
Report of Director of Neighborhoods and Housing

To Director of City Services and the Director of Development

Date: 5th February 2008

Subject: Gating Order – Wellington Mount / Wellington Terrace

Electoral Wards Affected:

Bramley and Stanningley

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Executive Summary

The Director of Neighbourhoods and Housing is promoting the installation of gates across two footpaths / ginnels in the Wellingtons area of the Bramley and Stanningley 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 adopted highways. These highways are narrow footpaths with one linking the top of Wellington Mount with the top of Wellington Terrace and the other linking the top of Wellington Terrace with Wellington Grove. Both these footpaths are in the Bramley and Stanningley 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 1st April 2006. The adopted status of the highway is unchanged by the order.

2.2 These paths leading from Wellington Mount to Wellington Terrace and from Wellington Terrace through to Wellington Grove have been the focus for anti-social behavior (ASB) and crime for a number of years, becoming increasingly worse in recent years. The area is a quiet residential area with a very stable population.

There are 648 households with 1405 residents in the Wellington Super Output Area. The crime domain at 1149 is ranked in the worst 5 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 two paths as a place to commit crime and anti-social behaviour and to make good their escape from the Police. Residents living in the gable end properties adjacent to each of these paths have suffered particularly badly with one of the residents being subjected to an assault and one of the properties suffering from fire damage to the side wall.
- 2.4 Leeds City Council's Neighbourhoods and Housing Department – Community Safety, and Area Management - received emails and phone calls from residents demanding action to address the issues. Meetings with individuals have taken place to ascertain the extent of public feeling regarding gating the footpaths to restrict access. The majority of those who were spoken to on site or who have contacted the council by other means, such as email or phone, were in favour of gating the highways. A preliminary consultation was carried out with local residents living in and around the Wellingtons and the results were overwhelmingly in favour of gating (see appendix 2).
- 2.5 Wellington Mount to Wellington Terrace – This adopted footpath runs at the side of 34 Wellington Mount and 35 Wellington Terrace and is served by one street lamp which is operational. The path is relatively well maintained and in good condition.
- 2.6 Wellington Terrace to Wellington Grove – This is also an adopted footpath and runs at the side of 36 Wellington Terrace and 35 Wellington Grove. This path is also served by one street lamp which has been vandalized to a point where it no longer operates correctly. The path itself is well maintained and has no signs of littering.
- 2.7 Both these narrow paths are well covered; firstly by the gable end walls on one side and secondly by thick shrubbery that grows on the embankment at the other side. This shrubbery has lent itself to many reported incidents over recent years as it provides suitable coverage to offenders. There have been several incidents concerning the dumping of litter and bulky items on these embankments and on one occasion, a dumped armchair was set on fire.
- 2.8 There have been many reports by local residents of youth congregation on the paths and this has led to the occurrence of several incidents of anti social behaviour, incorporating criminal damage, nuisance, underage drinking and vandalism.
- 2.9 Much of the recorded crime for the area is focused within the streets served by the two footpaths. Incidents include vehicle crime (theft from motor vehicle and damage to motor vehicle), theft (other), burglary dwelling, assault, damage to dwelling, arson and several incidents of ASB including loutish behaviour, intimidation and general nuisance. In many cases residents report that the paths are used as means for offenders to access and egress these streets. In one incident of domestic burglary, stolen property was recovered by a complainant in the path at the end of Wellington Mount. This shows that the paths are used as a means to make good an escape from the estate. It can also be argued that the presence of these paths makes the streets just off them more attractive to the would-be criminal as they allow quick access into the neighbouring St.Catherine's estate at the other side of Wellington Grove. By restricting access to these paths just to the two gable end properties siding onto each path, it would ensure that the attractiveness of being able to use them for quick escape, and/or congregation would be removed. Restriction of these paths would also make Policing of this estate much easier as offenders would have to use the main road (Broad Lane and/or Wellington Grove) as an alternative means

of escape. These roads are in view of the public and provide little opportunity for escaping attention.

- 2.10 These paths have been the subject of much trouble for the last couple of years and increased Police patrols have taken place in the area to try and reduce the problems occurring there. Neighbourhood Wardens and Police Community Support Officers (PCSO's) have been deployed in the area to provide back up cover when police patrols are not possible. Crime Reduction leaflets have been delivered to properties in the area and advice from Wardens and the PCSO's has been given to residents who have experienced problems.
- 2.11 Over the last 2 years, complainants have been visited by various agencies, including West Yorkshire Police and Leeds City Council, in order to obtain information about offenders. Unfortunately the Police report that many residents questioned are unable to identify the offenders and report that offenders come from outside the Wellington estate to commit crime there. They are then often seen using the footpaths in question as their means of escape from the estate.
- 2.12 As complaints have increased in the area, West Yorkshire Police have had to deploy a CCTV van into the area to try to catch some of the offenders on film. Unfortunately this facility is not available for long periods and it has been unsuccessful in capturing any of the trouble occurring in the Wellingtons and/ or by the footpaths.
- 2.13 The effects of making the order for properties adjoining or adjacent to the footpaths subject to the gating would be positive. All residents and owners of property in the area were contacted as part of the consultation and the majority was in agreement that gating these footpaths would improve their quality of life and reduce crime and ASB.
- 2.14 The concerns of the residents are supported by the crime statistics (see appendix 1 'Wellington Analysis: Area of Study'). Over the last two years during the period 19/02/05 to 18/02/07, total crime for Wellington Mount / Terrace / Grove was 65 offences. This works out at 1.5% of the total crime for the police beat that covers this area (total crime for Beat 6 for this period was 4245 offences). It also accounts for just over 1% of the total recorded crime for the Bramley and Stanningley ward over the same period (total recorded crime for period by ward was 6272 crimes).
- 2.15 Certainly the number of recorded criminal damage incidents in the area supports the resident feedback information which identifies that many residents in the locality have suffered from incidents of criminal damage and vehicle damage.
- 2.16 What is also evident is that many incidents are not reported by residents for one reason or another and thus a true reflection of the problems occurring at the Wellingtons is difficult to obtain. This may explain why the number of reported incidences in the locality falls slightly lower than the Leeds District average (Are rate of 69.4 incidences per 1000 population / household compared to 71.2 incidences per 1000 across the Leeds District). What is clear is that these footpaths may not be the actual location for the problems occurring here but they ARE the source by which crime and ASB in the area is aided.
- 2.17 A planning application to gate these footpaths was submitted on November 2007. A decision is expected by 15th January 2008 (Planning Application no.P/07/07235/LA/W).

3.0 Main Issues

3.1 Design Proposals / Scheme Description

- 3.1.1 The alternative solutions considered for addressing the crime and anti-social behavior occurring within close proximity to these paths have not resolved the situation and are not sustainable. It is now proposed to temporarily close these paths 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.
- 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 footpaths to prevent access to the paths for those not living in the immediate vicinity.
- 3.1.3 The gates will be locked 24 hours a day. Residents living in the four gable-end properties that adjoin these paths will be offered a key if they so wish so that access can be gained to the side of their properties. These keys will be available from Neighbourhoods' and Housing's Community Safety Service. The gate locks will be numbered in accordance with the master key system devised by LCC Community Safety. Emergency and other services will be provided with keys on request. Any council departments requiring access to the paths will also be able to request keys for the gates.
- 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. The Alleygating Coordinator at Leeds Community Safety will carry out the annual review for these gates.

3.2 Consultations

- 3.2.1 Ward Members: Ward members have been extremely vocal in their support for alleygating to the Wellingtons and they have no objections to the proposals.
- 3.2.2 Residents: In September 2007 pre-consultation took place with local residents living adjacent or adjoining the two footpaths in question.
- 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 Wellington Mount through to Wellington Terrace would be to use Broad Lane adjacent to the bottom of Wellington Mount. In theory the only residents that this detour affects are those living near and at the top of Wellington Mount. Using Broad Lane is a sensible and reasonable alternative route as it would only add approximately a minute to the journey. An alternative route from Wellington Terrace to Wellington Grove also exists via Broad Lane and again, dependant on where the resident lives, the estimated addition to this alternate route would be approximately 1 minute.

- 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 November 2007 regarding the proposed gating scheme. No objections were received.
- 3.2.8 [Emergencies Services: The Fire, Health and Police Authorities were contacted in November 2007 regarding the proposed gating scheme. No objections were received.](#)
- 3.2.9 Whitecote Primary School: Head Teacher at Whitecote Primary School supports the gating of these paths. Recreation land belonging to the school backs onto both these paths.
- 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 footpaths as a short cut will resort to having to use vehicles if the amenity is lost.

Programme

- 3.5.1 It is anticipated that subject to approval these proposals will [be implemented in April 2008.](#)

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 Leeds Community Safety will fund 50% of the costs with match funding secured from West Leeds 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 elements that do not live in the vicinity, from entering the footpaths.

8.0 Recommendations

DIRECTOR OF CITY SERVICES

- 8.1 The Director is requested to:
- i) approve the gating of two footpaths leading from Wellington Mount to Wellington Terrace, and from Wellington Terrace to Wellington Grove 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.