

REPORT TO THE CHIEF HIGHWAYS OFFICER**DATE: SEPTEMBER 2010**

Subject:	Design & Cost Report
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Scheme Title: GATING ORDER – ST JAMES’ MEWS, ARMLEY, LEEDS 12**Capital Scheme Number:****Electoral Wards Affected:**

ARMLEY

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 a gate across a footpath in the St James’ mews estate within the Armley 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 at the end of St James’ Mews between 21 and 28 St James’ Mews (see appendix 1&2 – site location and photos). This footpath is in the Armley 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 at the end of St James’ Mews has been the focus for anti-social behavior (ASB) and crime since the completion of the new housing development which takes in the St James’ mews and St Mary’s estates, and it has become increasingly worse over the last 12-18 months. The area is an isolated cul-de-sac with a very stable

population. The estate is located adjacent to a rail line which splits this estate from the Heights estate; a predominantly ALMO-owned housing estate. Both estates are linked via a walkway over the rail line and this link leads to the St James' Mews footpath in question. There is also an alternative footpath route that links both these estates, and this links the Heights estate to Hill Top Road where many of the local amenities are sited (see Appendix 3 - rights of way and alternative routes).

- 2.3 There are approximately 833 households with 1605 residents in this Super Output Area (Leeds 071B). The crime domain at 136 is ranked the top two percent in England.
- 2.4 Residents have voiced their concerns and anger over the rise in crime and particularly ASB to West Yorkshire Police, Elected Members and council officers (see Appendix 4 - attached reports). 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 known offenders traveling to and from the Heights estate into the privately-owned St James' and St Mary's estate.
- 2.5 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 PCSO patrols have had to be deployed on site to help reduce the issues. Both ward members and the Neighbourhood Policing Team (NPT) are keen to see this opening closed, as at the minute it can be classed as a 'leaking cul-de-sac'; an insecure location made so by the presence of this opening which affords access to local residents, some of whom are criminal and / or ASB offenders.
- 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. That said, closing the footpath off will cause access issues for residents, particularly those that use the path traveling from the Heights estate through to Hill Top Road. As a solution to this, it is suggested that residents from Heights Way (street immediately adjoining the rail crossing) and St James' Mews can request a key to the proposed alleygate so that access remains available. All key holders will be registered on the data base held by Safer Leeds.
- 2.7 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. The path running from this opening to the Heights estate is very poor underfoot and overgrown with shrubbery (see Appendix 5 – photos of alternative route). It is extremely poorly maintained and is difficult to use in poor weather conditions (due to mud and water). As a means of addressing the loss of the opening at St James' Mews, Safer Leeds is looking at having the footpath between Heights Way and Hill Top Road made good. This would involve using probation services to clean up this footpath, hence making it more accessible to users.
- 2.8 The footpath also allows access to the rear of properties at the bottom of St James' Mews and as a result, there have been reported incidences of criminal damage to some of these properties.
- 2.9 Much of the recorded crime for the area is focused in and around the St James' and St Mary's estates (see Appendix 6 - recorded crime statistics). Burglary, vehicle crime and theft, along with general inconsiderate behaviour and nuisance bikes are the main recorded issues. Residents complain that they often feel that reporting

incidents has no effect therefore there is under reporting. That said, there is a continuous list of reported incidents, many of which are passed onto the ward councilors rather than to the NOT.

- 2.10 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 footpath between Heights Way and Hill Top Road as an alternative means of escape. Whilst this alternative route is currently in poor condition, it does side onto playing fields and thus is in view of the public and provides little opportunity for escaping attention.
- 2.11 The path in question has been the subject of persistent ASB and crime for the last year or so and Police Community Support Officers (PCSO's) have been deployed in the area to provide back up cover when police patrols are not possible.
- 2.12 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 was granted April 2010.

3.0 MAIN ISSUES

3.1 Design Proposals/Scheme Description

- 3.1.1 It is 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 A Self locking gate no higher than 2m with matching fencing in galvanised powder coated steel will be installed at the bottom end of the footpath to prevent access to the path for those not living in the immediate vicinity (see Appendix 7 – Gate design).
- 3.1.3 The gate will be locked 24 hours a day. Residents living in St James' Mews and Heights Way can request a free key, although a valid reason must be received in writing before this can be issued. Keys will be available from Environment and Neighbourhoods' Community Safety unit. 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 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 December 2009, pre-consultation took place with local residents living adjacent or adjoining the two footpaths in question. A further consultation took place mid-June 2010 with residents living in Heights Way. Of 63 properties written to in total, there were 22 responses received. 18 letters were in support of the proposed scheme and 5 objected to it.
- 3.2.3 Police: Pudsey / Weetwood Police Division have 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 detours however this inconvenience has to be placed in context of the community safety situation. Alternative routes exist along the footpath running from Heights Way through to Hill Top Road, although this route requires immediate maintenance. Residents living in Heights Way wanting to reach Hill Top Road who do not wish to use the footpath suggested can use Heights Lane which is a main road that leads direct to Hill Top Road. Whilst the footpath running through to Hill Top Road is in need of maintenance, it has been suggested that this is cleaned up and made accessible for residents. Heights Lane is a sensible and reasonable alternative route and it is questionable if it adds any additional time to the journey.
- 3.2.6 Rights of Way: City Development Directorate Department has been consulted and would prefer to see the opening kept accessible. They do support any attempt to improve the footpath suggested as an alternative route between Heights Way and Hill Top Road.
- 3.2.7 Utilities: Utility and other service providers were contacted in December 2009 regarding the proposed gating scheme. No objections were received.
- 3.2.8 Emergencies Services: The Fire, Health and Police Authorities were contacted in December 2009 regarding the proposed gating scheme. No objections were received.
- 3.2.9 Prescribed Organisations, Local Footpath User Groups and Local Access Forum: The Local Access Forum will be consulted September 2010.

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 2010.

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 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 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 between 21 and 28 St James' Mews 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 between 21 and 28 St James' Mews 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.