
Report of *Alleygating Coordinator, Leeds Community Safety*

Report to the Chief Highways Officer

Date: 13th May 2008

Subject: Proposed Review Process for Alleygating in Leeds

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In
(Details contained in the report)

Executive Summary

From April 1st 2006, new legislation has been introduced to allow for the making of gating orders to temporarily close a highway for the purposes of crime reduction. Leeds Community Safety has promoted the gating of problematic carriageways both before and after the new legislation being introduced. This report seeks to inform the Chief Officer for Highways of the proposed annual review process for Alleygating in Leeds as required through the current legislation.

1.0 Purpose of this Report

1.1 The purpose of this report is to inform the Chief Officer for Highways of the proposed annual review process for Alleygating in Leeds.

2.0 Background Information

2.1 Leeds Community Safety (LCS) has led the way with Alleygating schemes in Leeds since 2003. Whilst LCS acknowledges that a number of these temporary closures were carried out unlawfully (due to lack of relevant legislation available), it does recognise that these closures will need a relevant gating order to ensure they become lawful obstructions.

2.2 It has been agreed that LCS will look to pursue gating orders for each of these pre-legislation closures on a rolling programme, as and when funds and time permit. As a result of this, LCS will begin a review of the earliest, pre-legislation gates from July 2008 (subject to approval from the Chief Highways Officer). This will take in 12 gated back streets in East Leeds, one gated backstreet in North East Leeds and

one gated backstreet in North West Leeds. At present, there are a total of 33 gated back streets (59 gates) across the city that were erected pre-legislation. The remaining 19 gated back streets to be reviewed shall be done so on a rolling basis starting with the earliest schemes first. It is estimated that the review process will take up to, but not exceed 3 months to complete. This will allow for a 4 week consultation period, 6-8 week request period for crime stats and / or other necessary info. It should also incorporate a 2-4 week period for analysis, report writing and presentation of any decisions taken. If, at the conclusion of the review period, the decision is taken to apply for a gating order, this process would then take precedence over further reviews being carried out.

- 2.3 The purpose of this review will be to ascertain if these gates are still required. This shall be determined by the outcome of up to date crime stats for the area along with feedback received by all owner / occupiers, and should also incorporate the opinions of the local Neighbourhood Policing Team (NPT). Should the outcome of the review be in support of continued gating, gating order reports will be submitted thereafter as per the gating orders procedures currently followed by LCS.
- 2.4 The review should supersede the need for pre-consultation to be carried out, which is part of the standard procedure within the Gating Orders process.

3.0 Main Issues

3.1 The proposed review process for post-legislative gating schemes

- 3.1.1 As per Section 129A and 129G of the Highways Act (Gating Orders), all gating orders in place will need to be reviewed on an annual basis to ensure that the temporary closure is still warranted.
- 3.1.2 The proposed procedure for the annual review shall include the following process:
- Crime and Anti-Social Behaviour statistics 12 months before gates installed and 12 months immediately after gates installed.
 - Consult with local NPT to ascertain their opinions regarding the gates under review. Do they still see a need for the gates under review?
 - Postal questionnaire (see Appendix 1) to be sent to all owners / occupiers of property within the review area. A 28 day period should be allowed for responses.
 - The review area will be site visited to carry out a site audit (to include issues such as appearance of gated area, any damage to gates, gates left open, etc). This will help determine what effect the gates have in the review area.
 - Responsibility for decision making as a result of the review process should be taken and put in writing by the Alleygating Coordinator. This will take the form of a brief report to explain the decision taken and which will include a table of 'considerations' (see Appendix 2) that will influence the final decision taken.
 - Should it be deemed necessary to revoke the order, reasons for this shall be reported to the Chief Officer for Highways for their consideration. They shall make the final decision regarding the supporting or not of this recommendation.

3.1.3 Post-legislative gating orders up for review are Back Pasture Road, Harehills and the Carrholms / Wensleys ginnels, Meanwood. The review process for these will also take place from July 2008 (subject to Chief Highways Officer approval).

3.2 Potential outcomes of the review process and considerations

3.2.1 There are three suggested outcomes available as a result of any review process. These are:

- Temporary restriction (gates / fencing) is still necessary and is kept in place for a further 12 months.
- The gating order remains in place but the gates are locked open subject to a period of no less than 3 months to allow for the monitoring of the site, and to establish if gates are still necessary for the purposes of crime prevention and community safety.
- Temporary restriction is no longer required.

3.2.2 Should crime and / or ASB in the review area still remain high enough to warrant the continued temporary restriction, AND support of the majority of responding owner / occupiers support a continuation of the restriction, it shall be the responsibility of the Alleygating Coordinator to recommend this to the Chief Officer for Highways for consideration.

3.2.3 Where the outcome of a review regarding pre-legislative (Non-gating orders) schemes is in support of it continuing, and there is a majority support of the owners / occupiers in the gated area, AND the crime statistics back this up, a gating order report will be submitted to the Chief Officer for Highways for consideration as per normal gating order procedures.

3.2.4 Where the outcome of a review shows that there is no longer the need for a temporary restriction, either through low crime and / or ASB stats, and / or also strong opposition from owners / occupiers, the Alleygating Coordinator shall recommend that the gating order be considered for revocation. Where the council looks to revoke a gating order, the process will follow a similar process to the one used for the application of a gating order (legal notification of intent to revoke a gating order).

3.2.5 PLEASE NOTE: Where the outcome of a review regarding pre-legislative gating schemes highlights major opposition to its continuation, Leeds Community Safety will look at the feasibility of removing these gates / fences. Where this occurs, all relevant partners should be notified, i.e. refuse services.

3.3 Possible Issues arising from review process

3.3.1 Should the outcome of any such review process regarding gating schemes support the revoking of the gating order and thus the removal of the temporary restriction, careful consideration needs to be given to the impact this might have on the gated area. Firstly there will need to be an assessment of the time and funding required to carry out the revocation process, and both these factors should be available before the revoking of a gating order is pursued.

3.3.2 Secondly, the cost of removal of the gates / fences will need to be considered. There may also be an issue regarding inconvenience this causes to local residents.

3.3.3 Thirdly, where the crime stats no longer support gating schemes BUT there is considerable support for their continued usage by the local residents, consideration

should be given to the impact upon the gated area should the gates be removed (will crime and ASB return?)

- 3.3.4 Finally, consideration should be given to the potential political response to the removal of any gates and / or the revoking of a gating order, where applicable. It is important to note that the majority of these gating schemes were match funded by area committees, with the decision to support the match funding of these schemes made by local ward members. It is therefore important that the review process includes the opinions of the local ward members before any decisions are taken.

3.4 Proposals

- 3.4.1 Subject to the agreement of this Board, Leeds Community Safety intends to carry out all forthcoming reviews of gating orders in place over a period of 12 months, as well as those pre-legislative schemes mentioned at 2.2. The process shall take the form of that stated at 3.1.2.
- 3.4.2 Any decision taken by the Alleygating Coordinator regarding the outcome of reviews shall be presented as a written report for consideration by the Chief Officer for Highways. Where it is recommended that gating orders remain in place for a further 12 month period, they shall remain recorded as such on the Highways street register kept under Section 36 of the Highways Act 1980.
- 3.4.3 Where it is recommended that a gating order be revoked, and / or the temporary restriction be removed, careful consideration should be given to points 3.3.1 to 3.3.4 before a final decision is taken.

4.0 Recommendations

- 4.1 The Chief Officer for Highways is requested to note the content of this report.
- 4.1.2 The Chief Officer is requested to approve the proposed review process as recommended by Leeds Community Safety as part of the requirement of the Gating Order legislation.