
REPORT TO THE CHIEF HIGHWAYS OFFICER

DATE: 13TH MAY 2008

Subject: Design & Cost Report

Scheme Title: GATING ORDER – WHITE LAITHE GARTH, WHINMOOR
Capital Scheme Number:

Electoral Wards Affected:

CROSSGATES AND WHINMOOR

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

The Director of Environment and Neighbourhoods is promoting the installation of gates across a footpath in the Whinmoor area of the Crossgates and Whinmoor 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 Chief Highways Officer 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 an adopted highway. This highway is a narrow footpath linking the cul-de-sac end of White Laithe Garth to playing fields behind Fieldhead Carr Primary School. This footpath is in the Crossgates and Whinmoor Ward (see Appendix 1 & 2).

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 01 April 2006. The adopted status of the highway is unchanged by the order.

2.2 This path has been the focus for anti-social behavior (ASB) and crime for a number of years. The area is a quiet residential area with a stable population, many of whom are older adults. There are approximately 661 households with 1603 residents in the relevant Super Output Area. The crime domain at 9728 is ranked in the worst 30 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. A number of residents have been victims of crime and criminal damage where offenders have used the path as a place to commit crime and anti-social behaviour and to make good their escape from the Police. As the path is at the end of a cul-de-sac, it jeopardizes the security of residents living there. According to the British Crime Survey 1998, "Households in cul-de-sacs are much less victimized by burglary than those [in] other road types." However, the Home Office document 'Safer Places – The Planning System and Crime prevention 2004 (p87/88)' counteracts this statement when it states "...the risk to residents in a cul-de-sac is half that of houses on main roads. However, this is not the case if a cul-de-sac is linked with an additional footpath segregated from the road network (known as a leaking cul-de-sac). Such links are very damaging to defensible space..."
- 2.4 The vast majority of problems occurring in this path are ASB related and impacts most on the two properties either side of this path. It has been of particular detriment to an elderly couple who reside in one of the two properties. They have, and continue to suffer from daily incidents, including harassment, noise, criminal damage, verbal threats, attempted burglary and theft of property. Incidents had got to such a point that the couple were asked to give evidence in order to support the need for Anti-Social Behaviour Orders on several known ASB offenders in the local area. Ironically, despite providing this evidence which led to ten youths receiving full ASBOs, some of these ASBOs have since been breached. Many of these incidents are linked to the presence of the path and the opportunity it gives to offenders.
- 2.5 Leeds City Council's Environment and Neighbourhoods Department – Community Safety, and Area Management – received requests from residents demanding action to address the issues. Meetings with individuals have taken place to ascertain the extent of public feeling regarding gating the footpath to restrict access. The majority of those who responded to the initial consultation process were in favour of gating the highway.
- 2.6 This footpath runs between 20 and 22 White Laithe Garth and is located at the end of this cul-de-sac. The path does not have a street lamp, although the path is reasonably well lit by the main road lighting. The path is relatively well maintained and in good condition, although it is important to note that the resident at 22 has had to carry out several clean-ups of the path due to the problems occurring there, i.e. urinating and defecating by congregations of youths, beer cans and bottles left there, etc.
- 2.7 This is a narrow path that is fairly well hidden from the main road. Although not connected, it forms one part of a two-part stretch of footpath, the other part being that which connects White Laithe Garth to White Laithe Croft. Both sections of path have been the focus for much of the reported youth congregation and the problems associated with this.
- 2.8 There have been many reports by local residents of youth congregation on the path and this has led to the occurrence of several incidents of anti social behaviour, incorporating criminal damage, noise nuisance, under age drinking and trespass. Indeed over 20 percent of the total recorded crime for the area is situated in and around the three streets surrounding this path. Much of this involves criminal damage, motor vehicle crime, theft and burglary (see Appendix 3).
- 2.9 This path continues to attract youth congregation and the problems inherent with this. This issue, more than any other has been the main source of concern for the residents living in the White Laithe estate, and in particular for the elderly couple living directly adjacent to this path. The local Neighbourhood warden has provided

a regular source of support to the residents and has provided a written statement (see Appendix 4) to back up the evidence provided by residents. Much work has also been done with the local NPT; so much so that the NPT Inspector has visited the elderly couple to offer them reassurance and has provided a letter of support (see Appendix 5). Extra Police and PCSO patrols have been organized as a knock-on effect of these issues, but the problems continue to persist. The ASBO team has also been heavily involved in the area, managing to obtain ten ASBOs on various, known problem offenders, albeit some of these have since been breached.

- 2.10 Whilst many of the offences take place in and around the shops at the end of White Laithe Approach (some 150 yards from this path), much of the ASB that takes place at White Laithe Garth is as a direct result of offenders using this path as a means to either make good their escape, or to carry on with their ASB, away from prying eyes.
- 2.11 The effects of making the order for properties adjoining or adjacent to the footpath subject to the gating would be positive. All residents and owners of property in the area were contacted as part of the consultation and most were in agreement that gating this footpath would improve their quality of life and reduce crime and ASB.
- 2.12 A planning application to gate this footpath will be submitted in due course, depending on the outcome of any potential gating order request.

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 this path have not resolved the situation and are not sustainable. It is now proposed to temporarily close this path by means of a gating order with a view to stopping the antisocial behaviour and crime which is believed to be associated with the footpath.
- 3.1.2 A single, self locking gate no higher than 2.3m with matching fencing in galvanised powder coated steel will be installed at one end of the footpath to prevent access to the path for those not living in the immediate vicinity.
- 3.1.3 The gate will be locked 24 hours a day. Both properties either side of this path can request a key if necessary so that access can be gained to the rear of their properties. These keys will be available from Neighbourhoods' and Housing's Community Safety Service. The gate lock 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 path will also be able to request keys for the gate.
- 3.1.4 Community Safety will carry out future maintenance of the gate. 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 (see Appendix 6) to this path at White Laithe Garth and they have no objections to the proposals.

- 3.2.2 Residents: In mid-March 2007 pre-consultation took place with local residents living adjacent or adjoining the footpath in question. 66 properties were written to and 22 replied (33%). 21 out of the 22 replies were in favour of the gating order.
- 3.2.3 Police: East 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 next to the path, local officers and PCSOs were deployed on foot patrols. As the number of incidents occurring here rose, more Police presence was provided. The local Neighbourhood Warden visited local residents on numerous occasions to take statements and to report incidences back to the NPT via the multi-agency tasking team meetings. As well as increased presence in the area, the NPT liaised closely with the ASB Unit to obtain several ASBOs on known local offenders. As an outcome of some of these orders being breached, further work continues in the area.
- Despite using various tactics such as varying patrols, utilising the skills of other agencies, the problems continue due to the path and the opportunities it presents.
- 3.2.4 Community Safety: Environment and Neighbourhoods – Community Safety section is satisfied that the crime element is sufficient to apply for a Gating Order.
- 3.2.5 Highways: Highways were not originally consulted but were asked to clarify if the path was adopted by them or not. It was felt initially that the problems were of little concern, but since the original referral and consultation, the issues have got worse and hence it is now an area of concern to Community Safety. As a consequence of gating this path off, local residents would need to use the alternative route which is a wide access point that passes between no's 8 & 10 White Laithe Garth (see attached map). This alternative route provides a more visible and shorter route through to the local amenities at White Laithe Garth i.e. shops, bus stops, etc.
- 3.2.6 Rights of Way: Parks and Countryside (Countryside and Access): They have been asked to inform if the path exists on the definitive map or not and as it stands, the path has not been claimed as it falls within the excluded area.
- 3.2.7 Utilities: Utility and other service providers were contacted in March 2007 regarding the proposed gating scheme. No objections were received.
- 3.2.8 Emergencies Services: The Fire, Health and Police Authorities were contacted in March 2007 regarding the proposed gating scheme. No objections were received.
- 3.2.9 Prescribed Organisations, Local Footpath User Groups and Local Access Forum: Once again, consultation was not carried out with these groups due to the reasons stated above (see 3.2.5).

3.3 Gating Order Publicity

- 3.3.1 Home Office Guidance regarding publicity relating to the making of Gating Orders 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 an alternative route that will incur an extremely short detour, referred to in 3.2.5 above. It is unlikely that those who had used the footpath 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 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 subsequently to its revision in 2006 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 route will add very little to journey times and the alternative is a safe pedestrian route. 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 to be requested from East 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 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 elements that do not live in the vicinity, from entering the footpath.

8.0 RECOMMENDATIONS

- 8.1 The Chief Highway Officer is requested to:
- i) approve the gating of the footpath leading from the footpath at the side of playing fields behind Fieldhead Carr Primary School through to the cul-de-sac end of White Laithe Garth between properties numbered 20 and 22 White Laithe Garth in accordance with the attached drawing in accordance with Section 129A of the highways Act 1980; and
 - ii) request Assistant Chief Executive (Corporate Governance) to advertise the notices of intention to make Gating Orders for the footpath leading from the footpath at the side of playing fields behind Fieldhead Carr Primary School through to the cul-de-sac end of White Laithe Garth in accordance with the attached drawing and, in the event that no objections are received, for the Order to be made and brought into operation.

