



An informal gathering will be held at 6.00pm  
followed by the formal business at 6.30pm

## **LEEDS LOCAL ACCESS FORUM**

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**Meeting to be held in The Civic Hall, Leeds on  
Tuesday, 20th February, 2007 at 6.00 pm**

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### **MEMBERSHIP**

Philip Maude - User of local rights of way  
Didy Metcalf - User of local rights of way  
Mike Willison (Chair) - User of local rights of way  
Vacancy - User of local rights of way  
Vacancy - User of local rights of way  
Fred Hirst - Owners and occupiers  
Doreen Lawson - Owners and occupiers  
Vacancy - Owners and occupiers  
Councillor C Fox - LCC  
Vacancy - LCC

# **A G E N D A**

- 1       **APOLOGIES FOR ABSENCE**  
To receive apologies for absence (if any.)
- 2       **MINUTES OF THE PREVIOUS MEETING** 1 - 8  
To consider the minutes of the previous meeting held on 14<sup>th</sup> November 2006.  
(Copy attached.)
- 3       **MATTERS ARISING**  
To discuss any matters arising.
- 4       **RIGHTS OF WAY IMPROVEMENT PLAN** 9 - 10  
To consider the attached correspondence regarding funding for implementing Rights of Way Improvement Plans.  
(Copy attached.)
- 5       **DRAFT RIGHTS OF WAY IMPROVEMENT PLAN**  
(Report to follow.)
- 6       **GATING ORDERS** 11 - 76  
To consider the attached guidance and reports in relation to Gating Orders.  
(Reports attached.)
- 7       **DOG CONTROL ORDERS** 77 -  
100  
To consider the attached information and receive a verbal briefing in relation to Dog Control Orders.  
(Report attached.)
- 8       **KIRKSTALL FORGE - UPDATE**  
To receive a verbal update on development at Kirkstall Forge.
- 9       **LOCAL DEVELOPMENT FRAMEWORK - UPDATE**  
To receive a verbal update on the Local Development Framework.
- 10      **ITEMS FOR THE NEXT MEETING**  
To identify issues to be considered at the next meeting.

11 **DATE AND TIME OF THE NEXT MEETING**

To determine the date and time of the next meeting of the Forum.

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# Agenda Item 2

## Leeds Local Access Forum

Tuesday, 14th November, 2006

**PRESENT:** Mike Willison in the Chair

Councillors C Fox, R Harington, Fred Hirst,  
Doreen Lawson and Philip Maude

### 1 **ELECTION OF CHAIR AND VICE CHAIR**

**RESOLVED** – That Dr Mike Willison be re-elected as Chair of the Leeds Local Access Forum (LLAF) for a one year period. The position of Vice Chair to remain vacant at the present time, enquiries to be made about filling this vacancy.

### 2 **CHAIR'S OPENING REMARKS**

The Chair welcomed those present to the meeting of the Local Access Forum. It was reported that Stephanie Goodall, former Chair of the Forum, had resigned as a member due to her recent move to Australia. The Chair asked that thanks to Ms Goodall, and also to John Grieve, former Clerk to the Forum, be recorded in the minutes.

### 3 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Didy Metcalf.

### 4 **MINUTES OF THE PREVIOUS MEETING**

**RESOLVED** – That the minutes of the two previous meetings held on 17<sup>th</sup> January 2006 and 6<sup>th</sup> June 2006 be approved as a correct record.

### 5 **TERMS OF REFERENCE (LOCAL ACCESS FORUM REVIEW)**

Joanne Smyth addressed the Forum on the issue of the Terms of Reference, particularly in relation to the recruitment of Members. It was reported that the three vacancies on the Forum had been advertised in the Yorkshire Evening Post and the Leeds City Council Website, however no prospective members had come forward. A letter had also been sent to the National Farmers Union (NFU) in a bid to attract interest in the role. Members were reminded that there were vacancies for two users of rights of way and one for an owner and occupier.

The current process for recruiting new Members was very bureaucratic, Joanne Smyth explained, which could discourage individuals from applying for the voluntary role. It was suggested, in light of the evident recruitment problem, to amend paragraph 11 of the Terms of Reference.

The amendment, would dispense with the need for a selection panel to interview potential Members, which was considered to be a barrier to recruitment at present. On this basis, it was reported that interest had been shown from a rights of way user, a landowner (via the NFU) and also from the British Horse Society.

The Chair made reference to the latest edition of the *Access Newsletter* which reported that Defra planned to issue revised regulations on local access forums on 1 January 2007. In light of this, it was agreed to defer full consideration of the Terms of Reference until the revised regulations had been issued. However, it was agreed to progress the interest shown by potential Members in the intervening period.

**RESOLVED** – That consideration of the Terms of Reference be deferred until the next meeting.

## **6 ANNUAL REPORT 2005/06**

Joanne Smyth circulated colour copies of the Leeds Local Access Forum Annual Report 2005/06 to members at the meeting. She explained that this year's report, which was a statutory requirement and detailed the activities of the Forum and attendance for the year, was more eye-catching than in past years and that Officers were pleased with the result.

It was reported that the Clerk had contacted members at the request of the Chair to ask them to provide a short biographical note to be included in the annual report. It was agreed at the meeting that this information would be forwarded to the Clerk by Members in the next ten days. Members went on to briefly discuss the report and identify several typographical errors which needed to be amended.

The Chair expressed his satisfaction with the outcome of the report and thanked Jenny Watts for her work in producing it.

**RESOLVED** – That the Leeds Local Access Forum Annual Report 2005/06 be agreed, subject to minor modifications.

## **7 RIGHTS OF WAY IMPROVEMENT PLAN**

Members received an update of the progress of the Leeds Rights of Way Improvement Plan user survey which had taken place during the summer months. Jenny Watts, Parks and Countryside, presented the results to the Forum, highlighting the following key points from the 775 returned questionnaires which had been input:

- The majority of respondents were walkers who used public rights of way for fitness and leisure;
- Over 80% of walkers preferred using circular routes;
- 69% of people accessed the countryside by private motor vehicle;
- 91% of users were White British;
- The mostly commonly cited problems for rights of way users were overgrown vegetation, poor signage and dogs;
- Horse riders made regular use of public rights of way, with over half of these indicating that they would be willing to use additional routes on a toll riding basis;
- 76% of cyclists utilised public rights of way, generally over long distances;

- 40% of respondents expressed a preference for route maps;
- 52% of individuals would like to obtain information on public rights of way from the Council's website.

Jenny Watts explained that the data still needed further analysis and cross-checking at this stage, but comments were invited. Members briefly discussed issues arising from the survey surrounding signage and improvements to existing routes. It was agreed that Members would take the information away to study and feed any comments back at the next meeting.

The Chair thanked Jenny Watts for her work in compiling the survey and data.

**RESOLVED** – That the contents of the user survey be noted and any comments be submitted at the next meeting.

## 8 OPEN ACCESS

The Chair reported that there were two separate issues to be discussed under this item.

Members' attention was drawn to correspondence received from the Rivers Access Campaign which was included in the agenda papers. These letters put the case for legislation for rivers access to be implemented in a similar vein to the Scottish Land Reform Act 2003, which had successfully codified responsible access to land and water in order to protect the environment and activities of canoeists, anglers and other users, as well as landowners. It was reported that a representative of the Rivers Access Campaign had offered to attend a future meeting of the Forum to present to Members on the issue.

Members discussed the issue in broad terms and the implications of the offer of a presentation. It was felt that a briefing on the issue would clarify the key points, although the LLAF was unwilling to commit to supporting the campaign at this early stage.

The Chair then moved to the second item of business, an update on open access in Leeds. Members received a draft copy of the newly devised *Open Access* leaflet, which detailed the rules and regulations of walking on open land, along with a map showing the six main areas of land in the city. Common land had not been included on this map however, as it was considered to be too plentiful and covered only small areas.

Officers invited Members' comments on the appearance and content of the leaflet. It was felt that the map could be more detailed at the expense of some of the illustrative photos, in order to prevent walkers from mistakenly walking on private land.

In relation to the issue of Open Access, the Chair informed members that this year's block grant for the Access Management Scheme had been withheld by DEFRA due to funding issues. Whilst this affected other grant receiving schemes and organisations, Leeds was felt to be at a further disadvantage as it had been one of the last areas in the country to be mapped as part of phase

1 of the project. Although this exercise had now been completed and the draft leaflet produced, there were now no funds to implement its production at phase 2.

The Chair informed the meeting that he had drafted a letter to be forwarded to the Chief Executive of Natural England expressing the concern and dissatisfaction of the Forum with the present situation. Members agreed to the correspondence being sent by the Chair, with the proviso that an additional paragraph being inserted to secure a commitment from Natural England that Leeds will be given priority for any funding subsequently released, given the city was one of the last areas to be mapped in the initial stages.

#### **RESOLVED –**

- i) That a representative of the Rivers Access Campaign be invited to a future meeting of the Forum to present to Members;
- ii) That the contents of the Open Access leaflet, along with suggested amendments, be noted;
- iii) That a letter be sent to the Chief Executive of Natural England expressing the concern and dissatisfaction of the Forum with the present situation regarding the freezing of the block grant for the Access Management Scheme.

### **9 DOG CONTROL AND GATING ORDERS - RESPONSE TO CONSULTATIONS**

The Chair introduced this item, explaining that under the Clean Neighbourhoods and Environment Act 2000, the local authority had the power to make Dog Control and also Gating Orders and the LLAF was identified as a statutory consultee on these matters. The Chair reported that he had been contacted in July 2006 by Ken Bell, Legal Services, informing him of a forthcoming Dog Control Order. The Order had subsequently been advertised on 21<sup>st</sup> September 2006, giving twenty eight days notice for representations to be received. However, due to the cancellation of the planned LLAF meeting on 19<sup>th</sup> September, the Forum were not able to make any comment on this occasion as the notice period had now expired.

Members went on to discuss the following key points:

- How the issue of consultation with the LLAF on these matters would operate, particularly in cases where the specified notice period did fall between meetings;
- The practicality of enforcing the legislation;
- The affect of Gating Orders upon public rights of way;
- The advantages and disadvantages of establishing a LLAF sub group to deal with responses to Orders as they arise;
- Whether a set of criteria could be drawn up to identify those Orders which would need to be reported to the LLAF.

Following these comments, it was decided that potential Orders be reported to the Chair by Officers for initial consideration. If the Chair felt it necessary, then the Orders could be reported to the LLAF for further consultation. It was agreed that this method be piloted and then reviewed at a later date.



The Chair reported that DEFRA had produced new guidance on the issue of such Orders and it was agreed that this be circulated to Members prior to the next meeting. It was also felt that the Forum would benefit from receiving a verbal briefing from Ken Bell, Legal Services, at the next meeting.

**RESOLVED –**

- i.) That future potential Orders be reported to the Chair for initial consideration before being taken to the LLAFF for consultation if necessary;
- ii.) That the DEFRA guidance on Dog Control and Gating Orders be circulated to members prior to the next meeting;
- iii.) That Ken Bell, Legal Services, be invited to the next meeting of the Forum to brief Members on the issue.

**10 UPDATES**

i.) Parlington.

Following on from the site visit undertaken at the previous meeting, Roger Brookes reported that the department were still awaiting a response from the Ramblers Association as to whether they were in agreement with the proposed measures. It was Officers understanding that individual objectors were waiting for the this response before deciding how to proceed.

Joanne Smyth informed Members that the current situation was unsatisfactory and the department had reached the stage where the Order would either be made or the idea would have to be abandoned, which was not ideal due to the amount of time and effort that had been invested in the scheme. However, if the Order were to be made with representations still outstanding, the matter would be referred to the Secretary of State.

Members discussed the situation. It was suggested that the LLAFF approach the Ramblers Association in order to prompt their awaited response. The Chair expressed his concern that as a member of the Ramblers Association, it could be difficult for him to approach them on this issue and avoid any perception of bias.

Following discussions it was decided that steps be taken to set up a meeting between the Ramblers Association and representatives of rights of way users and owner and occupiers from the LLAFF to see if any agreement could be reached.

ii.) West Leeds Country Parks and Green Gateways.

It was reported that Didy Metcalf was the appointed LLAFF representative on the West Leeds Country Parks and Green Gateways. In her absence Joanne Smyth was able to confirm that the department was in the process of producing six information leaflets in relation to the scheme, the first of which was about to go into print. Funding had

also recently been secured for a temporary Project Officer to take the project forward at this next exciting stage.

iii.) Kirkstall Forge.

Joanne Smyth reported that she had contacted Martin Sellens from the Development department with a view to giving a further presentation to the LLAFF on the progress of this issue, although no arrangements had yet been made. Officers agreed to continue to pursue the matter.

**RESOLVED –**

- i.) To note the current situation in relation to the Parlington Estate;
- ii.) That steps be taken to convene an informal meeting between the LLAFF and the Ramblers' Association to discuss and progress their objections to the proposals;
- iii.) That the update on West Leeds Country Parks and Green Gateways be noted;
- iv.) That a verbal presentation from the Development department on the Kirkstall Forge development be arranged for a future meeting of the Forum.

**11 LEEDS COUNTRY WAY**

The Forum received copies of the new leaflet pack for the Leeds Country Way. Roger Brookes informed members that the pack had been officially launched on 26<sup>th</sup> September 2006 at Golden Acre Park By Councillor J Procter, Executive Member for Leisure. As well as the new leaflets and maps, work was ongoing along the route to address key repairs and signage issues.

It had been necessary to re-route parts of the former Leeds Country Way to the south of the city, as these no longer fell under the local authority's boundary. Early indications were that the new packs had been well received, with one request having been received from as far away as Canada. The Chair reported that he had received one comment regarding the omission of public transport timings from the packs. Officers responded that this information was constantly evolving and therefore it was not practical to include it, however, contact details for Metro were included.

**RESOLVED –** That the Leeds Country Way information packs be received and noted.

**12 PUBLIC RIGHTS OF WAY FORUM MEETING - TERMS OF REFERENCE**

Joanne Smyth presented this item to Members, regarding the possible revival of the Public Rights of Way Forum. It was reported that prior to constitution of the LLAFF, the Public Rights of Way (PROW) Unit had held Forum meetings for a number of years. Whilst not a statutory body, these meetings did serve to bring together a range of interest groups, however the PROW Forum had ceased to exist since creation of the LLAFF.

Recently there had been calls from the various user groups for the PROW Forum to be reconstituted, which had led Joanne Smyth to amend the terms of reference for the meeting to take into account recent changes, the

existence of the LLAFF and to add the LLAFF as a member. It was hoped that the two bodies would work in tandem. The terms of reference were circulated at the meeting for Member's information and comment and also to alert them to the possibility of the re-creation of the PROW Forum.

The Chair commented that the LLAFF and the PROW Forum needed to work together, although it would need to be ensured that there was no overlap between the two bodies. Officers reported that meetings had historically been held in May and November, although there could be some merit in altering this cycle to coincide with the LLAFF meeting cycle. It was suggested that the meeting could operate as a sub-group of the LAF, although given the current recruitment problems Members questioned whether it would be difficult to secure individuals to attend meetings.

**RESOLVED** – That the amended terms of reference for the Public Rights of Way Forum be noted.

### **13 CIRCULARS AND CONSULTATION PAPERS**

Joanne Smyth reported that there were no papers for consideration under this item, save for the October 2006 edition of the *Access* newsletter, which had previously been circulated to Members.

### **14 PLANNING POLICY AND CONSULTATION WITH THE LOCAL ACCESS FORUM**

The Chair reported that a new planning policy was emerging to replace the Unitary Development Plan (UDP.) Members heard that the Local Development Framework (LDF) was due to replace the UDP in 2009, with consultation currently in progress. The Statement of Community Involvement set out who Leeds City Council would consult as part of this process. The Chair informed the meeting that he had contacted the Development department on behalf of the Local Access Forum to ask that they be included on the list of consultees.

Members heard that the Chair had recently attended a workshop organised by the Development department regarding the new policy. It was suggested that the department be contacted to arrange for a briefing to be given to the Forum at a future meeting.

The Chair emphasised the importance of the planning authority being aware of the Forum and its role, and highlighted Kirkstall Forge as a prime example of this.

**RESOLVED** – That a briefing on the Local Development Framework be arranged for a future meeting of the Forum.

### **15 ITEMS FOR THE NEXT MEETING**

**RESOLVED** – That the following items be placed on the agenda for next meeting of the Leeds Local Access Forum:

- Rights of Way Improvement Plan – draft version;

- Response on the Open Access issue;
- Information from the Development department regarding the Local Development Framework and Kirkstall Forge;
- Presentation from the Rivers Access Campaign;
- Terms of Reference – amendments.

**16 DATE AND TIME OF NEXT MEETING**

**RESOLVED** – That the next meeting be scheduled for Tuesday 20<sup>th</sup> February 2007 at 6:30 pm in the Civic Hall, Leeds (an informal gathering for members will commence at 6:00 pm.)

05 February 2007

Barry Gardiner MP  
Minister for Biodiversity, Landscape & Rural Affairs  
DEFRA  
Nobel House, 17 Smith Square  
London  
SW1P 3JR

Dear Minister

## **Implementing Rights of Way Improvement Plans**

I am writing to you as Chair of Cumbria Local Access Forum and on behalf of the Chairs of the Lake District National Park and Yorkshire Dales National Park Access Forums.

We are concerned about the information we are being given about the implementation of the Rights of Way Improvement Plan (ROWIP) here in Cumbria but we suspect that our concerns will be widely reflected nationally.

Government's decision to require the preparation of ROWIPs was an inspired one and has led to a much-needed and overdue assessment of what exists and how relevant it is to the needs of the community in the 21<sup>st</sup> Century. It ties in with other national agendas relating to health, recreation, enhancing the rural economy, and encouraging access to the countryside by those ethnic and urban groups so sadly under using our rural treasures.

Greater use of paths and byways is crucial to the delivery of Government policy to improve health and tackle juvenile obesity and of course encouraging folks to walk rather than use cars is immediately relevant to the 'green' agenda.

In Cumbria where an enlightened Council in full co-operation with the Parks Authorities has put in a huge effort with the support and involvement of the three LAFs and other voluntary bodies, we are well on the way to a final document with great potential and vision. As a welcome consequence there has been a real upsurge in public interest combined with greatly raised expectations and a sense of excitement.

It is heartening to see Natural England in this region seeking support for their efforts to raise the profile of ROWIPs with Chief Executives and elected members in relevant authorities and to encourage them to complete high quality ROWIPs by the due date at end November 2007.

The fly in the ointment is that while authorities are required to complete ROWIPs there is no requirement to implement them and even more significantly, at this stage, no money for that purpose.

We are aware that national government has signalled that from 2010-11 onwards, Local Transport Plans (LTPs) and Rights of Way Improvement Plans (ROWIPs) should become a singular document for local authorities. Both documents are clearly linked in order to facilitate this national picture. That is a long time away and if there is no additional funding of any kind next year, not only will all the impetus be lost but raised and legitimate expectations will be lost. There are annual settlements made for LTPs but these are tight in the extreme in Cumbria and there is no realistic prospect of any money being set aside for implementing ROWIPs.

We are very concerned that there is no indication from government as to how planned and necessary works will be funded. Current messages from Natural England suggest that no separate or increased ring-fenced funding will be provided through the LTP settlement for Public Right of Way (PROW) projects identified in the ROWIP by Cumbria County Council and the two National Parks and that they will have to compete against all the other transport works.

We are well aware of the pros and cons of hypothecated or ring fenced funding but would urge that at least for an initial period either a separate 'priming' grant be made or a specific allocation within the LTP settlement.

We have here nationally as a result of government foresight the chance to make significant improvements towards meeting wider goals and a lot of people inspired and motivated to get on with it, many of them from the Third Sector. Without some financial provision all this is likely to disappear down the potholes which will inevitably be the LTP priority of hard pressed council members. I am informed that Natural England is seeking a sum of the order of some £30,000 for the whole of North West England from Cheshire to us up here. It needs a much more significant sum to capitalise on all the good will and enthusiasm which the work on ROWIPs has engendered, and to bring about significant improvement for the community.

Best Wishes.

Yours sincerely

A handwritten signature in cursive script that reads "Duncan Graham".

**Chairman of Cumbria LAF on behalf of the Chairmen of all three forums.**

## Statutory Instrument 2006 No. 537

### **The Highways Act 1980 (Gating Orders) (England) Regulations 2006**

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## STATUTORY INSTRUMENTS

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**2006 No. 537**

### **ENVIRONMENTAL PROTECTION, ENGLAND**

The Highways Act 1980 (Gating Orders)  
(England) Regulations 2006

<i>Made</i>	<i>1st March 2006</i>
<i>Laid before Parliament</i>	<i>8th March 2006</i>
<i>Coming into force</i>	<i>1st April 2006</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred upon him by sections 129C, 129E and 129F of the Highways Act 1980<sup>[1]</sup>.

#### **Citation, commencement and extent**

**1.** —(1) These Regulations may be cited as the Highways Act 1980 (Gating Orders) (England) Regulations 2006 and shall come into force on 1<sup>st</sup> April 2006.

(2) These Regulations apply to England.

#### **Interpretation**

**2.** In this Order—

"the Act" means the Highways Act 1980;

"communications provider" has the meaning given by section 405 of the Communications Act 2003<sup>[2]</sup>;

"fire and rescue authority" means a fire and rescue authority under the Fire and Rescue Services Act 2004 <sup>[3]</sup>;

"NHS trust or NHS foundation trust" means a National Health Service trust, Primary Care Trust or NHS foundation trust providing an emergency ambulance service;

"relevant highway" means the highway which



is the subject of a gating order or a proposal for a gating order (as the case may be); and "statutory undertaker" has the meaning given by section 98(6) of the Environmental Protection Act 1990<sup>[4]</sup>.

**Publicity relating to a proposal for the making of a gating order**

**3.** Before making a gating order under section 129A of the Act, a council shall—

(a) cause to be published on its website and in a newspaper circulating in its area a notice—

(i) identifying specifically or by description the relevant highway;

(ii) setting out the general effect of a gating order being made;

(iii) identifying alternative routes which would be available to pedestrians and vehicular traffic if the proposed order were to be made;

(iv) setting out a draft of the proposed order; and

(v) inviting written representations, within such period as is specified in the notice, being not less than 28 days, as to whether or not a gating order should be made;

(b) cause to be erected on or adjacent to the relevant highway such notices as it considers sufficient to draw to the attention of members of the public using that highway the effect of a gating order being made.

**4.** Copies of the notice referred to in regulation 3(a) shall be given by the council to—

(a) all the occupiers of premises adjacent to or adjoining the relevant highway;

(b) every council through whose area the relevant highway passes;

(c) every chief officer of a police force

through whose police area the relevant highway passes;

(d) every fire and rescue authority through whose area the relevant highway passes;

(e) every NHS trust or NHS foundation trust through whose area the relevant highway passes;

(f) any local access forum through whose area the relevant highway passes;

(g) any statutory undertaker who maintains services in the locality in which the relevant highway is situated;

(h) any provider of gas, electricity or water services in the locality in which the relevant highway is situated;

(i) any communications provider in the locality in which the relevant highway is situated;

(j) any persons who the council reasonably considers might have an interest in the proposed gating order;

(k) any person who requests a copy of the notice; and

(l) any person who has asked to be notified of any proposed gating orders.

### **Representations as to the making of a gating order**

**5.** A council shall consider any representations as to whether or not the proposed gating order should be made whether in response to a notice under regulation 3 or otherwise.

### **Public Inquiries relating to the making of a gating order**

**6.** —(1) Subject to paragraph (2) the council may cause a public inquiry to be held in relation to a proposed gating order.

(2) The council shall cause a public inquiry to be

held if—

- (a) the chief officer of a police force through whose police area the relevant highway passes;
- (b) a fire and rescue authority through whose area the relevant highway passes;
- (c) a NHS trust or NHS foundation trust through whose area the relevant highway passes; or
- (d) a council through whose area the relevant highway passes,

objects to the proposed gating order.

#### **Making of a gating order**

**7.** A council may not make a gating order before—

- (a) a period of 28 days, beginning on the day the notice referred to in regulation 3 is published, has elapsed; or
- (b) any public inquiry held under regulation 6 has been concluded.

#### **Form and content etc. of gating orders**

**8.** —(1) A gating order must contain—

- (a) a statement that the conditions set out in section 129A(3) of the Act have been met;
- (b) the dates and times that the public right of way along the relevant highway will be restricted;
- (c) details of any persons who are excluded from the effects of the restriction referred to in paragraph (b);
- (d) details of alternative routes which would be available to pedestrians and vehicular traffic during the period the relevant highway is restricted;
- (e) contact details of the person who is responsible for maintaining and operating any

barrier whose installation is authorised by the order.

(2) A council shall cause to be erected on or adjacent to the relevant highway such notices as it considers sufficient to draw to the attention of members of the public using that highway to—

(a) the fact that a gating order has been made; and

(b) the effect of the order.

**Publicity relating to the variation and revocation of gating orders**

**9.** Before varying or revoking a gating order under section 129F of the Act, the council shall—

(a) cause to be published on its website and in a newspaper circulating in its area a notice—

(i) identifying specifically or by description the relevant highway;

(ii) setting out the general effect of the proposed variation or revocation (as the case may be) of the gating order being made;

(iii) where a variation of the gating order is proposed, setting out a draft of the order as it would be if the variation proposed was made; and

(iv) inviting representations as to whether or not the variation or revocation (as the case may be) should take effect;

(b) cause to be erected on or adjacent to the relevant highway such notices as it considers sufficient to draw the attention to members of the public using that highway to the effect of the proposed variation or revocation (as the case may be) taking effect.

**10.** Copies of the notice referred to in regulation 9(a) shall be given to—

(a) all the occupiers of premises adjacent to

or adjoining the relevant highway;

(b) every council through whose area the relevant highway passes;

(c) every chief officer of a police force through whose police area the relevant highway passes;

(d) every fire and rescue authority through whose area the relevant highway passes;

(e) every NHS trust or NHS foundation trust through whose area the relevant highway passes;

(f) any local access forum through whose area the relevant highway passes;

(g) any statutory undertaker who maintains services in the locality in which the relevant highway is located;

(h) any provider of gas, electricity or water services in the locality in which the relevant highway is situated;

(i) any communications provider in the locality in which the relevant highway is situated;

(j) any persons who the council reasonably considers might have an interest in the proposed gating order;

(k) any person who requests a copy of the notice; and

(l) any person who has asked to be notified of any proposed gating orders.

**Representations relating to the variation or revocation of a gating order**

**11.** A council shall consider any representations as to whether or not a gating order should be varied or revoked (as the case may be) whether in response to a notice under regulation 9 or otherwise.

**Public Inquiries relating to the variation or revocation of a gating order**

**12.** —(1) Subject to paragraph (2) the council may cause a public inquiry to be held in relation to a proposed variation or revocation (as the case may be) of a gating order.

(2) A council shall hold a public inquiry if—

(a) the chief officer of a police force through whose police area the relevant highway passes;

(b) a fire and rescue authority through whose area the relevant highway passes;

(c) a NHS trust or NHS foundation trust through whose area the relevant highway passes; or

(d) a council through whose area the relevant highway passes,

objects to the proposed variation or revocation (as the case may be) of a gating order.

#### **Variation or revocation of a gating order**

**13.** A council may not vary or revoke (as the case may be) a gating order before—

(a) a period of 28 days, beginning on the day the notice referred to in regulation 9 is published, has elapsed; or

(b) any public inquiry held under regulation 12 has been concluded.

#### **Procedure relating to public inquiries held under regulation 6 or 12**

**14.** —(1) A public inquiry held under regulations 6 or 12 shall be conducted by an inspector appointed by the council.

(2) An inquiry shall begin not less than 42 days after the first publication of the notice given under regulation 3 or 9.

(3) A council shall—

(a) publish at least once in a local newspaper circulating in the area in which the relevant highway is situated a notice containing the

particulars specified in regulation 15;

(b) give notice in writing containing the particulars specified in regulation 15 to each person who has made representations as to the making, variation or revocation (as the case may be) of a gating order; and

(c) take such other steps as it may consider appropriate for ensuring that adequate publicity about the inquiry is given to persons likely to be affected by the provisions of the order to which it relates, and, without prejudice to the generality of this subparagraph, such other steps may include—

(i) the display of notices in roads or other places affected by the order;

(ii) the delivery of notices or letters to premises, or premises occupied by persons, appearing to the council to be likely to be affected by any provision in the order.

**15.** The particulars to be contained in the notice specified in regulation 14(3) are as follows—

(a) the title of the gating order or proposed order;

(b) the name of the council;

(c) the identity specifically or by description of the relevant highway;

(d) a statement which refers to the notice of proposals for the making, variation or revocation (as the case may be) of the gating order and which indicates that a public inquiry will be held in connection with the proposal;

(e) a brief statement of the general nature and effect of the making, variation or revocation (as the case may be) of the gating order;

(f) the date, time and place of the inquiry and the name of the inspector;

(g) a statement that documents giving detailed particulars of the proposals for the making, variation or revocation (as the case may be) of the gating order are available for inspection and of the addresses at which those documents can be inspected and of the times when inspection can take place at each address;

(h) the address to which any written representations for consideration by the inspector may be sent by any person wishing to make such representations; and

(i) the time by which any written representations made under paragraph (i) or otherwise must be received.

**16.** —(1) Subject to paragraphs (2) to (4), the procedure at a public inquiry shall be determined by the inspector.

(2) Any person interested in the subject matter of the public inquiry may appear at the inquiry in person or by counsel, a solicitor or other representative.

(3) Any person so interested may, whether or not he proposes to appear at the inquiry, send written representations for the consideration of the inspector to the address given in the notice given under regulation 14(3)(a).

(4) The inspector may refuse to hear any person, or to consider any objection or representation, if he considers that the views of that person or the objection or representation are irrelevant or have already been adequately stated at the inquiry.

### **Register of gating orders**

**17.** —(1) A copy of a gating order must be displayed for at least 12 months from the date of the order in a council office.

(2) The council must publish a gating order on its website.

(3) A council must keep a register of gating orders which is open to inspection during normal business



hours and which must contain—

(a) copies of all notices of proposals for the making, variation or revocation (as the case may be) of gating orders; and

(b) copies of all gating orders made by the council.

(4) A council must supply a copy of a gating order to any person who requests a copy and pays a reasonable charge.

*Hazel Blears*  
Minister of State

Home Office  
1st March 2006

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#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which apply to England, set out the procedures relating to gating orders made under sections 129A to 129G of the Highways Act 1980 and come into force on 1<sup>st</sup> April 2006.

Regulations 3 and 4 relate to the publicising of proposals to make a gating order. Regulation 5 obliges councils to consider representations as to the making of a gating order.

Regulation 6 enables councils to hold a public inquiry in relation to a proposed gating order and requires them to do so where the emergency services or a council object to the making of the gating order.

Regulation 7 prevents councils from making a gating order until at least 28 days have been allowed for representations to be made and any public inquiry has been concluded.

Regulation 8 sets out the content etc. of gating orders and requires them to be publicised.

Regulations 9 to 13 set out the procedure to be followed when it is proposed to vary or revoke a gating order.

Regulations 14 to 16 make provision relating to conduct of public inquiries.

Regulation 17 provides that councils must keep a register of all gating orders.

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*Notes:*

[1] 1980 c. 66; sections 129A to 129G were inserted by section 2 of the Clean Neighbourhoods and Environment Act 2005 (c. 16).[back](#)

[2] 2003 c. 21.[back](#)

[3] 2004 c. 21; as amended by section 32(1) of, and paragraph 10(1) and (2) of Schedule 2 to, the Civil Contingencies Act 2004 (c. 36).[back](#)

[4] 1990 c. 43.[back](#)

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**CLEAN NEIGHBOURHOODS AND  
ENVIRONMENT ACT 2005**

**GUIDANCE RELATING TO THE MAKING OF  
GATING ORDERS**

**March 2006**

## INTRODUCTORY

1. Section 2 of the Clean Neighbourhoods and Environment Act 2005 introduces a new power that allows councils to make, vary or revoke gating orders in respect of highways within their area. This is achieved by inserting new sections 129A to 129G in the Highways Act 1980 which will enable councils to restrict public access to any public highway by gating it (at certain times of the day if applicable), **without removing its underlying highway status**. Local authorities will be able to make “gating” orders on grounds of anti-social behaviour as well as crime.
2. Powers to close alleyways were first introduced by the Countryside and Rights of Way Act 2000 (CROW Act 2000); this enables alleyways, which are also rights of way, to be closed and gated for crime prevention reasons. But they do not enable alleyways to be gated expressly to prevent anti-social behaviour and they exclude many alleyways that are public highways but not recorded as rights of way. Also, under these provisions the removal of rights of passage is irrevocable.
3. The Clean Neighbourhoods and Environment Act 2005 provisions enable a council to gate a highway in a similar manner to the CROW Act 2000 power but it:
  - a) doesn't first require the highway to be designated by the Secretary of State,
  - b) enables gating to take place if highway suffers from crime and/or anti-social behaviour,
  - c) enables the council to continue with a gating order, even if objections are made (if it is considered in the best interests of the local community to do so).
4. The power to make a gating order will be commenced on 1 April 2006.
5. **This guidance is not statutory, but we recommend that local authorities read the guidance and use it where practicable as it will help avoid some operational difficulties. It has been written with the help of practitioners by the Home Office, the Department for Transport and the Department for Environment, Food and Rural affairs.**

## CONDITIONS FOR MAKING A GATING ORDER

### General principles:

6. In general, rights of way do not cause or facilitate crime. The provisions in the Clean Neighbourhoods and Environment Act are framed in a way that limits their use to alleyways where it can be shown that persistent crime and anti-social behaviour is expressly facilitated by the use of certain rights of way.
7. The Government considers that these powers will be particularly important in enabling the closure of those back (or side) alleys where they are demonstrably the source of crime in built up areas, particularly housing estates. The rationale behind the formulation of these powers was to assist in strictly urban areas and, in practice, if a footpath is the only means of access to the rear of a terrace of properties, it may well be easier to demonstrate whether the way itself is facilitating persistent crime, than in an open rural setting, where there might be a number of means of access to premises.
8. This provision is intended to be used as a deterrent for temporary closures while the crime or ASB is persistent. Following the reduction of the crime or the ASB, the highway restrictions can be varied or revoked.
9. If the intention is permanently gate the highway (i.e. removing the highway status), the provisions introduced by the Countryside and Rights of Way Act 2000 (CROW Act) should be used. However, given the longer timescales under the CROW Act, and that the condition of the highway may warrant quick action, you can use the Clean Neighbourhoods and Environment Act 2005 provisions to gate the highway while seeking a CROW Act order to revoke the highway status.
10. Section 129A of the Highways Act 1980 sets out these general principles, asserting that a council must be satisfied, before making an order, that the area surrounding the relevant highway suffers from crime or anti-social behaviour and would act as a useful crime/anti-social behaviour reduction measure.
11. Local authorities should also be satisfied that residents and members of the public who use the relevant highway would not be inappropriately inconvenienced by its gating, and should be satisfied that alternative access routes exist. However this should not restrict the gating of highways that are in such a dangerous condition, that gating it is in the best interest of all concerned.
12. The health implications of the order should also be considered as gating orders could potentially encourage the use of cars if the alternatives are too long or lack pedestrianised sections. This should be balanced against the health impacts facing pedestrians from the ongoing crime or ASB in the alleyway. In these situations a Health Impact Assessment could be

carried out if there is any doubt over the availability of alternate routes and/or the proposed times the gates will be closed.

### **Issues of Mobility:**

13. Special consideration should be given to the impact a potential order might have on disabled users of the highway to ensure that alternative routes are free from obstructions and are suitably paved. During the installation of the gates consideration should be given to the height of the locks and the ease at which they can be opened and closed

### **Consideration of other tools to tackle crime and ASB:**

14. Gating orders are not the only solution to tackling crime and anti-social behaviour on certain thoroughfares. Before proposing an order, local authorities should give consideration as to whether there are alternative interventions that may be more appropriate (and cost effective) for tackling the specific problems they are facing without having to gate the highway. Nevertheless, gating orders should not be seen as a last resort.

### **PUBLICITY**

15. Gating orders can have implications for various groups of people, such as walkers who may oppose the termination of certain rights of way. For this reason, it is essential that gating orders are satisfactorily publicised before they are made. Local authorities must publicise a notice to this effect in a local paper and on their website. In order to save costs, this notice does not need to be excessively large and does not need to include a lot of information. The legislation states that the notice should include the highway affected and the general effect of the order. However, in practise this information will be included in the proposed order itself, so the notice only needs to:

- include a draft of the proposed order:
- identify alternative routes that members of the public may take; and
- invite representations (in writing) as to whether or not an order should be made, within a period of notice that is at least 28 days.

16. A similar notice, including all the information stated above, should also be placed on or adjacent to the relevant highway at both ends, in order that people who want to use the highway can see that it is to be gated. These need to be visible enough to draw their attention, and make it clear what the implications of the order will be. The regulations do not specify a minimum time period that these notices should be up before the gating order comes into force. This is because local circumstances may make this difficult to achieve. However, wherever possible, these notices should be assembled to coincide with the notices published on the website and local paper, i.e. for a minimum of 28 days before the gating order is made. It is the responsibility of the council to ensure that notices are maintained in a condition that ensures they remain visible and legible.



17. It is not only necessary to make this notice available to the general public. Certain groups which may be directly affected should be specifically informed of the planned order through receipt of a copy of the order. These include:

- all occupiers of premises adjacent to or adjoining the relevant highway;
- any authority through which the gated highway will run including:
  - Any other council, including parish and town councils;
  - Police authorities (informing the chief of police);
  - fire authorities;
  - NHS Trusts;
- any Local Access Forum through whose area the relevant highway passes
- other public bodies and companies that do maintain or provide services on or around the locality in which the relevant highway will be situated including:
  - statutory undertakers;
  - gas or electricity services providers;
  - water services providers;
  - communications providers;
- anyone who requests a copy of the notice; and
- anyone who has asked to be notified of any proposed gating orders.

18. The council should also inform anyone they reasonably consider might have an interest in the proposed order. This could include a wide range of groups, and it is the responsibility of the applying council to decide who this might include. However, it is recommended that councils also notify a variety of groups that are likely to take an interest in the gating of a highway. The Department of the Environment Circular 2/1993 sets out organisations who should be contacted under other rights of way legislation and you may wish to consult this.

The majority of highways will be urban alleyways that suffer from ASB and crime, however rural highways can suffer from ASB and crime too. Therefore, it is important to ensure that any group who has a particular interest in the highway on which the order will be made is given an opportunity to comment. For example these may be the appropriate National Park, the Chiltern Society and the Peak and Northern Footpaths Society. In the majority of these cases you should be seeking to engage with these organisations early in the process in order to effectively consider all interventions to tackle the ASB and crime.

19. It is important that people who use these relevant highways understand why a gating order has been proposed. Therefore, it is recommended that Local Authorities provide a justification and evidence for the order before it is made. Ideally, this evidence and justification should appear on the notice in the newspaper, with details of where members of the public can find more information if necessary.

## REPRESENTATIONS FROM INTERESTED PARTIES

20. Before a gating order can be made it is essential that local authorities consider all representations as to whether or not an order should be made. If there is considerable objection to the order, it is necessary to be absolutely sure that there are sufficient grounds for the order to be made. Particular attention should be given to Section 129A of the Highways Act 1980, balancing crime and anti-social behaviour concerns against the impact it will have on users of the highway and local residents. Section 129D of the Highways Act 1980 allows individuals to challenge an order in the High Court if the conditions for making it have not been complied with. To ensure full impartiality, you may want to consider the use of an external evaluation, for example a Health Impact Assessment.
21. A full justification, with evidence should be something that local authorities have on file to provide to anyone who objects to this order, or who requests an explanation for the proposed order. Your responses to those who object should be comprehensive, and specifically address their concerns. It is in the interests of all parties to conclude this process promptly and without unnecessary delay. Ideally, consideration should be concluded 28 days (or less) after the final date in which written representations can be made.

## PUBLIC INQUIRIES

22. While it is important to consider all representations, certain authorities' representations as to whether a gating order should be made will bear more significance. Consequently, an objection from these bodies will automatically cause a public inquiry to be held, if the relevant highway passes through their area. These authorities include:
- the chief officer of a police force;
  - a fire and rescue authority;
  - any council (including parish councils); and
  - an NHS trust, NHS foundation trust or NHS primary care trust.
23. Objections from these authorities should be made in writing, giving reasons for their actions, within the prescribed period of notice (which is not less than 28 days).
24. If objections are received from other individuals, the council can still conduct a public inquiry where it is appropriate to do so.
25. A gating order should not be made until this public inquiry has been concluded and a decision has been made. Consequently, before proposing a gating order, it is highly recommended that you work in partnership with these authorities to ensure that the general consensus is positive. By taking these initial steps, it should be possible to make progress without the need for a potentially costly public inquiry. If objections are still received in writing, the council can avoid an inquiry if they make the requisite changes to the proposal. Public inquiries should

only be instigated as a last resort, when fundamental differences exist between authorities that discussion and negotiation have failed to alleviate.

26. If a public inquiry is inevitable, then the council must adequately advertise this fact. This may include the display of notices in roads or delivering letters to local premises. However, local authorities must publish a notice in a local newspaper (at least once) and write to those who have already made representations as to the making of the order. Again, this notice does not have to be excessively large, but it should include:

- The title and draft of the proposed order (including its general effect);
- the name of the council;
- the identity of the relevant highway, with enough detail, either by description or specification, so that people understand which highway is being referred to;
- A statement referring to the initial notice advertising the order, notifying people that a public inquiry is to be held;
- the date, time and place of the inquiry and the name of the inspector;
- information as to where further information can be found on the proposals for the relevant gating order. Opening and closing times of these premises should be included; and
- the address to which any representations for consideration by the inspector should be sent.

### **Appointing an Inspector:**

27. It is the responsibility of the council to appoint an individual to conduct the inquiry. The council should ensure that this inspector is suitably qualified and fully impartial. Impartiality is essential because the applying authority must be able to defend their actions in court if the situation arises where the order is legally challenged. Any evidence of the authority compromising the independence of the inquiry would invalidate the order's existence. In order to ensure that independence is preserved, it is recommended that the council appoint someone from the Planning Inspectorate.

28. The procedure of the public inquiry is determined by the inspector, but should allow any person to make representations or appear at the inquiry if they wish. The inspector may refuse to listen to any representations if he feels they are irrelevant. After the inquiry has been concluded to his satisfaction, the inspector will then be in a position to make a decision, and all relevant agencies should comply fully with the verdict.

### **FORM AND CONTENT OF A GATING ORDER**

29. In reality, gating orders are quite simple straightforward documents. Firstly, the order must include a statement asserting that the council have met the

conditions set out in Section 129A(3) of the Highways Act, 1980. In effect, this means that you must state that the council is satisfied that anti-social behaviour and/or crime exists in the area around the gating order, that the existence of such behaviour is exacerbated by the highway and that a gating order would be beneficial for tackling crime and anti-social behaviour in the area. You will not need to include large amounts of detail and so this initial statement should be kept fairly brief.

30. In addition to the initial statement, the order should include:
- the dates and times that the public right of way will be restricted;
  - The location where the gating order will be situated;
  - details of any persons who are excluded from this restriction; and
  - the name and contact details of the person who is responsible for maintaining any gate authorised by the order.
31. There is no statutory model, upon which gating orders should be based.

## **REGISTER OF GATING ORDERS**

32. After an order has been made, it is necessary that they continue to be exhibited in a manner that will draw people's attention to them. Prior to the making of the order a copy of the gating order should have been in place at each end of the highway for at least 28 days, inviting representations as to whether or not the order should be made. This should now be replaced by a copy of the gating order alone, in such a manner that it is still visible to members of the public. Therefore, it is recommended that this notice is again placed in a prominent position at each end of the highway. This notice should be in place for as long as the order is in force and the public's right to use the highway is suspended, and it is the council's responsibility to ensure that it remains visible and legible.
33. A copy of the order should also be placed in a prominent position in the council for at least 12 months from the date the order is made, and should also be published on the council's website as well.
34. A register of all orders and all proposed making, varying and revocation of orders should be kept and maintained by each council. This must be open between 9am and 5pm each day for inspection by members of the general public and councils must supply any copies of these documents to anyone who requests them and pays a reasonable charge, (decided by the council).

## **PROVISION OF KEYS AND MAPS**

35. A number of individuals and groups will have legitimate purpose or business to pass through gates. These can include, but is not limited to, property owners and occupants, statutory undertakers, such as telecommunication companies and utility companies, the emergency services and of course council officers on business.

36. Therefore, early in the process of developing these gating orders, councils should undertake an assessment of the likely number of individuals needing keys to enter the particular highway subject to the gating order.
37. It is important that maps are updated quickly, and it is important that they are issued to the relevant groups who will need them. **In particular it is very important that the emergency services have access to accurate maps. Failure to provide up to date information on the limited passage of gated highways may impact on the speed at which emergency services can provide their service.**

## **VARYING, REVOKING AND REVIEWING A GATING ORDER**

38. Once a gating order is in place, it is possible for the council who originally applied for the order to vary or revoke the order. However, any variation will need to comply with the key principles of reducing crime and anti-social behaviour while not excessively inconveniencing users of the gated highway. Consequently, to revoke or vary an order, it is necessary to follow the same procedure required for making the initial order, i.e. advertising the order in a paper, notifying relevant agencies and individuals, considering representations, and prompting a public inquiry when certain bodies object. In order to follow this correctly, the requirements set out in this guidance should be followed.
39. There is no maximum limit to how long a highway can be gated. However, it is recommended that councils review each of their orders on an annual basis. This review should evaluate whether the gating order is acting as a useful crime or anti-social behaviour reduction measure. It should also assess the impact it is having on the community and discussions should be held with local residents to gauge whether the limited access is causing excessive inconvenience.

## **VERSION**

40. This guidance is version 1 and was published on 24 March 2006.
41. It is important that this guidance remains up to date and relevant. To help us ensure this, if you have any comments on the content or suggestions for improvements please email them to [together@homeoffice.gsi.gov.uk](mailto:together@homeoffice.gsi.gov.uk) using the subject line "Alleygating guidance".

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**Report of Director of Neighborhoods and Housing**

**To Director of City Services and the Director of Development**

**Date: 5 March 2007**

**Subject: Gating Order – Carrholm Grove/Drive and Carrholm Mount/Road**

**Electoral Wards Affected:**

Moortown

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

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**Executive Summary**

The Director of Neighborhoods and Housing is promoting the installation of gates across two footpaths / ginnels in the Carrholm area of the Moortown Ward to temporarily close the highway due to high levels of crime. The proposal has the support of the community and all relevant bodies. This report seeks the approval of the Director of City Services to initiate the legal process for the highway closure.

**1.0 Purpose of this Report**

1.1 The purpose of this report is to seek authority to temporarily close two ginnels. One ginnel links Carrholm Grove to Carrholm Drive and the other links Carrholm Road to Carrholm Mount. Both these ginnels are in the Moortown Ward.

**2.0 Background Information**

2.1 Section 129A to 129G of the Highways Act allows for the making of a gating order to temporarily close a highway in response to high levels of anti-social behavior and crime. The legal provision came into effect on 1<sup>st</sup> April 2006. The adopted status of the highway is unchanged by the order.

2.2 The ginnels leading from Carrholm Drive to Carrholm Grove and from Carrholm Road to Carrholm Mount have been the locus for anti-social behavior (ASB) and crime for a number of years, becoming increasingly worse during 2005-06. The area is a quiet residential area with a very stable population but some of the older residents are moving out of the area due to the decline in quality of life. There are

674 households with 1757 residents in the Carrholm Super Output Area number 1507. The crime domain at 3936, is ranked in the worst 20 percent in England.

- 2.3 Residents have voiced their concerns and anger over the rise in crime and ASB to West Yorkshire Police, Elected Members and council officers. Many of the residents have been victims of crime and criminal damage where offenders have used the ginnels to access and egress properties.
- 2.4 Leeds City Council's Neighbourhoods and Housing Department – Community Safety, ASBU, and Area Management - received emails and phone calls from residents demanding action to address the issues. Public meetings and meetings with individuals have taken place to ascertain the extent of public feeling regarding gating the ginnels to restrict access. The majority of those who attended meetings or have contacted the council by other means, such as email or phone, were in favour of gating the ginnels.
- 2.5 Carrholm Grove-Drive ginnel This ginnel has a very large old tree half way along that is almost the width of the ginnel. The tree provides a focal point for youths to gather, drink, smoke, deface the tree and graffiti. Removal of the tree will not prevent anti-social behaviour or crime being committed in the ginnel. LCC's Forestry officer would prefer that this mature tree remains in situ. At either end of the ginnel there are two houses. All four have been subject to some form of criminal activity including arson, criminal damage and burglary.
- 2.6 Students from Carr Manor High use the ginnel as a route to and from school and at lunch time. Residents have continually been harassed by students who spit, swear, graffiti, litter, damage cars and other property. Anti-social diaries have been kept by residents to show the scale of the problem and to build up evidence against unidentified youth. The ASBU Enforcement Officer for the area has had regular contact with residents to try and identify those causing problems.
- 2.7 Carr Manor High has worked closely with Leeds City Council and West Yorkshire Police to alleviate the problems. They have tried to identify offenders, patrolled the ginnels before and after school and at lunch time, and are in regular contact with PCSOs and NE Leeds Police Division's Youth Services Officers.
- 2.8 Inner NE Leeds Neighbourhood Wardens have also patrolled the ginnels when youth are likely to be in the vicinity. However, troublesome youths are only deterred from committing crime or ASB while there is the presence of uniformed and non-uniformed officers and this is unsustainable.
- 2.9 Carrholm Road-Mount ginnel, - This area has suffered from ASB and crime though to a lesser extent than the above area. When youths have been moved from the Carrholm Grove-Drive ginnel, they have congregated in this one. Displacement would be an issue if the Carrholm Drive-Grove ginnel was gated, and this was not.
- 2.10 The effects of making the order, on the premises adjoining or adjacent to the highways subject to gating would be positive. All residents at those properties were contacted as part of the consultation and all are in agreement that gating the ginnels will improve their quality of life and reduce crime and asb.
- 2.11 The residents concerns are supported by the crime figures. There have been a total of 117 crimes in the Carrholms over the last two year period. This accounts for 0.4% of the divisional crime over this period and 4% of crime within the Meanwood area. This represents a notable amount of crime when taken in to account the small area size of the Carrholms. Carrholm Road and Carrholm Grove have shown to be the predominant crime locations over the past two year period.



- 2.12 Assault, TFMV and damage tend to be the predominant crimes in this area (again crimes that can often be associated with ASB). A significant number of both crime and ASB reports also tended to occur in the evening time between 20:00 and 02:00hrs.
- 2.13 Planning applications to gate the ginnels were submitted on 13 July 2006. Approval was granted on 11 September 2006 (Planning Application PO6/04181/FU/NE).

### **3.0 Main Issues**

#### **3.1 Design Proposals / Scheme Description**

- 3.1.1 The alternative solutions considered for addressing the anti-social behavior at the ginnels have not resolved the situation and are not sustainable. It is now proposed to temporarily close the highway by means of a gating order with a view to stopping the antisocial behaviour and crime which is believed to be associated with the footpaths/ginnels.
- 3.1.2 Self locking gates no higher than 2.3m with matching fencing in galvanized powder coated steel will be installed at both ends of both ginnels to prevent access to the ginnels for those not living in the immediate vicinity.
- 3.1.3 The gates will be locked 24 hours a day. Residents living in the streets connected by the ginnels will be provided with a key on request from Neighbourhoods and Housing's Community Safety Service. The gate locks will be numbered in accordance with the system devised by LCC Community Safety. Emergency and other services will be provided with keys on request. City Services Street Cleaning, Forestry and WYP will also be provided with keys.
- 3.1.4 Community Safety will carry out future maintenance of the gates. A commuted sum has been provided for this purpose.
- 3.1.5 Leeds City Council is required to keep a Register of all Gating Orders, to be available to the public and reviewed annually to determine whether the gating measures are still required. NE Leeds Area Management will carry out the annual review for these gates.

#### **3.2 Consultations**

- 3.2.1 Ward Members: All ward members have been actively involved in promoting these gating orders. The Inner NE Area Committee has allocated £75,000 from the Well Being Capital Fund specifically for gating projects.
- 3.2.2 Residents: On 30 January 2006 approximately 60 residents and users attended a public meeting to discuss gating the area. 41 people signed in favour of gating. Nobody signed to object to the gating. On 23 March 2006 another 50 residents attended another public meeting. Twenty voted in favour of gating while four voted against. Gating of the ginnels was an agenda item of Inner NE Leeds Area Forums in May and June 2006. No objections were received at the three meetings that took place. Street consultations were carried out with residents in June to discuss gate and fence design and height. The residents were presented with a choice of four gate designs. Thirty five residents indicated a design preference. The majority preference will be commissioned. Public meetings were publicized in the media and locally through posters in public places such as shops, school and church. Planning notices were posted at the ends of the ginnels as well as in the Evening Post. No objections were received to the planning application. The neighbourhood wardens identified school children as the main users of the ginnels whilst they were on patrol.

- 3.2.3 Police: NE Leeds Police Division has implemented various strategies to address the problems in this area through the Neighbourhood Policing Team (NPT). When complaints were first received by the police from members of the public living near the ginnel areas, PCSOs were deployed both on foot and bike patrols. As the situation escalated with the suspicion that Class A drugs were being sold and used in the areas concerned, NPT Police Officers were also deployed into the areas. Several arrests were made in addition to numerous stop checks, however the groups were not moving away. An ASB operation was implemented in the area by PCSOs and Police Officers to gather names and details of youths congregating for the purpose of issuing ASB warnings and in some cases applying for full ASBO. This was carried out in partnership with LCC ASBU and to some extent has split the groups up. However due to the proximity of the ginnels to private dwelling houses crimes still occur in the areas of the ginnels. Despite using various tactics such as varying patrols, developing neighbourhood watch schemes, involving other agencies to work with young people, the problems continue due to the ginnels being in the place they are.
- 3.2.4 Community Safety: Neighbourhoods and Housing – Community Safety section is satisfied that the crime element is sufficient to apply for a Gating Order.
- 3.2.5 Highways: Development Department and City Services have both been consulted and have no objections to the proposals. Highways users will need to take alternative routes which will incur short detours however this inconvenience has to be placed in context of the community safety situation. An alternative route from Carrholm Drive would be to use Stainbeck Lane to access Stainbeck Road, which is where the ginnel leads to via Carrholm Grove. Conversely, an alternative route from Carrholm Grove to Carrholm Drive would be to use Stainbeck Road and Stainbeck Lane. This is a reasonable alternative route as it would only add approximately five minutes to the journey. An alternative route from Carrholm Road to Carrholm Mount is via Stainbeck Road. The same route would apply to anyone wanting to reach Carrholm Road from Carrholm Mount. This is a reasonable alternative route as again it would only add approximately five minutes to the journey.
- 3.2.6 Rights of Way: Learning and Leisure Department has been consulted and have no objections to the proposals.
- 3.2.7 Utilities: Utility and other service providers were contacted in June 2006 regarding the proposed gating scheme. No objections were received.
- 3.2.8 Emergencies Services: The Fire, Health and Police Authorities were contacted in June 2006 regarding the proposed gating scheme. No objections were received.
- 3.2.9 Carr Manor High School: Head Teacher at Carr Manor High supports the gating of the ginnels as his staff has had to spend time pre, during and after school, patrolling the areas to deter anti-social behaviour. This is time that otherwise could have been spent on more productive activities with young people.
- 3.2.10 Prescribed Organisations, Local Footpath User Groups and Local Access Forum: Consultation has taken place with these organisations. XXXXXX need to include outcome of LLAFF meeting. None of the others have objected.

### **3.3 Gating Order Publicity**

- 3.3.1 Home Office Guidance regarding publicity relating to the making of Gating Order will be followed.

### **3.4 Implications for Highways Users**

- 3.4.1 The implications for highways users is that there will be a loss of amenity so non-resident users will have to take alternative routes that will incur short detours, referred to in 3.2.5 above. It is unlikely that those who had used the ginnels as a short cut will resort to having to use vehicles if the amenity is lost, as the majority of non-residents are school children and dog walkers.

### **3.5 Programme**

- 3.5.1 It is anticipated that subject to approval these proposals will be implemented in June 2007.

### **4.0 Implications for Council Policy and Governance**

- 4.1 The proposals contained in this report comply with Section 17 of the Crime and Disorder Act 1998 and help to contribute to the safety and well being of the people in the community.

### **5.0 Health Impact**

- 5.1 It is not anticipated that there would be an adverse impact on the health of the users if the amenity was lost as the proposed alternative routes will add very little to journey times and the alternatives are safe pedestrian routes. This meets Leeds Travelwise policy of discouraging private car use and promoting walking to school. There are safe pedestrian crossing facilities on the two main roads, Stainbeck Road and Scott Hall Road, that children walking to schools in the area might use.

### **6.0 Legal and Resource Implications**

- 6.1 Funding has been secured from Inner NE Area Committee for installation and maintenance of the gates and fencing, all legal and administration costs and provision of keys.
- 6.2 Funding does not cover support for a Public Inquiry. This will only be required if there are overwhelming objections to the Gating Orders and in such unlikely circumstances, the continued promotion of the scheme will be reviewed.

### **7.0 Conclusions**

- 7.1 Despite a range of initiatives being implemented in the problem areas, the issues still persist when there is not a uniformed presence in the area. It is unsustainable to deploy council or police officers to this area on a permanent basis. It is clear that a physical barrier would prevent anti-social or criminal youth, who do not live in the vicinity, from entering the ginnels.

### **8.0 Recommendations**

#### **DIRECTOR OF CITY SERVICES**

- 8.1 The Director is requested to:
- i) approve the gating of two ginnels leading from Carrholm Grove to Carrholm Drive, and from Carrholm Road to Carrholm Mount in accordance with attached drawing numbers CHGO1 and CHM02 in accordance with Section 129A of the highways Act 1980;
  - ii) request the Director of Legal and Democratic Services to advertise the notices of intention to make Gating Orders and, in the event that no

objections are received, for the Orders to be made and brought into operation.

DIRECTOR OF DEVELOPMENT

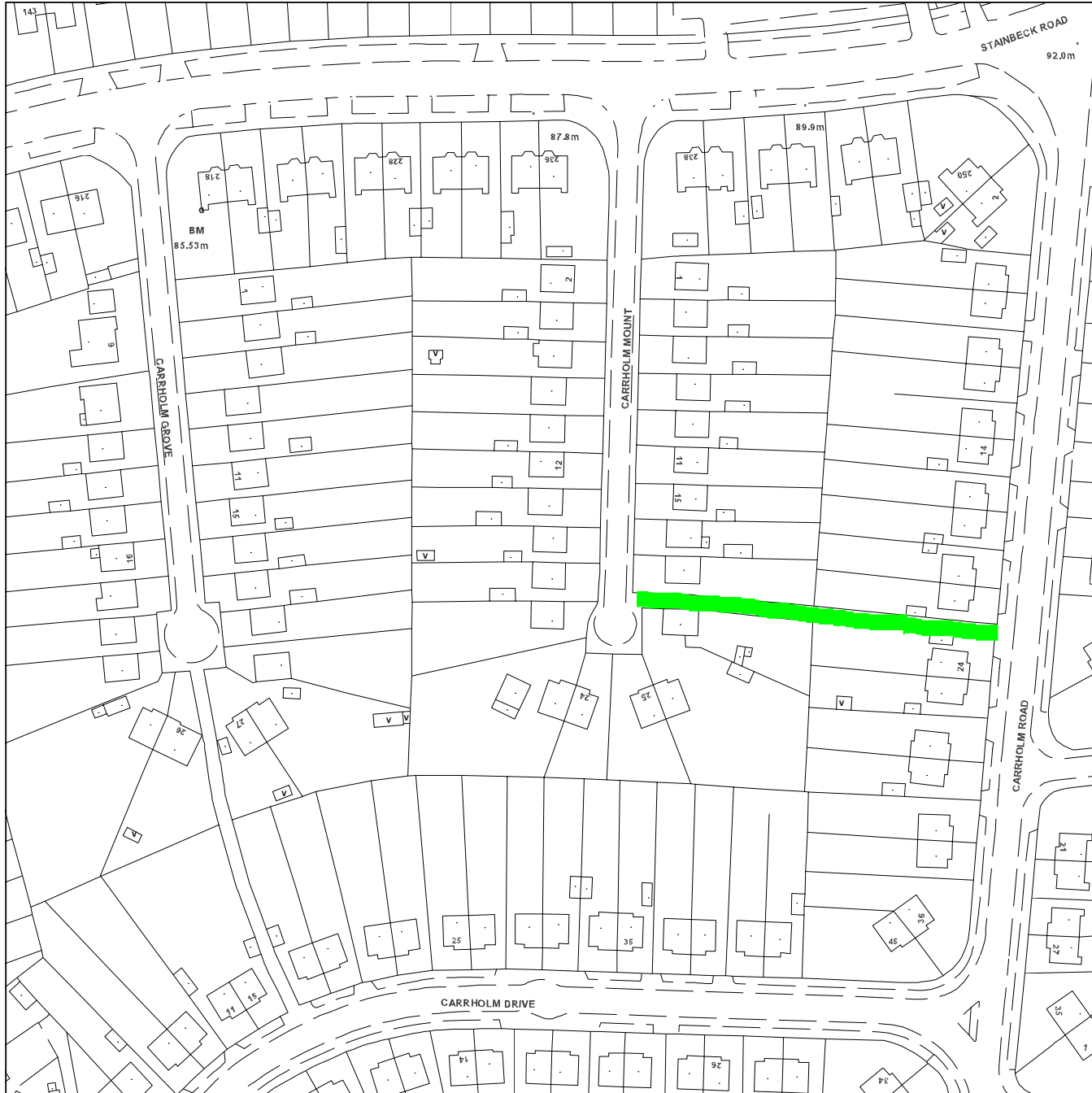
8.2 The Director is requested to note the content of this report.

# GATE-IT ORDER

## CARRHOLM MOUNT- CARRHOLM ROAD



**LEEDS**  
CITY COUNCIL



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<b>Department</b>	DVD
<b>Comments</b>	
<b>Date</b>	14 November 2006
<b>SLA Number</b>	100019567

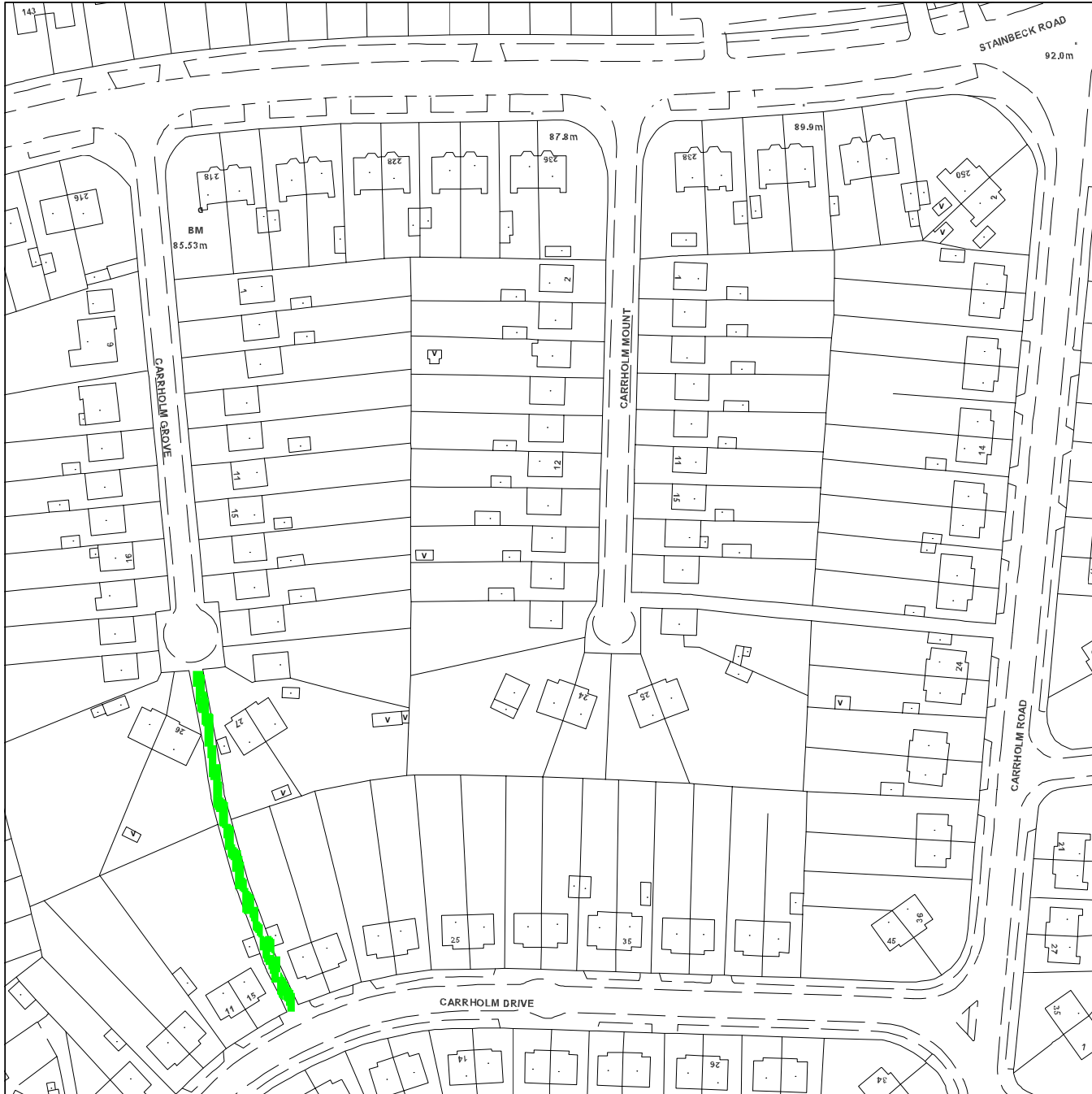
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# GATE-IT ORDER

## CARRHOLM GROVE - CARRHOLM DRIVE



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## Report of Director of Neighborhoods and Housing

To Director of City Services and the Director of Development

Date: 5 March 2007

**Subject: Gating Order – Carrholm Crescent / View / Wensley Green**

### Electoral Wards Affected:

Moortown

### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

## Executive Summary

The Director of Neighborhoods and Housing is promoting the installation of gates across four footpaths / ginnels in the Carrholms / Wensley Green area of the Moortown Ward to temporarily close the highway due to high levels of crime. The proposal has the support of the community and all relevant bodies. This report seeks the approval of the Director of City Services to initiate the legal process for the highway closure.

### 1.0 Purpose of this Report

1.1 The purpose of this report is to seek authority to temporarily close four ginnels. One main ginnel, with four off shoots, links Scott Hall Road to Carrholm Road. The proposal is to keep the main ginnel open but close the four off shoots. One links Carrholm Crescent to the main ginnel; one links Carrholm View to the main ginnel and two link Wensley Green to the main ginnel. These ginnels are in the Moortown Ward.

### 2.0 Background Information

2.1 Section 129A to 129G of the Highways Act allows for the making of a gating order to temporarily close a highway in response to high levels of anti-social behavior and crime. The legal provision came into effect on 1<sup>st</sup> April 2006. The adopted status of the highway is unchanged by the order.

2.2 The ginnels leading from Carrholm Crescent, Carrholm View and Wensley Green, to the main ginnel linking Scott Hall Road with Carrholm Road have been the locus for anti-social behavior (ASB) and crime for a number of years, becoming increasingly worse during 2005-06. The area is a quiet residential area with a very stable population but some of the older residents are moving out of the area due to the decline in quality of life. There are 674 households with 1757 residents in the

Carrholm Super Output Area number 1507. The crime domain at 3936, is ranked in the worst 20 percent in England.

- 2.3 Residents have voiced their concerns and anger over the rise in crime and ASB to West Yorkshire Police, Elected Members and council officers. Many of the residents have been victims of crime and criminal damage where offenders have used the ginnels to access and egress properties.
- 2.4 Leeds City Council's Neighbourhoods and Housing Department – Community Safety, ASBU, and Area Management - received emails and phone calls from residents demanding action to address the issues. Public meetings and meetings with individuals have taken place to ascertain the extent of public feeling regarding gating the ginnels to restrict access. The majority of those who attended meetings or have contacted the council by other means, such as email or phone, were in favour of gating the ginnels.
- 2.5 The four ginnels: These ginnels provide anti-social and criminal youth with a warren of escape routes when evading capture by the police. Drug dealing is common place as it is secluded and police cars cannot access the area. Residents have supplied police with photographs of dealers and buyers who come into the area but apprehending them in the act is very difficult due to the various escape routes available.
- 2.6 Residents have been subjected to drug dealing from their boundary walls, properties have had fences broken repeatedly, repeat burglaries have taken place, garden furniture has been stolen, abusive language and acts have taken place, criminal damage is frequent as is damage to cars and theft from cars.
- 2.7 The ginnels are popular walkways for local residents from either side of the long ginnel but incidents over the past year or more have deterred a number of residents from using them. A number of residents have indicated they would use them again if access was restricted to those living in the vicinity.
- 2.8 Displacement would be an issue if the Carrholm Crescent-View ginnels were gated and the Wensley Green ones were not.
- 2.9 LCC's Neighbourhood Wardens and Youth Service, together with West Yorkshire Police have implemented various strategies to combat the crime and asb. These include carrying out regular foot and bike patrols, stop checks, and taking action against identified perpetrators but youth still gather in this area and a permanent uniformed presence in the area is unsustainable.
- 2.10 The effects of making the order, on the premises adjoining or adjacent to the highways subject to gating would be positive. All residents at those properties were contacted as part of the consultation and all are in agreement that gating the ginnels will improve their quality of life and reduce crime and asb.
- 2.11 The residents concerns are supported by the crime figures. There have been a total of 145 crimes in this area over the last two year period. This accounts for 0.5% of the divisional crime over this period and 7% of crime within the Chapel Allerton area. This represents a notable amount of crime when taken in to account the small area size of the Carrholm Crescent, View and Wensley Green. Wensley Green has shown to be a predominant crime location over the past two year period.
- 2.12 Assault, Theft, TFMV and damage tend to be the predominant crimes in this area (again crimes that can often be associated with ASB). A significant number of both

crime and ASB reports also tended to occur in the evening time between 20:00 and 02:00hrs.

- 2.13 Planning applications to gate the ginnels were submitted on 13 July 2006. Approval was granted on 11 September 2006 (Planning Application PO6/0418o/FU/NE).

### **3.0 Main Issues**

#### **3.1 Design Proposals / Scheme Description**

- 3.1.1 The alternative solutions for addressing the anti-social behaviour at the ginnels have not resolved the situation and are not sustainable. It is now proposed to temporarily close the highway by means of a gating order with a view to stopping the antisocial behaviour and crime which is believed to be associated with the ginnels.
- 3.1.2 Self locking gates no higher than 2.3m with matching fencing in galvanized powder coated steel will be installed at both ends of all four ginnels to prevent access to the ginnels for those not living in the immediate vicinity.
- 3.1.3 The gates will be locked 24 hours a day. Residents living in the streets connected by the ginnels will be provided with a key on request from Neighbourhoods and Housing's Community Safety Service. The gate locks will be numbered in accordance with the system devised by LCC Community Safety. Emergency and other services will be provided with keys on request. City Services Street Cleaning service and West Yorkshire Police will also be provided with keys.
- 3.1.4 Community Safety will carry out future maintenance of the gates. A commuted sum has been provided for this purpose.
- 3.1.5 Leeds City Council is required to keep a Register of all Gating Orders, to be available to the public and reviewed annually to determine whether the gating measures are still required. NE Leeds Area Management will carry out the annual review for these gates.

#### **3.2 Consultations**

- 3.2.1 Ward Members: All ward members have been actively involved in promoting these gating orders. The Inner NE Area Committee has allocated £75,000 from the Well Being Capital Fund specifically for gating projects.
- 3.2.2 Residents: On 23 March 2006 a public meeting took place that was attended by over 50 people. 48 people were in favour of gating the area. Eight voted against gating. Gating of the ginnels was an agenda item of Inner NE Leeds Area Forums in May and June 2006. No objections were received at the three meetings that took place. Street consultations were carried out with residents in June to discuss gate and fence design and height. The residents were presented with a choice of four gate designs. 28 residents indicated a design preference. The majority preference will be commissioned. Public meetings were publicized in the media and locally through posters in public places such as shops, school and church. Planning notices were posted at the ends of the ginnels as well as in the Evening Post. Three letters of support and five objections were received by Planning in response to the planning application. Comments in favour of as well as against the gating of the ginnels can be found in Appendix 1.

- 3.2.3 Police: NE Leeds Police Division has implemented various strategies to address the problems in this area through the Neighbourhood Policing Team (NPT). When complaints were first received by the police from members of the public living near the ginnel areas, PCSOs were deployed both on foot and bike patrols. As the situation escalated with the suspicion that Class A drugs were being sold and used in the areas concerned, NPT Police Officers were also deployed into the areas. Several arrests were made in addition to numerous stop checks, however the groups were not moving away. An ASB operation was implemented in the area by PCSOs and Police Officers to gather names and details of youths congregating for the purpose of issuing ASB warnings and in some cases applying for full ASBO. This was carried out in partnership with LCC ASBU and to some extent has split the groups up. However due to the proximity of the ginnels to private dwelling houses crimes still occur in the areas of the ginnels. Despite using various tactics such as varying patrols, developing neighbourhood watch schemes, involving other agencies to work with young people, the problems continue due to the ginnels being in the place they are.
- 3.2.4 Community Safety: Neighbourhoods and Housing – Community Safety section is satisfied that the crime element is sufficient to apply for a Gating Order.
- 3.2.5 Highways: Development Department and City Services have both been consulted. Development had some concerns regarding publicity and alternative routes. These points are addressed in this report. Highways users will need to take alternative routes which will incur short detours however this inconvenience has to be placed in context of the community safety situation. For those not living in the vicinity (and therefore would not have access keys) wanting to reach Wensley Green via Carrholm Crescent or View, a short detour of approximately five minutes would have to be made. Pedestrians could either go via Carrholm Road – Stainbeck Road – Wensley Drive, or Carrholm Road – Stainbeck Lane – Scott Hall Road – Wensley Drive. The reverse would apply for anyone wanting to access Carrholm Crescent or View via Wensley Green. These are reasonable alternative route as it would only add approximately five minutes to the journey.
- 3.2.6 Rights of Way: Learning and Leisure Department has been consulted and have no objections to the proposals.
- 3.2.7 Utilities: Utility and other service providers were contacted in June 2006 regarding the proposed gating scheme. No objections were received.
- 3.2.8 Emergencies Services: The Fire, Health and Police Authorities were contacted in June 2006 regarding the proposed gating scheme. No objections were received.
- 3.2.9 Carr Manor High School: Head Teacher at Carr Manor High supports the gating of the ginnels as his staff has had to spend time pre, during and after school, patrolling the areas to deter anti-social behaviour. This is time that otherwise could have been spent on more productive activities with young people.
- 3.2.10 Prescribed Organisations, Local Footpath User Groups and Local Access Forum: Consultation has taken place with these organisations. XXXXXX need to include outcome of LLAF meeting. None of the others have objected.

### **3.3 Gating Order Publicity**

- 3.3.1 Home Office Guidance regarding publicity relating to the making of Gating Order will be followed.

### **3.4 Implications for Highways Users**

- 3.4.1 The implications for highways users is that there will be a loss of amenity so non-resident users will have to take alternative routes that will incur short detours, referred to in 3.2.5 above. It is unlikely that those who had used the ginnels as a short cut will resort to having to use vehicles if the amenity is lost, as the majority of non-residents are school children and dog walkers.

### **3.5 Programme**

- 3.5.1 It is anticipated that subject to approval these proposals will be implemented in June 2007.

### **4.0 Implications for Council Policy and Governance**

- 4.1 The proposals contained in this report comply with Section 17 of the Crime and Disorder Act 1998 and help to contribute to the safety and well being of the people in the community.

### **5.0 Health Impact**

- 5.1 It is not anticipated that there would be an adverse impact on the health of the users if the amenity was lost as the proposed alternative routes will add very little to journey times and the alternatives are safe pedestrian routes. This meets Leeds Travelwise policy of discouraging private car use and promoting walking to school. There are safe pedestrian crossing facilities on the two main roads, Stainbeck Road and Scott Hall Road, that children walking to schools in the area might use.

### **6.0 Legal and Resource Implications**

- 6.1 Funding has been secured from Inner NE Area Committee for installation and maintenance of the gates and fencing, all legal and administration costs and provision of keys.
- 6.2 Funding does not cover support for a Public Inquiry. This will only be required if there are overwhelming objections to the Gating Orders and in such unlikely circumstances, the continued promotion of the scheme will be reviewed.

### **7.0 Conclusions**

- 7.1 Despite a range of initiatives being implemented in the problem areas, the issues still persist when there is not a uniformed presence in the area. It is unsustainable to deploy council or police officers to this area on a permanent basis. It is clear that a physical barrier would prevent anti-social or criminal youth, who do not live in the vicinity, from entering the ginnels.

### **8.0 Recommendations**

#### **DIRECTOR OF CITY SERVICES**

- 8.1 The Director is requested to:

- i) approve the gating of four ginnels leading from Carrholm Crescent and Carrholm View to Wensley Green in accordance with attached drawing numbers CHC01, CHV02, WGSE03, WGSW04 in accordance with Section 129A of the highways Act 1980;
- ii) request the Director of Legal and Democratic Services to advertise the notices of intention to make Gating Orders and, in the event that no objections are received, for the Orders to be made and brought into operation.

#### DIRECTOR OF DEVELOPMENT

8.2 The Director is requested to note the content of this report.

## 1.0 Consultation comments

- 1.1 Notification of meetings regarding problem ginnels was carried out in several ways.
- 1.2 The public meetings were publicised in the local press and locally through posters in public places such as shops, school and church. Properties in the streets affected, and surrounding streets were leafleted to promote the meetings.
- 1.3 Planning notices appeared in the Evening Post and local notices were posted at the ends of the ginnels. Residents also received letters informing them of the planning application. Three letters of support were received by Planning from residents. They believe the gates will provide a quieter neighbourhood and less anti-social behaviour.

### Comments in favour of gating

Emails of support have also been received by Community Safety. Comments in support of gating are summarised below.

“I have lived in Wensley Green for x years and in that time we have had our vehicles and those of our visitors broken into on no less than 5 occasions”

“I have found articles of stolen property dumped in the ginnel”

“We have every form of asb, drugs, needles, sex, urinating and worse, endless damage to property and verbal abuse”

“Three cars have been damaged in the last few weeks, one car (brand new) had a wheelie bin thrown on it causing £800 worth of damage.”

“I have had a paint gun shot at my car whilst I was driving it, by a group of 20 plus youths, my back garden shed broken, bike stolen and car radio stolen”.

“My boundary wall been kicked in”

“A gang of youths threw poster paint over my caravan.... The empty bottles of paint were found thrown in the ginnel”

“We have had 3 break ins, 6 attempted break ins, replaced double glazing twice in the front room, we have had 4 sets of porch doors replaced, lost count of how many times we have had intruders in the garden and on one of these occasions my husband was threatened”.

- 1.4 Gating of the ginnels was an agenda item of Inner NE Leeds Area Forums in May and June 2006. No objections were received at the three meetings that took place.

## 2.0 Objections to gating

- 2.1 Objections to the gating that were voiced at the public meetings were mainly from people who did not live in the area but used the ginnels to walk dogs, or who lived nearby but had not suffered from any of crime or anti-social behaviour that has affected a number of residents. Residents in the area will be provided with a key to enable them to access the ginnels if they are gated.

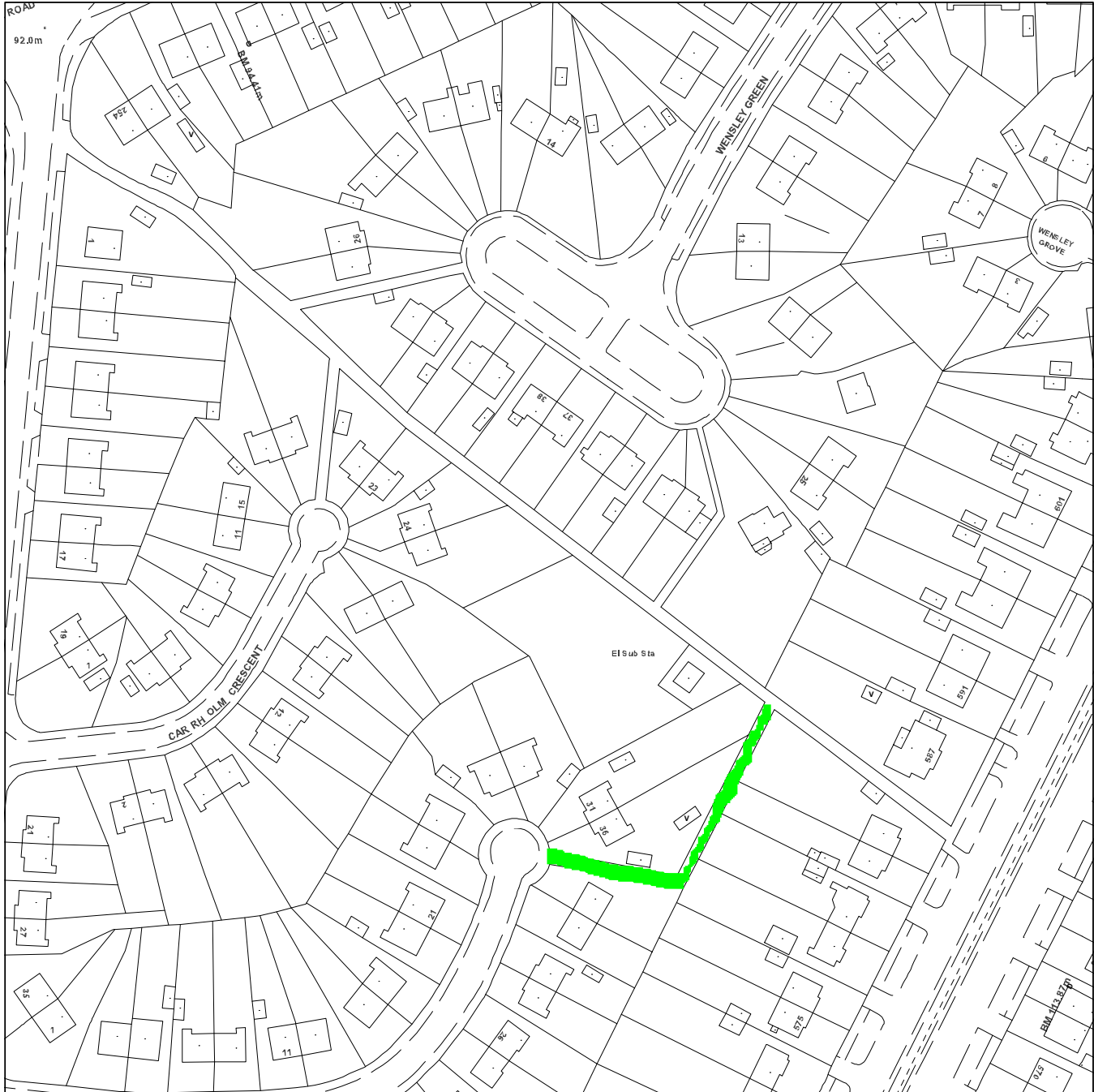
- 2.2 Planning received five letters of objection in response to the planning notices that were posted at the ends of the ginnels and sent to residents personally.
- 2.3 Objection 1 – ***Ginnels are used regularly and as a safe route to school and should be unlocked between school hours and paths must be maintained.***  
 Response – It is no safer to use the ginnels than it is to walk on the streets. From a community safety perspective it is probably more dangerous to use the ginnels than it is to use the streets as they are secluded from public view so anything could happen to a child or other vulnerable person and nobody would be able to see what was happening. City Services clean ginnels once a year as a basic service. Limited resources do not allow for more frequent regular cleaning though the Pride Teams do clean ginnels that are badly overgrown when requested.
- 2.4 Objection 2 – ***These are established Public Rights of Way, not ginnels (narrow alley between two walls or buildings).***  
 Response – Ginnel or alley, there is no dispute about this being a Public Right of Way.
- 2.5 Objection 3 – ***Will not reduce crime as police use them on the beat, need to tidy them up and maintain them and improve lighting to encourage more people to use them. People will break into the alleyway to congregate.***  
 Response – The police believe it will reduce crime and are fully supportive of gating this area. They will have keys to access all areas. The police are not convinced that people will scale a 2.3 metre gate or fence in order to congregate as they would then be in a contained area which would make it very easy for the police to apprehend them.
- 2.6 Objection 4 – ***This should be applied to all ginnels or none. It will attract congregation to the remaining open ginnels.***  
 Response – The council and police recognize that displacement could be an issue which is why the Carrholm Grove/Drive area is being gated at the same time. These two areas are very close and it is expected that if one area is gated and the other is not, then the un-gated area will be even more vulnerable to crime and asb.
- 2.7 Objection 5 – ***Gates too high, and should be at end of footpaths. Concerns about how public consultation was carried out and then cited in the supporting information.***  
 Response – The gates meet planning regulations and will be sited in the most appropriate place. Consultation took place through Area Committee forums, through public meetings held specifically to address this issue, and on the streets themselves. The meetings were publicised locally and in the press. Elected Members chaired all the meetings and the notes from the meetings were taken by council officers. Substantial consultation has taken place regarding this scheme.





# GATE-IT ORDER

## CARRHOLM VIEW - LINK FOOTWAY



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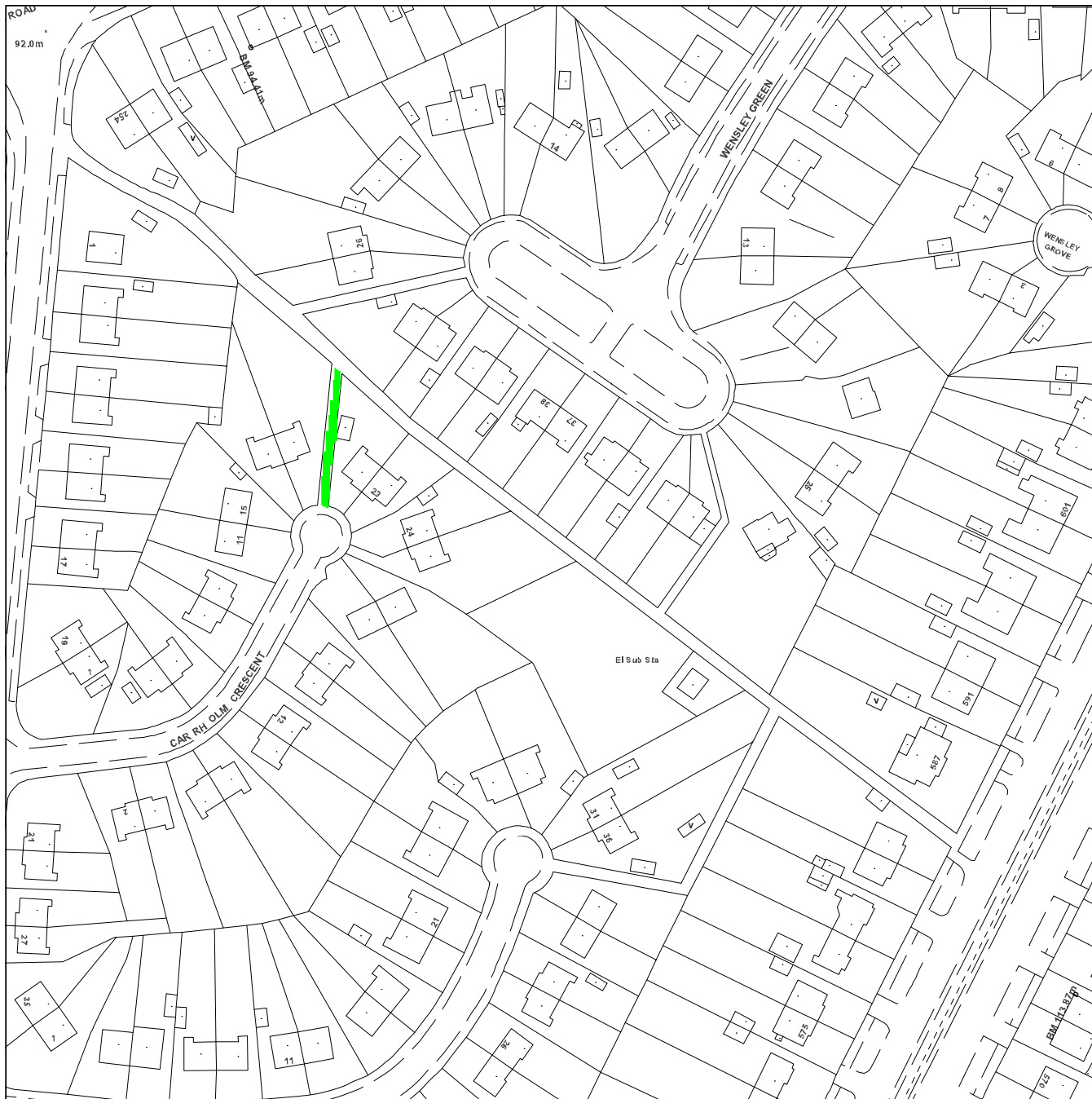
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<b>Comments</b>	
<b>Date</b>	14 November 2006
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# GATE-IT ORDER

## CARRHOLM CRESCENT - LINK FOOTWAY



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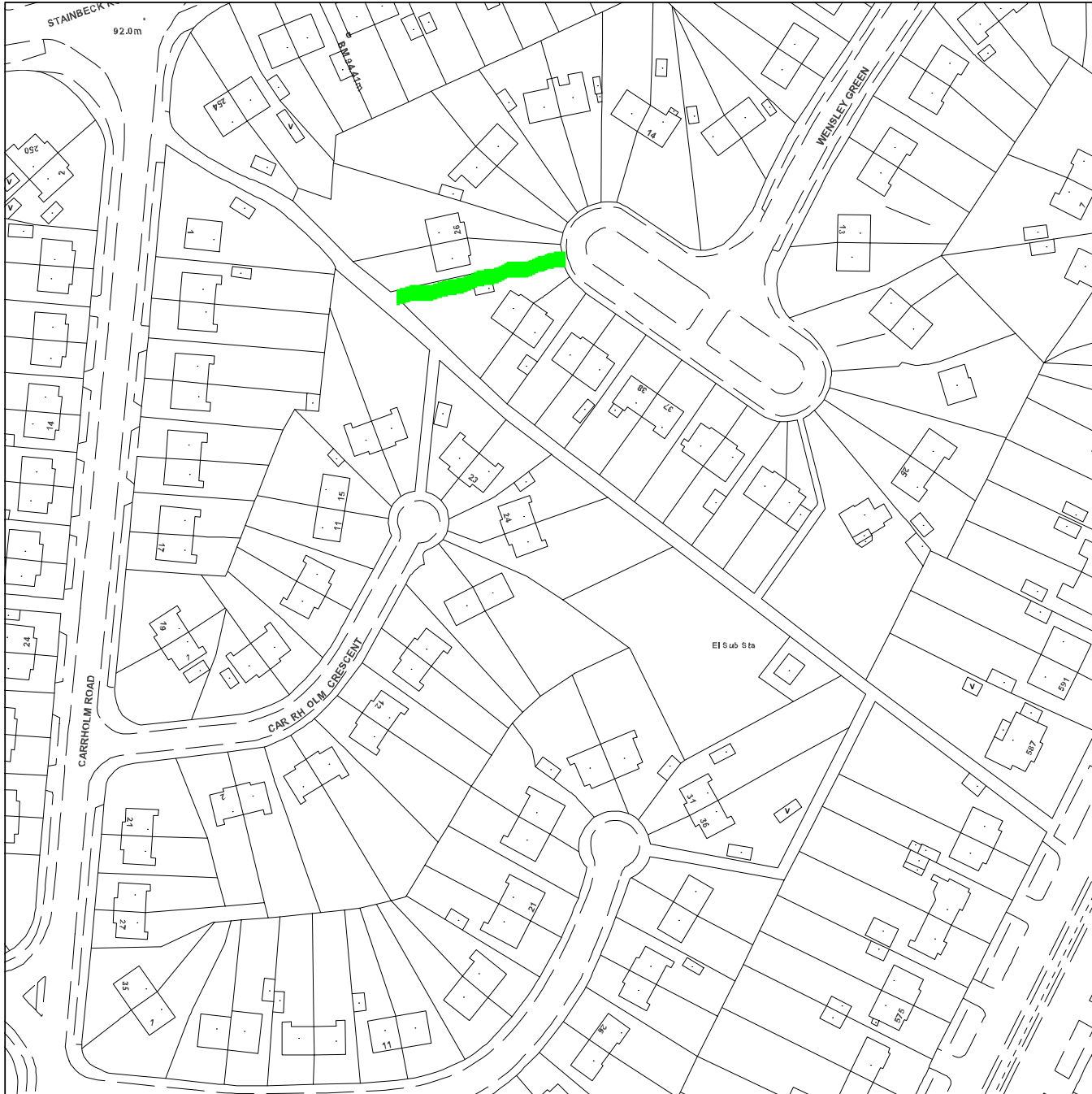
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# GATE-IT ORDER

## WENSLEY GREEN - SOUTH WEST LINK FOOTWAY



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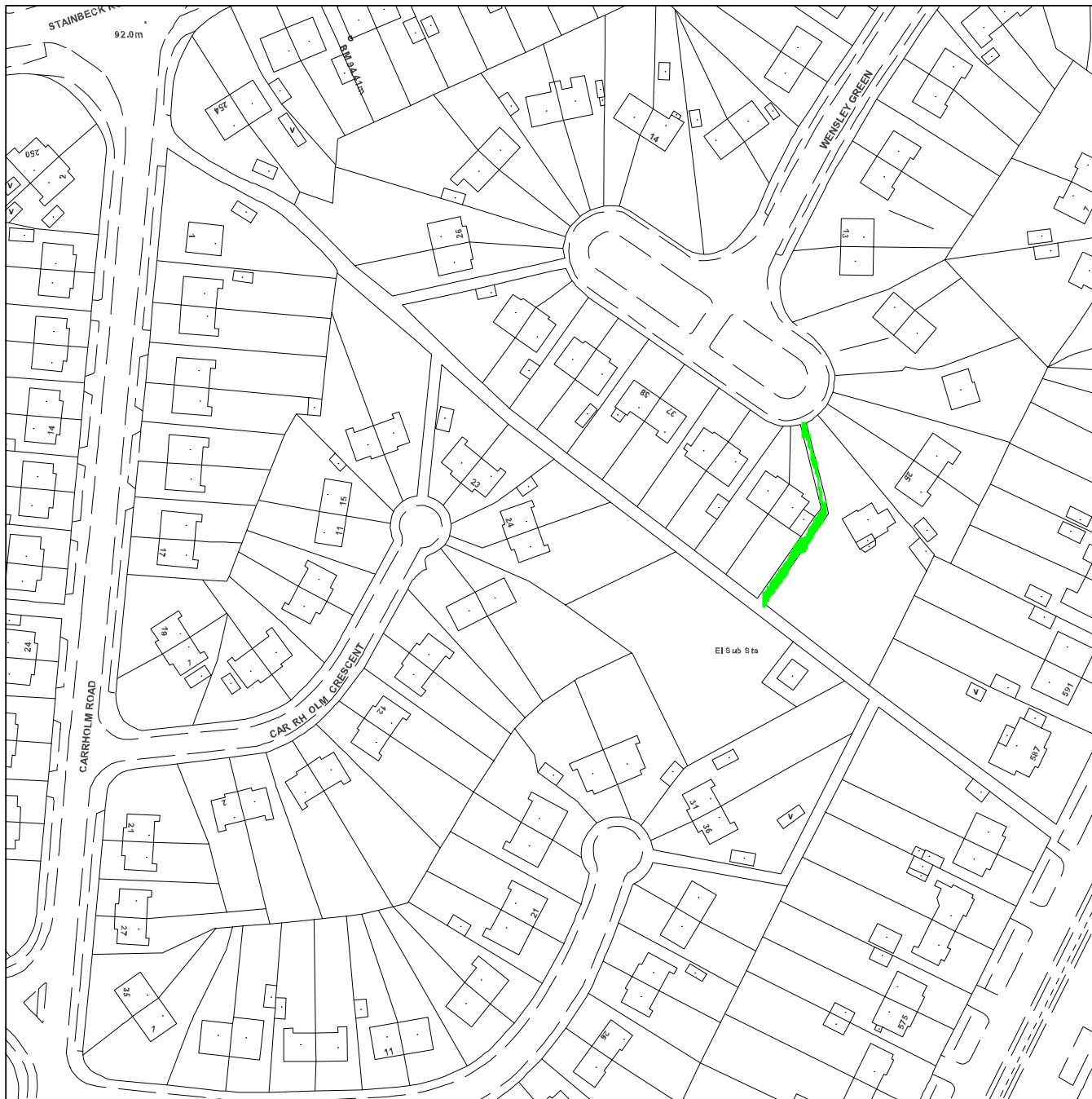
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# GATE-IT ORDER

## WENSLEY GREEN - SOUTH EAST LINK FOOTWAY



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**Report of Director of Neighborhoods and Housing**

**To Director of City Services and the Director of Development**

**Date: 5 March 2007**

**Subject: Gating Order – Back Pasture Road, Harehills, Leeds**

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**Electoral Wards Affected:**

Gipton and Harehills

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

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**Executive Summary**

The Director of Neighborhoods and Housing is promoting the installation of gates across a carriageway in the Pasture Road area of the Gipton and Harehills Ward to temporarily close the highway due to high levels of crime. The proposal has the support of the community and all relevant bodies. This report seeks the approval of the Director of City Services to initiate the legal process for the highway closure.

**1.0 Purpose of this Report**

1.1 The purpose of this report is to seek authority to temporarily close the carriageway. The carriageway runs at the rear of Pasture Road and Harehills Avenue. This carriageway is situated in the Gipton and Harehills Ward.

**2.0 Background Information**

2.1 Section 129A to 129G of the Highways Act allows for the making of a gating order to temporarily close a highway in response to high levels of anti-social behavior and crime. The legal provision came into effect on 1<sup>st</sup> April 2006. The adopted status of the highway is unchanged by the order.

2.2 This back road is split into 2 parts. The first links Spencer Place to Shepherds Place and the second part links Shepherds Place to Ellers Road. This back road has been the focus for anti-social behavior (ASB) and crime for a number of years. The area is a busy, built-up residential area with a changing population. There are 419 households with 1484 residents in the Pasture Road LSOA (Lower Layer Super

Output Areas). The crime domain at 3496, is ranked in the worst 20 percent in England.

- 2.3 Residents have voiced their concerns and anger over the rise in crime and ASB to West Yorkshire Police, Elected Members and council officers. Many of the residents have been victims of crime and criminal damage where offenders have used the back road to access and egress properties.
- 2.4 Leeds City Council's Neighbourhoods and Housing Department – Community Safety, ASBU, and Area Management - received emails and phone calls from residents demanding action to address the issues. Local Ward Councillors have also expressed their concern with the issues occurring in the area. Meetings with individuals have also taken place to ascertain the extent of the problems in the area.
- 2.5 Back Pasture Road is hidden from view of the main highway running from Chapeltown through to Harehills (Harehills Avenue) and thus creates a 'hidden' area for drug dealers to meet their customers away from public view. Residents have reported vehicles parking up at the ends of Back Pasture Road to drop off drugs and report a high level of fear and intimidation from drug dealers.
- 2.6 The drug dealing also attracts drug users and several 'unsavoury' individuals have been seen purchasing their drugs from dealers in the area. This has caused much fear of crime amongst local residents and may explain the high levels of different crimes occurring in the area.
- 2.7 This back road provides a quick cut through and ideal escape route for criminals operating in the area. It is also an ideal alternative route for vehicles seeking quick and easy access from Chapeltown to Harehills and vice versa, and many residents have expressed their concern over speeding motor vehicles in the back road, and the danger that this creates for locals using the back road for access and exit to and from the rear of their properties.
- 2.8 The ASBU Enforcement officer for the area has had regular contact with residents to try to identify those causing problems in the area.
- 2.9 Inner NE Leeds Neighbourhood Wardens have regularly patrolled the area and reported several incidences to the Police and ASBU.
- 2.10 West Yorkshire Police NE Leeds Neighbourhood Police Team have worked tirelessly in the area to alleviate some of the problems. This has included the input of PCSO's to patrol the area, although unfortunately, reported problems appear to occur when a uniformed presence is unavailable, and providing such presence on a constant basis is unsustainable.
- 2.11 The effects of making the order for properties adjoining or adjacent to the highways subject to the gating would be positive. All residents, and owners of rented property along with lettings agents who look after property in the affected area were contacted as part of the consultation and all were in agreement that gating the back road would improve their quality of life and reduce crime and ASB.
- 2.12 The concerns of the residents are supported by the crime figures. There have been a total of 114 crimes in the affected area over the last 3 years which accounts for 0.25% of the Police divisional crime for this area and 0.7% of the total crime for the Gipton and Harehills ward. This represents a considerable amount when taking into consideration the fact that the area in question is merely a back road that is only supposed to provide access to the residents living adjacent to it.
- 2.13 Criminal damage, violent crime and drugs offences tend to be the most prominent crimes in the area and support residents' claims that drug dealing and using

continues to occur in the back street. Of reported incidences (not recorded as a crime), nuisance, general ASB and public disorder appear most prominent.

- 2.14 A planning application to gate this back road was submitted on 08<sup>th</sup> August 2006. Planning approval was granted on 03<sup>rd</sup> October 2006.

### **3.0 Main Issues**

#### **3.1 Design Proposals / Scheme Description**

- 3.1.1 A lot of hard work continues to take place in the area to eradicate the problems. Despite this, the area continues to be blighted by crime and ASB. It is now proposed to temporarily close the highway by means of a gating order with a view to stopping the ASB and crime which is believed to be associated with the back road.
- 3.1.2 Self locking gates no higher than 2.3m with matching fencing in galvanized powder coated steel will be installed at both ends of each part of the carriageway to prevent access to the back road for those not living in the immediate vicinity.
- 3.1.3 The gates will be locked 24 hours a day. Residents living in the properties adjoining or adjacent to the back road will be provided with a key on request from Neighbourhoods and Housing's Community Safety Service. The gate locks will be numbered in accordance with the system devised by LCC Community Safety. Emergency and other services will be provided with keys on request. City Services Street Cleaning, Forestry and WYP will also be provided with keys.
- 3.1.4 Community Safety will carry out future maintenance of the gates. A commuted sum has been provided for this purpose.
- 3.1.5 Leeds City Council is required to keep a Register of all Gating Orders, to be available to the public and reviewed annually to determine whether the gating measures are still required. Leeds Community Safety will carry out the annual review for these gates.

#### **3.2 Consultations**

- 3.2.1 Ward Members: All ward members have been actively involved in promoting these gating orders. Leeds Community Safety will pay 50% of the funding for the project out of its SSCF capital budget (Safer Stronger Communities Fund), and the Inner NE Area Committee will match fund the remaining 50% from an allocated £75,000 from the Well Being Capital Fund specifically for gating projects.
- 3.2.2 Residents: On 03<sup>rd</sup> July 2006 all residents in the adjoining and adjacent area were sent postal consultation packs to ascertain their views about the possibility of alleygating in the area. Packs were also sent to landlords and lettings agents of property in the affected area. Residents not responding to the postal consultation were re-visited by the alleygating officer so that a better response to the consultation could be achieved. Residents living in gable end properties were visited separately to discuss gate design and location, and to gather permissions from them for any works to their property to go ahead. Planning notices were posted at the ends of the back road as well as in the Yorkshire evening Post. No objections were received to the planning application.
- 3.2.3 Police: NE Leeds Police Division has been aware of the problems at Back Pasture Road and has implemented various strategies to address the problems in the area through the Neighbourhood Policing Team (NPT). Back Pasture Road falls within a hotspot area for drugs offences and extra resources have been implemented in the area to target these problems. NPT Police officers along with Police Community

Support officers (PCSO) have been deployed on foot and on pedal bike to patrol this hotspot area and several arrests of both dealers and users have followed. However the area continues to suffer from drug offences and was included as part of an ongoing Police operation which has seen the use of extra police patrols as well as providing further, uniformed presence with the use of PCSO and Neighbourhood wardens. Various problematic individuals have been identified through stop checks and the ASB officer has worked on a number of issues in the area, although there appears to be a distinct lack of information available from residents, mainly through fear of crime and reprisals. Despite using various tactics such as varying patrols (particularly to night patrols when many of the crimes seem to be occurring in this area), involving other agencies to provide other resources and despite work continuing in the area as part of the ongoing Police operation in the area, the problems continue to occur.

- 3.2.4 Community Safety: Neighbourhoods and Housing – Community Safety section is satisfied that the crime element is sufficient to apply for a Gating Order.
- 3.2.5 Highways: Development Department and City Services have both been consulted and have no objections to the proposals. Highways users will need to take alternative routes which will incur short detours however this inconvenience has to be placed in context of the community safety situation. Alternative routes exist along Harehills Avenue and Pasture Road. These are reasonable alternative routes and add very little time to the journey. They can also be assumed to be safer routes to take rather than the back road as users would be in full view of the fronts of properties and to traffic using both the busy Harehills Avenue and Pasture Road.
- 3.2.6 Rights of Way: Learning and Leisure Department has been consulted and have no objections to the proposals.
- 3.2.7 Utilities: Utility and other service providers were contacted regarding the proposed gating scheme. No objections were received.
- 3.2.8 Emergencies Services: The Fire, Health and Police Authorities were contacted regarding the proposed gating scheme. No objections were received.
- 3.2.9 Prescribed Organisations and the Local Access Forum: Consultation has taken place with these organisations. XXXXXX need to include outcome of LLAF meeting. None of the others have objected.

### **3.3 Gating Order Publicity**

- 3.3.1 Home Office Guidance regarding publicity relating to the making of Gating Order will be followed.

### **3.4 Implications for Highways Users**

- 3.4.1 The implications for highways users is that there will be a loss of amenity so non-resident users will have to take alternative routes that will incur short detours, referred to in 3.2.5 above. It is unlikely that those who had used the back road as a short cut will resort to having to use vehicles if the amenity is lost, as the majority of non-residents live in very close proximity to the back road.

### **3.5 Programme**

- 3.5.1 It is anticipated that subject to approval these proposals will be implemented in June 2007.

## **4.0 Implications for Council Policy and Governance**

4.1 The proposals contained in this report comply with Section 17 of the Crime and Disorder Act 1998 and help to contribute to the safety and well being of the people in the community.

## **5.0 Health Impact**

5.1 It is not anticipated that there would be an adverse impact on the health of the users if the amenity was lost as the proposed alternative routes will add very little to journey times and the alternatives are safe pedestrian routes. This meets Leeds Travelwise policy of discouraging private car use and promoting walking to school.

## **6.0 Legal and Resource Implications**

6.1 Funding has been secured from Leeds Community Safety and the Inner NE Area Committee for installation and maintenance of the gates and fencing, all legal and administration costs and provision of keys.

6.2 Funding does not cover support for a Public Inquiry. This will only be required if there are overwhelming objections to the Gating Orders and in such unlikely circumstances, the continued promotion of the scheme will be reviewed.

## **7.0 Conclusions**

7.1 Despite much multi-agency work occurring in the problem area, the issues still persist when there is not a uniformed presence in the area. It is unsustainable to deploy council or police officers to this area on a permanent basis. It is clear that a physical barrier would prevent anti-social or criminal person or persons, who do not live in the vicinity, from entering the back road.

## **8.0 Recommendations**

### DIRECTOR OF CITY SERVICES

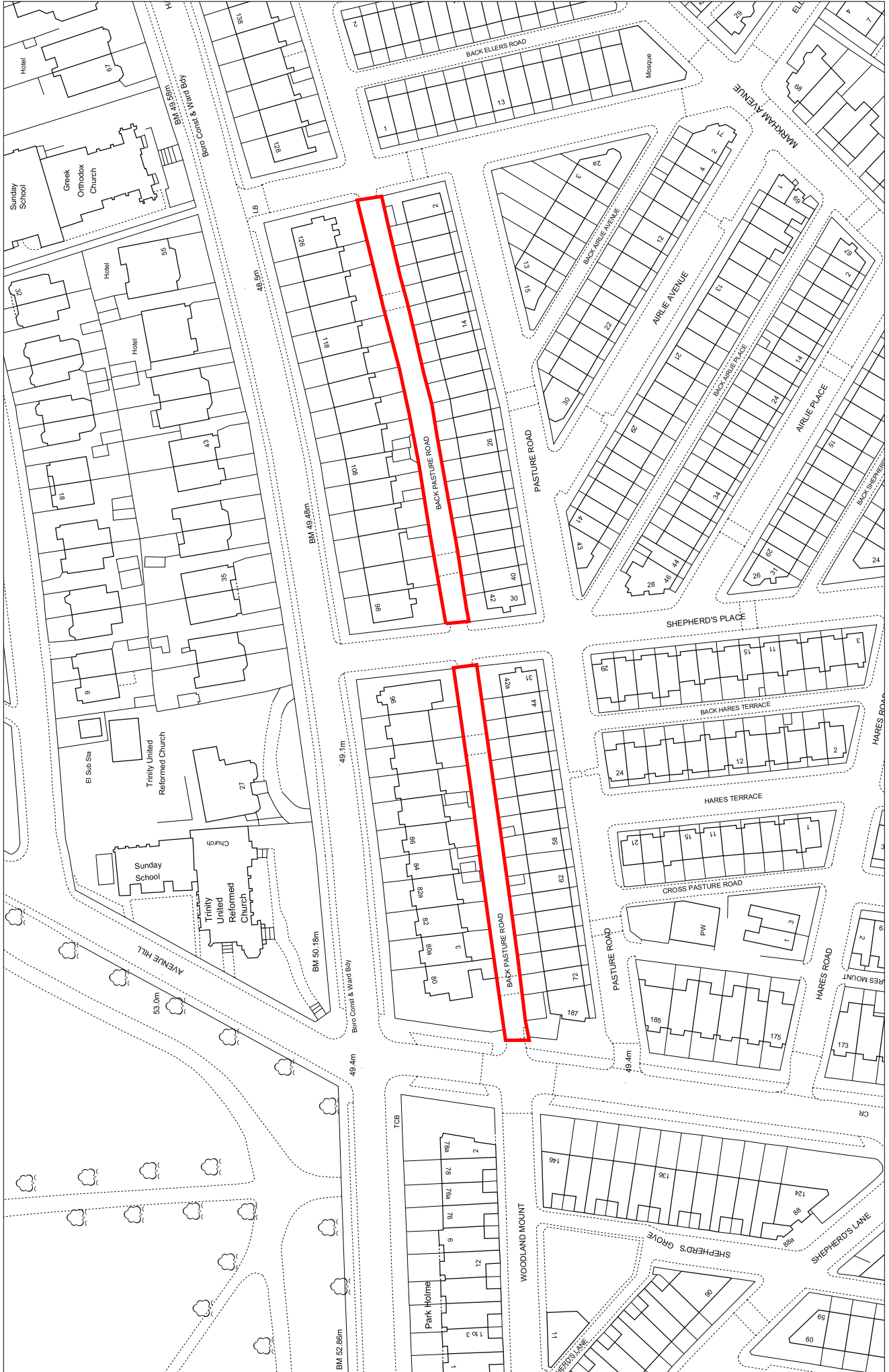
8.1 The Director is requested to:

- i) approve the gating of Back Pasture Road, leading from Spencer Place to Shepherds Place, and Shepherds Place to Ellers Road in accordance with the attached drawing in accordance with Section 129A of the highways Act 1980;
- ii) request the Director of Legal and Democratic Services to advertise the notices of intention to make Gating Orders and, in the event that no objections are received, for the Orders to be made and brought into operation.

### DIRECTOR OF DEVELOPMENT

8.2 The Director is requested to note the content of this report.

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Scale : 1/1250

PRODUCED BY THE DEVELOPMENT DEPARTMENT, LEEDS CITY COUNCIL

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**Report of Director of Neighborhoods and Housing**

**To Director of City Services and the Director of Development**

**Date: 5 March 2007**

**Subject: Gating Order – Back Stratford Terrace, Beeston, Leeds**

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**Electoral Wards Affected:**

City and Hunslet

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

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**Executive Summary**

The Director of Neighborhoods and Housing is promoting the installation of gates across a carriageway in the Stratford Terrace area of the City and Hunslet Ward to temporarily close the highway due to high levels of crime. The proposal has the support of the community and all relevant bodies. This report seeks the approval of the Director of City Services to initiate the legal process for the highway closure.

**1.0 Purpose of this Report**

1.1 The purpose of this report is to seek authority to temporarily close the carriageway. The carriageway runs at the rear of Stratford Terrace and Stratford Street. This carriageway is situated in the City and Hunslet Ward.

**2.0 Background Information**

2.1 Section 129A to 129G of the Highways Act allows for the making of a gating order to temporarily close a highway in response to high levels of anti-social behavior and crime. The legal provision came into effect on 1<sup>st</sup> April 2006. The adopted status of the highway is unchanged by the order.

2.2 This back road is split into 3 parts, but alleygating shall only be erected at the bottom end of Back Stratford Terrace adjacent to properties numbered 2-58 Stratford Terrace and 27-77 Stratford Street. This back road has been the focus for anti-social behaviour (ASB) and crime for a number of years. The area is a built-up residential location with a changing population. There are 609 households with 1524

residents in the Stratford Terrace LSOA (Lower Layer Super Output Areas). The crime domain at 1639, is ranked in the worst 10 percent in England.

- 2.3 Residents have voiced their concerns over the rise in crime and ASB to West Yorkshire Police, Elected Members and council officers. Many of the residents have been victims of crime and criminal damage where offenders have used the back road to access and egress properties.
- 2.4 Leeds City Council's Neighbourhoods and Housing Department – Community Safety, ASBU, and Area Management - received emails and phone calls from residents demanding action to address the issues. Local ward councilors have also expressed their concern with the issues occurring in the area. Meetings with residents have also taken place to ascertain the extent of the problems in the area.
- 2.5 Back Stratford Terrace is part of a tight network of streets that is visible from the main roads. It is located just off 'Stratford Square' – a notorious gathering place for gangs of troublesome youths – and is used as a route for quick escape from the area. West Yorkshire Police South Leeds Neighbourhood Police Team is aware that Back Stratford Terrace provides an ideal location for ASB and criminal activity. Due to the close proximity of the back road to Stratford Square, there have been many reports from residents about ASB, criminal damage and noise nuisance. There has also been a rise in people's fear of crime in the area due to the numbers of congregating youths there.
- 2.6 Another concern is that residents living adjacent to the back road leave their rear doors open during the day, and there have been a number of sneak-in burglaries in this area because of this behaviour. Whilst the back road is fairly visible, it still provides some coverage to criminals carrying out these activities. Much work has been done by the Police and other agencies, such as Neighbourhood Wardens to tackle this problem.
- 2.7 This back road makes an ideal 'rat run' for motor vehicles moving around the estate. Many adjacent properties house young families and there is concern amongst residents that they cannot allow their children out in the back road to play due to the numbers and speeds of motor vehicles using the back road.
- 2.8 The NPT along with other agencies have attempted to address some of these issues by visiting residents and working closely with local community groups to alleviate some of the issues. Various strategies have been implemented in the area to address the youth congregation and associated problems. This has included increasing patrols in the area at different times of the day by the Police, PCSO's and Neighbourhood Wardens. Unfortunately a constant uniformed presence is unsustainable and the problems in the area have persisted.
- 2.9 The effects of making the order for properties adjoining or adjacent to the highway subject to gating would be positive. All residents and owners of any rented property along with lettings agents who look after property in the affected area were contacted as part of the consultation and all were in agreement that gating the back road would improve their quality of life and reduce their fear of crime and ASB.
- 2.10 The residents concerns are supported by the crime figures. There have been a total of 158 crimes in the Stratford Terrace area over the last two year period. This accounts for 0.5% of the total crime within the City and Hunslet ward.
- 2.11 Assault, damage to dwelling and damage to and theft from motor vehicles tend to be the predominant crimes in this area. A significant number of both crime and ASB reports occur during the summer months when there is an increase in youth congregation in the area.

2.12 Planning applications to gate the back road was submitted on 13 September 2006. Approval was granted on 9<sup>th</sup> November 2006 (Planning Application P/06/05566/LA).

### **3.0 Main Issues**

#### **3.1 Design Proposals / Scheme Description**

- 3.1.1 Work continues in the area to eradicate the problems. Despite this, the area continues to suffer from crime and ASB. It is now proposed to temporarily close the highway by means of a gating order with a view to stopping the ASB and crime which is believed to be associated with the back road.
- 3.1.2 Self locking gates no higher than 2.3m with matching fencing in galvanized powder coated steel will be installed at both ends of the back road to prevent access for those not living in the immediate vicinity.
- 3.1.3 The gates will be locked 24 hours a day. Residents living in the streets connected by the back road will be provided with a key on request from Neighbourhoods and Housing's Community Safety Service. The gate locks will be numbered in accordance with the system devised by LCC Community Safety. Emergency and other services will be provided with keys on request. City Services Street Cleaning, Forestry and WYP will also be provided with keys.
- 3.1.4 Community Safety will carry out future maintenance of the gates. A commuted sum has been provided for this purpose.
- 3.1.5 Leeds City Council is required to keep a Register of all Gating Orders, to be available to the public and reviewed annually to determine whether the gating measures are still required. Leeds Community Safety will carry out the annual review for these gates.

#### **3.2 Consultations**

- 3.2.1 Ward Members: All ward members have been actively involved in promoting these gating orders. Leeds Community safety will pay 50% of the funding for the project with the rest coming via the inner south Leeds Intensive Neighbourhood Management fund (INMF).
- 3.2.2 Residents: On 3<sup>rd</sup> July 2006 all residents in the adjoining and adjacent area were sent postal consultation packs to ascertain their views about the possibility of alleygating in the area. Packs were also sent to landlords and lettings agents of property in the affected area. Residents not responding to the postal consultation were re-visited by the alleygating officer so that a better response to the consultation could be received. Residents and / or owners living in gable-end properties were visited separately to discuss gate design and location, and to gather permissions from them for any works to their property to go ahead. Planning notices were posted at the ends of the back road as well as advertised in the Yorkshire evening Post. No objections were received to the planning application
- 3.2.3 Police: The last 12 months has seen much work carried out by the NPT. There have been a number of operations in the area dealing with different aspects of crime occurring there. One such operation – Deltiology – took place in the area to tackle the ASB and criminal damage in the area. This has had reasonable success. There has also been a two-fold initiative to combat the sneak-in burglary in the area. The first element of this involved speaking with residents and offering to 'Smartwater' (security mark) their property. The second element involved the referral of local residents to CASAC for target hardening (locks, alarms, lighting, etc). Again, these initiatives have had a positive effect in the area but it is felt

alleygating will not only complement these, but provide a much sterner deterrent towards the ongoing issues. Work is also being carried out to include the area in a Police dispersal zone so that the gangs of congregating youths will be moved on, but it is felt necessary that alleygating be implemented into the area to prevent them from moving into the back road more permanently.

- 3.2.4 Community Safety: Neighbourhoods and Housing – Community Safety section is satisfied that the crime element is sufficient to apply for a Gating Order.
- 3.2.5 Highways: Development Department and City Services have both been consulted and have no objections to the proposals. Highways users will need to take alternative routes which will incur short detours however this inconvenience has to be placed in context of the community safety situation. An alternative route exists via the main streets (Stratford Terrace, Stratford Street, Lady Pit Lane and Bude Road. These provide reasonable alternative routes as they add very little time (seconds) to the journey and provide a safer and more visible route.
- 3.2.6 Rights of Way: Learning and Leisure Department has been consulted and have no objections to the proposals.
- 3.2.7 Utilities: Utility and other service providers were contacted regarding the proposed gating scheme. No objections were received.
- 3.2.8 Emergencies Services: The Fire, Health and Police Authorities were contacted regarding the proposed gating scheme. No objections were received.
- 3.2.9 Prescribed Organisations and Local Access Forum: Consultation has taken place with these organisations. XXXXXX need to include outcome of LLAF meeting. None of the others have objected.

### **3.3 Gating Order Publicity**

- 3.3.1 Home Office Guidance regarding publicity relating to the making of Gating Order will be followed.

### **3.4 Implications for Highways Users**

- 3.4.1 The implications for highways users is that there will be a loss of amenity so non-resident users will have to take alternative routes that will incur short detours, referred to in 3.2.5 above. It is unlikely that those who had used the back road as a short cut will resort to having to use vehicles if the amenity is lost.

### **3.5 Programme**

- 3.5.1 It is anticipated that subject to approval these proposals will be implemented in June 2007.

### **4.0 Implications for Council Policy and Governance**

- 4.1 The proposals contained in this report comply with Section 17 of the Crime and Disorder Act 1998 and help to contribute to the safety and well being of the people in the community.

### **5.0 Health Impact**

- 5.1 It is not anticipated that there would be an adverse impact on the health of the users if the amenity was lost as the proposed alternative routes will add very little to

journey times and the alternatives are safe pedestrian routes. This meets Leeds Travelwise policy of discouraging private car use and promoting walking to school.

## **6.0 Legal and Resource Implications**

- 6.1 Funding has been secured from Leeds Community Safety and the Inner South Leeds Area Committee (INMF) for installation and maintenance of the gates and fencing, all legal and administration costs and provision of keys.
- 6.2 Funding does not cover support for a Public Inquiry. This will only be required if there are overwhelming objections to the Gating Orders and in such unlikely circumstances, the continued promotion of the scheme will be reviewed.

## **7.0 Conclusions**

- 7.1 Despite a range of initiatives being implemented in the problem area, the issues still persist when there is not a uniformed presence in the area or at different times of the year when youth congregation grows. It is unsustainable to deploy council or police officers to this area on a permanent basis. It is clear that a physical barrier would prevent anti-social or criminal youth, who do not live in the vicinity, from entering the back road.

## **8.0 Recommendations**

### DIRECTOR OF CITY SERVICES

- 8.1 The Director is requested to:
- i) approve the gating of Back Stratford Terrace leading from Lady Pit Lane to Bude Road in accordance with the attached drawing in accordance with Section 129A of the highways Act 1980;
  - ii) request the Director of Legal and Democratic Services to advertise the notices of intention to make Gating Orders and, in the event that no objections are received, for the Orders to be made and brought into operation.

### DIRECTOR OF DEVELOPMENT

- 8.2 The Director is requested to note the content of this report.

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## Statutory Instrument 2006 No. 798

### **The Dog Control Orders (Procedures) Regulations 2006**

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## STATUTORY INSTRUMENTS

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**2006 No. 798**

### **DOGS, ENGLAND**

#### **CONTROL OF DOGS**

#### **The Dog Control Orders (Procedures) Regulations 2006**

<i>Made</i>	<i>10th March 2006</i>
<i>Laid before Parliament</i>	<i>16th March 2006</i>
<i>Coming into force</i>	<i>6th April 2006</i>

The Secretary of State is, in relation to England, the appropriate person as defined in section 66(a) of the Clean Neighbourhoods and Environment Act 2005<sup>[1]</sup>, for the purpose of exercising the powers conferred by section 56(4) and (5) of that Act, and makes the following Regulations in exercise of those powers:

#### **Title, commencement and application**

##### **1. These Regulations—**

- (a) may be cited as the Dog Control Orders (Procedures) Regulations 2006;
- (b) come into force on 6th April 2006;
- (c) apply in England only.

#### **Interpretation**

##### **2. In these Regulations—**

"access authority" and "access land" have the meaning they bear in Part I of the Countryside and Rights of Way Act 2000<sup>[2]</sup>;  
"the Act" means the Clean Neighbourhoods and Environment Act 2005;  
"Authority" means either a primary authority

or a secondary authority as defined in section 58 (primary and secondary authorities) of the Act; and  
"local access forum" means a local access forum established under section 94 of the Countryside and Rights of Way Act 2000.

**Procedures before and after making, or amending, a dog control order**

**3.**—(1) Before making a dog control order under section 55 of the Act, an Authority shall—

(a) consult upon its proposal to make the order by publishing a notice of that proposal in a local newspaper circulating in the area in which the land in respect of which the order would apply is situated;

(b) consult every other Authority having power under section 55 of the Act to make a dog control order in respect of all or part of the land in respect of which the proposed order would apply; and

(c) where all or part of the land in respect of which the proposed order would apply is access land, consult—

(i) the access authority for that access land, and

(ii) the local access forum for that access land,

and, in respect of any of that access land that is not situated in a National Park, the Countryside Agency.

(2) The notice referred to in paragraph (1)(a) shall—

(a) identify the land in respect of which the order is to apply, and, if any of the land is access land, state that this is the case;

(b) summarise the order;

(c) where the order refers to a map, state where the map may be inspected at an address within the Authority's area, and that

any inspection shall be free of charge at all reasonable hours during the period mentioned in sub-paragraph (d);

(d) state the period within which representations may be made in writing or by e-mail, such period being not less than 28 days after the publication of the notice; and

(e) state the address and e-mail address to which representations may be sent.

(3) After making a dog control order, an Authority shall, not less than seven days before the day on which the order is to come into force—

(a) where practicable, place signs summarising the order in conspicuous positions on or near the land in respect of which it applies;

(b) publish, in a local newspaper circulating in the area in which the land in respect of which the order applies is situated, a notice that the order has been made and stating the place at which it may be inspected and copies of it obtained;

(c) make the information referred to in sub-paragraph (b) available on its website (if any);

(d) send the information referred to in sub-paragraph (b) to every other Authority having power under section 55 of the Act to make a dog control order in respect of all or part of the land in respect of which the order applies;

(e) where the order applies in respect of any access land, send the information referred to in sub-paragraph (b) to—

(i) the access authority, and

(ii) the local access forum,

for that access land, and to the Countryside Agency.

(4) This regulation shall apply to the amendment

of a dog control order as if references to its making were to its being amended.

#### **Revocation of a dog control order**

**4.**—(1) Before revoking a dog control order it has made, an Authority shall—

(a) consult upon its proposal to revoke the order by publishing a notice of that proposal in a local newspaper circulating in the area in which the land in respect of which the order applies is situated;

(b) consult every other Authority having power under section 55 of the Act to make a dog control order in respect of all or part of the land in respect of which the order applies; and

(c) where all or part of the land in respect of which the order applies is access land, consult—

(i) the access authority for that access land, and

(ii) the local access forum for that access land,

and, in respect of any of that access land that is not situated in a National Park, the Countryside Agency.

(2) The notice referred to in paragraph (1) shall—

(a) identify the land in respect of which the order applies;

(b) summarise the order;

(c) where the order refers to a map, state where the map may be inspected at an address within the Authority's area, and that any inspection shall be free of charge at all reasonable hours during the period mentioned in sub-paragraph (d);

(d) state that representations may be made in writing or by e-mail within the period of 28 days after the publication of the notice; and

(e) state the address and e-mail address to which representations may be sent.

(3) If an Authority decides to revoke a dog control order it shall—

(a) publish a notice of that decision in a local newspaper circulating in the area in which the land in respect of which the order to be revoked is situated, and specifying the date (which shall not be earlier than the date on which the notice is published) on which the revocation is to have effect;

(b) make the information referred to in sub-paragraph (a) available on its website (if any);

(c) send the information referred to in sub-paragraph (a) to every other Authority having power under section 55 of the Act to make a dog control order in respect of all or part of the land in respect of which the order to be revoked applies

(d) where the order to be revoked applies in respect of any access land, send the information referred to in sub-paragraph (a) to—

(i) the access authority, and

(ii) the local access forum,

for that access land, and the Countryside Agency.

*Ben Bradshaw*  
Parliamentary Under Secretary of State Department  
for Environment, Food and Rural Affairs

Date 10th March 2006

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Regulations prescribe the procedures to be observed by a primary or secondary authority (as described in section 58 of the Clean Neighbourhoods and Environment Act 2005(c.16)) (an "Authority") in making a dog control order (an "order") under section 55 of that Act, or when amending or revoking such an order. (The offences and penalties capable of being included in, and model forms to be followed when making, a dog control order are prescribed in the Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006 (S.I. 2006/XXXX).)

The Regulations prescribe that before making an order an Authority shall consult on its proposal by publishing a notice in a newspaper circulating in the area in which the land to which the order would apply is situated (*regulation 3(1)(a)*) and shall also consult every other Authority that has the power to make an order in respect of all or part of the same land (*regulation 3(1)(b)*). The required contents of the newspaper notice are prescribed in *regulation 3(2)*.

Where any of the land to which a proposed order would apply is "access land" as defined in the Countryside and Rights of Way Act 2000(c.37), additional consultees are prescribed in respect of that access land (*regulation 3(1)(c)*).

The Regulations require an Authority to publicise the making and effect of an order before it comes into force (*regulation 3(3)*).

The Regulations apply the same consultation and information requirements to the making of any amendment to an order (*regulation 3(4)*).

The Regulations also prescribe similar consultation and information requirements for the revocation of an order (*regulation 4*).

A full regulatory impact assessment of the effect of the then Clean Neighbourhoods and Environment Bill was prepared (dog control orders are dealt with on pp.58-60), and was deposited in the libraries of both Houses of Parliament; copies of it are available from the Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street,

London SW1E 6DE. A separate regulatory impact assessment has not been produced for these Regulations as they have no impact on the costs of business.

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*Notes:*

[1] 2005 c.16.[back](#)

[2] 2000 c.37; for "access authority" see section 1(2) and for "access land" see section 1(1).[back](#)

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