

**REPORT TO THE CHIEF OFFICER (HIGHWAYS AND TRANSPORTATION)**

**DATE: 16 JUNE 2009**

**Subject: Design & Cost Report**

**Scheme Title: GATING ORDER – LEASOWE GARTH, HUNSLET**  
**Capital Scheme Number:**

**Electoral Wards Affected:**

CITY AND HUNSLET

**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 Leasowe 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 Chief Officer (Highways and Transportation) 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 Leasowe Close through to Leasowe Garth (see Appendix 1). This footpath is 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 01 April 2006. The adopted status of the highway is unchanged by the order.

2.2 This path leading from Leasowe Close through to Leasowe Garth 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 isolated residential area with a very stable population. There are approximately 617 households with 1282 residents in this Super Output Area (Leeds 084D). The crime domain at 17701 is ranked outside the top 50 percent in England (out of a total of 32,482 LSOA), but interestingly, the living environment deprivation index shows the area to fall within the top 10 percent for England (3192 out of 32,482).

- 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. Much of this anti-social element has been linked to the presence of an off-licence on Leasowe Garth where there is constant youth congregation and alleged under-age drinking.
- 2.4 Local Ward Members have received many concerns from residents demanding action to address the issues for some time. Indeed the problems got so bad that extra Police patrols have had to be deployed on site to help reduce the issues. The Neighbourhood Police Team have the area targeted as a local priority and have pledged to reduce ASB in Leasowe Garth between the most common times of Friday and Saturday between 1pm and 1am. The extra patrols are due to end in 4 weeks time (end May 2009). Whilst successful at the moment, the fear is that the ASB will return to previous levels thereafter, particularly as the summer school holidays approach.
- 2.5 Work to prevent youth congregation has also taken place but has had limited success. The rear of the aforementioned off licence has seen a wall removed and the remainder of the rear of the shop has been fenced off in the hope of reducing congregation. This worked for several weeks but it appears problems have returned and congregation at this location and the knock-on affects this is having within the footpath area has increased.
- 2.6 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. 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. Overall, from 38 properties consulted, there were 23 respondents; 21 in favour and 2 objecting. Non-respondents were out at the time of the door to door consultation or did not have an opinion to the gating.

- 2.7 The footpath provides access to the rear of properties on Leasowe Close and the design of the estate creates a natural courtyard effect. Whilst the courtyard is unkempt at the moment and the perimeter fence to it is in a state of disrepair, it is hoped that this space can be improved and utilised correctly by the residents living here, once the gating had been completed. This would restore a sense of pride and community cohesion into the area and it would feel like a private, recreational space secured by the gating, that could be used for leisurely purposes.

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 criminal damage to property in the footpath area.

- 2.8 The footpath is relatively narrow and has 2 dog legs which means that offenders at one end of the path cannot be seen from the other end. Also, properties within the footpath area are away from public view and hence are subject to an increased opportunity for burglary and other acquisitive crime, particularly where rear windows are left unsecured or open (see Appendix 3 – opportunities for crime photos).

Whilst alleygating should not be used as a substitute for common sense, this area is, and has been more susceptible to acquisitive crime because of the design of the estate, the location of the footpath, and a lack of any clear, 'suitable guardian' – a person (looking onto the path), an alarm or good locks. Crime Reduction has been attempted in the area through awareness raising along with target hardening to some properties, but the opportunity to commit crime remains, due in part to the

residents themselves, but also to the very design flaw of the estate and the types of nominals attracted to frequent it.

- 2.9 The congregation of youths by the off-licence have spilled over into the footpath area and there are examples of criminal damage to properties as a knock on of this occurrence. It is also an ideal footpath for making a quick escape. The draw of the off-licence and alleged access to under age alcohol is believed to be a major part of this problem and several test purchases by the Police have shown this to be the problem. The tenant of the shop has been warned but the problem continues. The ASBU team has been passed on this issue for their attention. As a direct result of this, the shopkeeper has been served with an 'ABC'- a kind of good behaviour contract which, if breached, could lead to a loss of the tenancy. That said, the shop continues to attract large numbers of youths and this continues to spill over into the footpath area by Leasowe Garth.
- 2.10 Much of the recorded crime for the area (see Appendix 4 – Crime statistics) is focused in and around Leasowe Garth. Recurring incidents criminal damage, theft and ASB. 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 road (Leasowe Road) as an alternative means of escape. This road is in view of the public and provides little opportunity for escaping attention.
- 2.11 This path has been the subject of much ASB and criminal damage for the last couple of years and Police Community Support Officers (PCSO's) have been deployed in the area to provide back up cover when police patrols are not possible. The ASBU team have also tried to deploy a covert camera unit to identify perpetrators on film, but this has, as yet, to be deployed for action.
- 2.12 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.
- 2.13 A planning application to gate this footpath will be submitted May 2009.

## **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 between 1-11 Leasowe Garth and at 24-26 Leasowe Close will be issued with 2 free keys. Residents whose properties back onto the path in Leasowe Garth and Leasowe Close, but whose main access to their property is facing the main road can 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 A commuted sum for maintenance has been provided for this purpose and will be managed by Community safety.

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 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 February 2009, pre-consultation took place with local residents living adjacent or adjoining the two footpaths in question. A further door to door consultation took place mid-March 2009 to attain comments from non-respondents of the postal consultation. Of 38 properties written to in total, there were 21 letters of support for the scheme and 2 objections.

3.2.3 Police: City and Holbeck 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 and ASB elements are sufficient to apply for a Gating Order.

3.2.5 Highways: 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 Leasowe Road and adjacent to recreational land on Leasowe Close (see Appendix 2). Residents whose properties face into the footpath area will be given 2 free alleygate keys. Other residents whose properties back onto the footpath can request a key so that their access is not restricted, should they require access to the rear of their properties. Both these suggested routes are sensible and reasonable alternative routes and it is questionable if they add any additional time 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 February 2009 regarding the proposed gating scheme. No objections were received.

3.2.8 Emergencies Services: The Fire, Health and Police Authorities were contacted in February 2009 regarding the proposed gating scheme. No objections were received.

- 3.2.9 Prescribed Organisations,  
Local Footpath User Groups  
and Local Access Forum: The Ramblers Association have no objections. The  
Local Access Forum will be consulted May/ June 2009.

### **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  
September 2009.

## **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 for the gating scheme will be met by Inner South 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 Officer (Highways and Transportation) is requested to:
- i) approve the gating of the footpath leading from Leasowe Garth to Leasowe  
Close in accordance with the attached drawing Appendix 1 in accordance with

Section 129A of the Highways Act 1980, subject to planning consent and no objections to the Local Access Forum; and

- ii) request Assistant Chief Executive (Corporate Governance) to advertise the notice of intention to make a Gating Order for the footpath leading from Leasowe Garth to Leasowe Close 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.

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