



Nottinghamshire
County Council

Guide to the making of Gating Orders on highways and public rights of way

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NOTE –

this is reproduced from Nottinghamshire County Council's Highway Network Management Plan

PROCEDURES

**PROCEDURE FOR THE RESTRICTION OF THE USE OF A HIGHWAY BY
MEANS OF A GATING ORDER
UNDER SECTION 129A OF THE HIGHWAYS ACT 1980**

1) General

- 1.1 This procedure note has been produced having regard to the Home Office's guidance¹ and the relevant regulations². It also has regard to the County Council's adopted procedure for the permanent closure of rights of way on crime reduction grounds³. A separate procedure for the variation or revocation of Gating Orders has been produced.
- 1.2 Section 2 of the Clean Neighbourhoods & Environment Act 2005 inserted Sections 129A-129G into the Highways Act 1980 and came into effect on 1st April 2006. The powers to produce Gating Orders lie with the local highway authority, not with the District or other council.
- 1.3 Gating Orders are limited to use where it can be shown that persistent crime or anti-social behaviour (ASB) is facilitated by the use of certain rights of way. A Gating Order does not extinguish the status of a highway; it restricts the public use of that highway for defined periods. Such restriction is aimed at being a deterrent while the crime or anti-social behaviour is persistent and can be varied or revoked at any future time.
- 1.4 Gating Orders are not the only potential solution to tackling crime and ASB on certain thoroughfares. Before proposing an order, consideration must be given by the Community Safety Partnership (CSP) to alternative solutions, including stopping-off or diverting, that may be more appropriate (and cost effective) for tackling the specific problems. However, Gating Orders should not necessarily be seen as a last resort.

2) Involvement of the Community Safety Partnership (CSP)

- 2.1 Subject to paragraph 2.4 below, no consideration will be given to requests for the provision of Gating Orders unless contained within an application from the CSP. The CSP may produce an application following

¹ Guidance Relating to the Making of Gating Orders, March 2006

² SI 2006 No.537, The Highways Act 1980 (Gating Orders) (England) Regulations 2006

³ under Countryside & Rights of Way Act 2000

APPLICATION FORM

PROPOSED GATING ORDER FOR

APPLICATION FROMCOMMUNITY SAFETY PARTNERSHIP

1	LOCATION OF HIGHWAY <ul style="list-style-type: none">• provide sufficient details and a suitable map to identify the start and end points of the highway, including, as appropriate, house numbers, street names, parish/district/sub-district, number if PROW	
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 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	

3

ALTERNATIVE METHODS OF REDUCING CRIME OR ASB

- 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.

INVOLVEMENT OF LEGAL SERVICES

The involvement of Legal Services in the process for the making of Gating Orders will be on a similar basis to that of Traffic Regulation Orders.

Earlier parts of the administrative and managerial requirements will be carried out by the Safer Communities Team within the Communities Department; including ensuring that relevant consultations have taken place and that any necessary approvals have been obtained. Subsequently Legal Services will administer and manage the production of the draft Order, draft Notice, public notice, receipt of objections, making the legal Order etc.

Liaison with Members and managing the decision making elements of the process will be carried out by the Safer Communities Team within the Communities Department.

The Order will be made under seal by Legal Services.

1 What is your postcode?

2 Do you know why the path was gated?
 YES / NO

3 Did you use the path before it was gated?
 YES / NO

4 Please tick one of the following


Has the alley-gating scheme has improved the area OR
 Has the alley-gating scheme inconvenienced you OR
 Made no difference?

5 Given that the alley gating scheme is under review, please tick your preferred option

Continuation of the gating scheme
 Removal of the gates
 Night time closure only

6 Please use this space to provide any further comments you may have

Please return by:
 If you have any questions please contact:



Nottinghamshire County Council

Gating Order Questionnaire

POSTAGE PAID

Nottinghamshire County Council
 Communities – Highway Policy
FREEPOST
 MID 20768
 Nottingham
 NG2 1BR

This Questionnaire is part of a review of the alley-gating scheme at
 Thank you for your comments your views are very important.


Nottinghamshire County Council

Gating Order Questionnaire

Appendix 2 – ‘Post card’ Type Questionnaire

