</p> <p>The overall additional distance would be in the order of 500 yards.</p>
6.	RESTRICTIONS <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 	<p>It is proposed to gate the footpath restricting 24hr access, but it may be considered appropriate to allow day light hours access. This does involve establishing a reliable routine for opening and closing and also brings into play issues of public liability and insurance.</p>

	<p>premises or facilities would be affected if the restrictions did not match these times or periods and how such effects would be mitigated</p>	<p>A shorter daily restriction period would require the Borough Council to provide an opening and closing service.</p> <p>Access is required by the Borough Council cleansing team which would hold keys for this purpose.</p> <p>Residents would only require access to maintain their boundaries where specific arrangements will be put in place to meet these requirements.</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>If the application is for 24hr closure keyholding by an organisation for the purposes of opening / closing the gates on a daily basis is not required if the temporary closure is agreed then the Partnership will need to consider what arrangements to put in place.</p> <p>Residents would require access on an ad hoc basis to maintain fences / hedges etc and for this purpose keys would be located for residential access at:</p> <p>Broxtowe Borough Council would require access on a regular basis for cleansing and the cleansing team would be able to access a key for this purpose from Eastwood Police Station and the Hub in Eastwood.</p> <p>Ad hoc requests for access from agencies/residents would be dealt with by the Borough Council.</p>
8.	<p>EFFECT ON THE COMMUNITY</p> <ul style="list-style-type: none"> 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>It is clear from consultation that residents are divided on the issue of closure.</p> <p>See below under Consultation for more detail.</p> <p>The closure will certainly make access to the public transport network more problematic for some people: it will also give some people a better quality of life with reduced anti social behaviour and crime.</p>
9.	<p>CONSULTATION</p> <ul style="list-style-type: none"> indicate which 	<p>Consultation was undertaken by the local PCSO.</p>

	<p>groups/individuals/bodies or organisations have been consulted, 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 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>Residents in Cedarland Crescent were asked to complete a short consultation form.</p> <p>PCSO Neil Reddish distributed about 100 questionnaires and received 47 replies.</p> <p>The views of residents varied. Some were totally in favour of the proposed closure whilst others were vehemently against the closure.</p> <p>The responses separated into 3 distinct groups:</p> <p>Those very much in favour of closure - 13</p> <p>Those against the closure - 20</p> <p>Those who did not use the footpath, or felt its closure was not an issue for them, but supported the views of those who wanted it closed - 14</p> <p>Issues raised against closure were access to the tram stop at Cinderhill and buses on Nottingham Road, avoiding using the road for children and dog walkers, and a significant number of responses who felt it signified the perpetrators had won again and that the public highway should be kept open.</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 as the footpath is at present unaccessable for those with disabilities due to a flight of steps part way along the footpath.</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 to boundary fences and hedges by residents for maintainence will be by keys available through the Borough Council, local police and Parish Council.</p> <p>The affects of the proposal offered does not discriminate on the grounds of: age, disability,</p>

		gender, race, religion or belief, sexual orientation and other social exclusion issues.
11.	FUNDING <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>There is no identified budget for annual management or maintenance costs. Should the Community Safety Partnership approve the application it is open to them to identify funding after approval. Approval would not commit the CSP to funding the application.</p> <p>Cleansing costs will rest with the Borough Council as they are at present.</p>
12.	OTHER INFORMATION/COMMENTS <ul style="list-style-type: none"> • indicate the source/origin of the initial request for consideration of a Gating Order • 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 	The initial request was made by the local County Councillor, Councillor Philip Owen.
Completed on behalf of Broxtowe CSP		print name Marice Hawley 26 th March 2012 Date
Authorised on behalf of CSP by Marice Hawley		print name
for submission to Nottinghamshire County Council		Signed Date

Appendix C

Date: 31 May 2012
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Ask for: Peter Hiley



Correspondence to:
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www.nottinghamshire.gov.uk/laf_row

Adrian Dudley
Community Safety Officer
Nottinghamshire County Council
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Loughborough Road
West Bridgford
Nottingham
NG2 7QP

Dear Adrian

GATING ORDER PROPOSAL – CEDARLAND CRESCENT

Thank you for providing Nottinghamshire Local Access Forum the opportunity to comment on this proposal.

Members of the Forum have visited the site of the proposed Gating Order and observed that there is regular use by the public of the route. There is very little sign of anti-social behaviour and we were told by the Community Police Support Officer that there have been no recent reports of problems. The path is short, well lit, and clean with no obvious signs of vandalism.

We have also met with you and Yvette where it was stated that if the Gating Order was approved it would be subject to the gates being opened and closed during the daytime as local views on closure are divided. In order to do this we feel there should be a survey of usage to determine the opening and closing times.

Taking into account the above we do not feel a Gating Order is justified in this location based on the evidence presented, and seen by us.

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.

CP&P/Casey/02/000001