



## **Nottinghamshire County Council Gating Order Policy**

### **Background and Context**

1. Legislation was introduced in the Clean Neighbourhoods and Environment Act 2005 which gave the County Council (as the local highway authority) the power to gate certain types of highway where the Council is satisfied that levels of crime and disorder justify such action. The Regulations accompanying this legislation came into force on 1<sup>st</sup> April 2006. Any Order may restrict the public right of way at all times or for certain times or periods as may be appropriate to the circumstances, but can exclude designated persons, bodies or organisations from the restrictions (for example residents requiring access to maintain property boundaries, or utility companies).

### **Statutory Requirements**

2. Decisions on making Gating Orders will be made by the relevant committee of the County Council with an objective of balancing its duties in relation to public access to the highway and those under the Crime and Disorder Act 1998, to work with other agencies to protect its citizens from crime and disorder.
3. The Council will comply with all relevant statutory requirements applicable to the making of Gating Orders, including consultation with relevant Communities, the appropriate Community Safety Partnership and other relevant partners and statutory consultees whose views will all be considered as part of the decision making process.

### **Grounds for an Application for a Gating Order**

4. The use of a Gating Order will only be considered where the following circumstances apply:
  - Persistent crime and disorder and or anti social behaviour in the immediate area and that the existence of the highway facilitates this.

- Evidence that other solutions to reducing the crime and disorder and or antisocial behaviour identified have been considered and or tried, as appropriate.
- That the gating of the highway will not cause undue disruption to residents in the immediate area (with particular regard to people who have disabilities or other special needs), when considered in the context of the benefits the gating is intended to provide in reducing crime and disorder and or antisocial behaviour.
- A clear rationale for a Gating Order succeeding where other approaches either have failed or would not be appropriate.

### **Applications for Gating Orders**

5. Anyone (including the County Council) may make an application for a Gating Order provided it is made on the prescribed form to the County Council's Community Safety Team, following the applicable guidance.
6. Where it is necessary to act more quickly to protect vulnerable persons who are at particular risk of harm due to crime and disorder and or anti social behaviour, the County Council may at its discretion follow a fast-track process using reduced consultation periods, provided that all relevant statutory requirements are met.

### **Funding of Gating Orders**

7. The law does not require the County Council to fund approved Gating Orders. The applicant would be at liberty to approach the County Council to ask for financial assistance towards an order.

### **Reviewing Gating Orders**

8. All Gating Orders will be subject to review by the relevant committee of the County Council within a maximum of two years of being implemented.