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**REPORT TO THE CHIEF HIGHWAYS OFFICER**

**DATE: 2008**

**Subject: Design & Cost Report**

**Scheme Title: GATING ORDER – BROOKLANDS COURT / EASDALE MOUNT, SEACROFT**  
**Capital Scheme Number:**

**Electoral Wards Affected:**

KILLINGBECK AND SEACROFT

**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)

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**EXECUTIVE SUMMARY**

The Director of Environment and Neighbourhoods is promoting the installation of gates across a footpath in the Brooklands area of the Killingbeck and Seacroft 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 leading from Brooklands Court through to Easdale Mount, Seacroft (see appendix 1). This footpath is in the Killingbeck and Seacroft 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 01 April 2006. The adopted status of the highway is unchanged by the order.

- 2.2 This path leading from Brooklands Court through to Easdale Mount has 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 relatively quiet residential area with a very stable population. There are approximately 664 households with 1501 residents in this Super Output Area (Leeds 040D). The crime domain at 1050 is ranked in the worst 5 percent in England (out of a total of 32,482 LSOA).
- 2.3 Residents have voiced their concerns and anger over the rise in crime and particularly ASB to West Yorkshire Police, Elected Members and council officers. Many of the residents have reported incidents of crime and ASB where offenders have used the path as a place to congregate and commit crime and anti-social behaviour and to make good their escape from the Police. The majority of incidences have been reported by older adults resident in the sheltered housing complex in Brooklands Court, many of whom have had to suffer abuse and nuisance from congregating youths, or who have witnessed ASB and crime by offenders.
- 2.4 Local ward members have received many concerns from residents demanding action to address the issues for many years. Some 18 months ago, an officer was assigned to investigate the possibility of complete closure of the path through an extinguishment order. As the path falls into an area designated by the Secretary of state as a high crime site, it was felt that extinguishment would be the best way forward. Unfortunately, as an outcome of consultation carried out at that time, it was felt that extinguishment would be met with much objection and would not be viable.
- 2.5 As the problems have persisted and indeed increased, the area has been re-visited for a possible gating order, but the time it has taken to get to this point has left many residents feeling disgruntled and concerned at the lack of action. Since the further reports of ASB and crime, 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 were spoken to on site or who have contacted the council by other means, such as email, letter or phone, were in favour of gating the highways. A preliminary consultation was carried out with local residents living in and around the site and the majority of respondents were in favour of gating.

A further door to door consultation took place to gain additional feedback and again, the majority of respondents were in favour. That said, it is important to note that there were a number of objections from residents living on the Easdale Mount end of the footpath. There were concerns from objectors about the added distance to local amenities for residents in Easdale Mount and also in their opinion, there had been very little problem coming from the path in the past. Overall, from 136 properties consulted, there were 55 respondents; 43 in favour and 12 objecting. Non-respondents were out at the time of the door to door consultation or did not have an opinion to the gating.

- 2.6 This adopted footpath runs between 21 and 23 Easdale Mount and runs beyond the private carpark which forms part of the land housing the sheltered housing complex at Brooklands Court. The footpath ends with barriers restricting use of illegal motor cycles as it enters into the cul-de-sac that is Brooklands Court. An additional initiative to prevent youth congregation at this site is for the removal of the boundary wall that demarcates the path from the private car park. It is hoped by doing this, that problem groups of youths will have nowhere to sit and cause a nuisance. It is hoped that this work will be carried out in conjunction with the erection of the proposed gates.

The footpath is served by one street lamp which is operational. The path is relatively well maintained and in good condition although there are signs of graffiti and criminal damage to property in the footpath area.

- 2.7 The footpath is relatively narrow and has a dog leg which means that offenders at one end of the path cannot be seen from the other end. As much of the problems are coming from youths congregating at the Brooklands Court end of the footpath, it would explain why some objecting residents in Easdale Mount feel there are no problems in the footpath, as they do not see the youths congregating.
- 2.8 The congregation of youths by the footpath has led to the occurrence of several incidents of anti social behaviour, incorporating criminal damage, nuisance, under age drinking and vandalism. The path has also facilitated the persistent use of motor bikes up and down the footpath. Many of the residents living in the sheltered housing complex have spoken to ward members about their increased fear of crime along with their experiences of actual threats and intimidation from congregations of youths in the past.
- 2.9 Much of the recorded crime for the area is focused in and around the streets served by the footpath. Incidents include burglary dwelling, assault, damage to dwelling, vehicle crime. ASB in the area for the period 01/05/07 to 30/04/08 has increased by 9% on the previous year and includes complaints of loutish behaviour, intimidation and general nuisance. There is a general feeling from residents that the path is used as a means for offenders to access and egress these streets. By restricting access to this path, it would ensure that the attractiveness of being able to use it for quick escape, and/or congregation would be removed. Restriction of this path would also make Policing of this estate much easier as offenders would have to use the main roads (Easdale Road and Brooklands Avenue) as an alternative means of escape. These roads are in view of the public and provide little opportunity for escaping attention.
- 2.10 This path has been the subject of much ASB for the last couple of years and as mentioned already, has witnessed a rise in ASB AND crime over the last 12 months. 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.
- 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 the majority of respondents were in agreement that gating this footpath would improve their quality of life and reduce crime and ASB.
- 2.12 The concerns of the residents are supported by the crime statistics (see appendix 2 'Problem Profile – Seacroft Ginnels'). Over the last 12 months during the period 1<sup>st</sup> May 2007 and 30<sup>th</sup> April 2008, total crime for the vicinity was 52 offences (up 10% on the previous year). ASB incidents for this period were 9% up on the previous year with there being 34 reported ASB incidents in the area.
- 2.13 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.
- 2.14 A planning application to gate this footpath will be submitted September 2008.

### **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 the 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 Self locking gates no higher than 2.3m with matching fencing in galvanised powder coated steel will be installed at both ends of the footpath to prevent access to the path for those not living in the immediate vicinity.
- 3.1.3 The gates will be locked 24 hours a day. Residents living in Brooklands Court and Easdale Mount shall be able to request a key for the gates. These keys will be available from Environment and Neighbourhoods' Community Safety unit. 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 at this location and they have no objections to the proposals.
- 3.2.2 **Residents:** In June 2008, pre-consultation took place with local residents living adjacent or adjoining the two footpaths in question. A further door to door consultation took place August 2008 (see results above).
- 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) and support proposals to gate this footpath up. This will help Police apprehend offenders who have used the footpath as a means of escape in the past.
- 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:** Development Department have 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 Brooklands Avenue and Easdale Road (see Appendix 1). In theory the only residents that this detour affects are those living on either Kentmere avenue or Brooklands Lane. Residents living in Brooklands Court and Easdale Mount can request a key so that their access is not restricted. Brooklands Avenue and Easdale Road are sensible and reasonable alternative routes as they only add approximately two minutes to the journey.

- 3.2.6 Rights of Way: City Development Directorate Department has been consulted and have no objections to the proposals.
- 3.2.7 Utilities: Utility and other service providers were contacted in June 2008 regarding the proposed gating scheme. No objections were received.
- 3.2.8 Emergencies Services: The Fire, Health and Police Authorities were contacted in June 2008 regarding the proposed gating scheme. No objections were received.
- 3.2.9 Prescribed Organisations, Local Footpath User Groups and Local Access Forum: Consultation will take place with these organizations August / September 2008.

### **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 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 November 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 to be secured from Inner 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 Brooklands Court to Easdale Mount 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 notice of intention to make a Gating Order for the footpath leading from Brooklands Court to Easdale Mount in accordance with the attached drawing and, in the event that no objections are received, for the Orders to be made and brought into operation.