



REPORT TO CABINET MEMBER FOR ENVIRONMENT

Draft to EPPM

13th November 2007

Decision to be made: 4 December 2007

Decision to be implemented:

agenda item number

3.1

PROPOSED GATING ORDERS - MANSFIELD WOODHOUSE, CARLTON and COTGRAVE.

Decision Recommended

- 1 That approval be given to consult, advertise and introduce, subject to the consideration of any objections received, gating orders on various paths in the vicinity of the Manor Complex, Mansfield Woodhouse, a path adjacent to Foxhill Road in Carlton and a path adjacent to the Wildlife Conservation Area in Cotgrave.

Delegated Authority

- 2 Scheme of Delegation E3. All powers relating to the planning, management and maintenance of highways and rights of way, and the development of integrated transport and road safety which are not delegated to the Planning Committee including;-(in consultation with the Member of Finance and Property) the disposal of land acquired (but no longer needed for) highway purposes.

Policy/Budget Framework

- 3 The Clean Neighbourhoods and Environment Act 2005 gives the County Council the power to make gating orders which have the effect of restricting the use of the highway (rather than stopping up or diverting the highway) in order to overcome problems of anti-social behaviour and crime. At its meeting on the 8th November 2006, Cabinet resolved to trial the draft policy and procedures for introducing gating orders on a small number of sites to be approved by the Cabinet Member for Environment in consultation with the Cabinet Member for Community Safety and Partnerships. Since then, there have been applications from most of the Crime and Disorder Reduction Partnerships for gating orders in their District. An allocation of £20,000 has been made from the Routine Maintenance Revenue Budget to contribute towards the cost of introducing gating orders at the trial locations.

Background

- 4 Since the enactment of the Regulations relating to gating orders under the Clean Neighbourhoods and Environment Act 2005, all the Crime and Disorder Reduction Partnerships have been working on applications for gating orders in their areas. There is a need for these applications to be prioritised once they have met the necessary criteria laid down in the agreed policy and procedures. In order to satisfy Cabinet's desire for a trial of these procedures it is felt appropriate to choose a range of applications that are well advanced for the following areas;-

i) Various link footpaths in the vicinity of the Manor Complex, Mansfield Woodhouse as shown on plans 1 and 2. This is an example of a complex network of footpaths that all suffer from anti-social behaviour and crime and the justification for gating orders in this area is shown in Appendix 1. The proposed Gating Orders are supported by Councillor Joyce Bosnjak.

ii) A link footpath from Foxhill Road to Pitch Close, Carlton as shown on plan 3. The justification for this gating order is shown in Appendix 2. The proposal is supported by Councillor Darrell Pulk.

iii) A link footpath from Owthorpe Road to Woulds Field, Cotgrave as shown on plan 4. The justification for this gating order, adjacent to the Wildlife Conservation Area is shown in Appendix 3. This proposal is supported by Councillor Richard Butler.

Consultation

- 5 For each application, the Crime and Disorder Reduction Partnership has carried out consultation with the Local Member and with other organisations affected. The next stage would be to formally consult and publish notices for each of the proposed locations for gates in accordance with Section 129C of the Highways Act 1980. Any objections received would then be considered under delegated powers by the Strategic/Service Director to determine whether a public inquiry should be held.

Statutory and Policy Implications

- 6 This report has been compiled after consideration of implications in respect of Finance, Equal Opportunities, Personnel, Crime and Disorder and those using the service. Where such implications are material, they have been brought out in the text of the report. Attention is, however, drawn to specifics as follows:

Crime and Disorder Implications

- 7 The proposed trial sites all relate to gates which would be closed 24 hours a day, 7 days a week and as such this is expected to have a significant effect on the levels of crime and anti-social behaviour taking place in these areas.

Equal Opportunities Implications

- 8 The gating orders should have a significant effect on the fear of crime in these areas particularly amongst vulnerable young people and adults. However, this must be balanced against the fact that gating off the footpaths may reduce accessibility for pedestrians, especially those that are mobility impaired or parents with pushchairs.

Human Rights Act Implications

- 9 Legal Services have advised that the Convention rights under the Human Rights Act 1998 should be considered when taking such decisions. The following Convention rights are relevant to this decision:

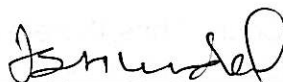
Carlton West

Jim Creamer
Darrell Pulk


Cotgrave

Richard Butler

The report contains all professional advice relevant to the decision:

Strategic/Service Director (Communities)	
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Decision Agreed:

Cabinet Member for Environment	
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**Rushcliffe Crime and Disorder
Reduction Partnership**

**Gating Order
Application**

**Woulds Field to Owthorpe Road
Cotgrave**

Before making a Gating Order the Council must be satisfied that the three statutory criteria set out in Section 129A (3) of the Highways Act 1980 and listed below are met:

- (a) the premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour;*
- (b) the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour; and*
- (c) it is in all the circumstances expedient to make the order for the purpose of reducing crime or anti-social behaviour*

The length of footpath in question is adopted highway linking the cul de sac, Woulds Field with Owthorpe Road. The request is for a single gate where the alleyway adjoins Owthorpe Road.

1. A half (2/4) of those properties which directly open-front the footpath have reported to the police at least one incident of an anti-social/criminal nature in which it could be argued that the footpath facilitated the incident.
2. No direct access to any of the properties fronting the footpath will be compromised by the proposal and there are no businesses in the locality.
3. The alternative route is via Gripps Common, an adopted highway, onto Owthorpe Road. It is slightly longer in length and is well lit.
4. For simplicity, the CDRP recommend a 24 hr restriction, although the timings of the police incidents are in the evening from 4.00pm onwards.
5. Alternative methods of reducing crime/ASB have been implemented including additional police time and resources in the area, the County Council Youth Service attempting to work with the young people of the area to offer alternative diversionary activities and a concrete bollard being installed to prevent illegal motorised access from Woulds Field to Owthorpe Road.
6. The security of the gate could be breached via access through the densely wooded wildlife conservation area, owned by Rushcliffe Borough Council, to the south of the footpath in question. In this regard it is recommended that a length of security perimeter fencing is erected from the proposed gate southeastwards along Owthorpe Road. It is proposed to hide the fenceline by erecting it just inside the land owned by the Borough so that it is masked by vegetation. Funding assistance from the CDRP would be required. Maintenance of the footpath itself will continue to be carried out by the Highway Authority.
7. The gating order submission is supported by County Councillor Richard Butler.