

APPENDIX 1

REPORT TO: Safer Halton Policy and Performance Board

DATE: 20th January 2009

REPORTING OFFICER: Strategic Director - Environment

SUBJECT: Petition for the Installation of Alleygates
between Hale Road and Deansway, Widnes

WARDS: Riverside, Ditton, Broadheath

1.0 PURPOSE OF THE REPORT

1.1 To advise members of the receipt of a petition containing 19 signatures, and the proposed course of action

2.0 RECOMMENDATIONS: That

- (1) The residents be encouraged to submit diary sheets so that the nature, details, dates and times of the listed incidents can be recorded in a manner suitable as supporting evidence for the consideration in the possible making of a Gating Order; and
- (2) Once the above is complete, the Operational Director (Highways, Transportation and Logistics) makes a decision whether or not to proceed with the advertising of a Gating Order in line with his delegated powers.

3.0 SUPPORTING INFORMATION

3.1 A petition (attached as Appendix 1) has been forwarded to the Council stating the following:

"We the undersigned are requesting that Halton Borough Council install alleygates between Hale Road and Deansway, Widnes. For many years residents have suffered various kinds of Anti Social Behaviour, causing distress and health problems for those adjacent to the walkway."

3.2 The petition was also presented to the last meeting of the Board on 18 November 2008 by one of the local elected Members with a request for a report to be brought back to the subsequent Board meeting with recommendations on how the matter could be addressed.

3.3 The petition contains 19 signatures, 16 of which are residents of Hale Road or its immediate surroundings. Also attached is a list of occurrences of crime and anti social behaviour around the alleyway between 128 and 130 Hale Road. These are over 100 in number mostly relating to anti-social behaviour by youths.

- 3.4 The Council has received similar requests in relation to this path in the past. Prior to the current Gating Order legislation being in place, a resolution by Council Members in January 2004 resulted in an Order being pursued through the Magistrates Court, to fully Stop Up the path, under the Highways Act 1980 Section 116. However, this was unsuccessful as the Magistrate considered that the use of the legislation was not appropriate to tackle crime and anti social behaviour, and that more appropriate legislation such as the Countryside and Rights of Way (CROW) Act, should be used. This was despite a case being made that the route was unnecessary, in that users of the route would not be unduly inconvenienced by using alternative routes.
- 3.5 A 12 hour pedestrian count has recently been carried out at the Hale Road / Deansway passageway, which shows that 304 pedestrians used the route between 7am and 7pm on Thursday 6 November 2008. It is worth noting, however, that the pedestrian flow in the last hour was 78 and was primarily made up of youths repeatedly using the path to collect firewood to build a bonfire. The full survey results are attached as Appendix 2.
- 3.6 The Police crime statistics for the route show 4 separate incident reports between November 2007 and December 2008. However, it is possible that the incidents of anti-social behaviour listed in the petition could also be used as evidence for a Gating Order to be pursued, if properly recorded on diary sheets giving times, dates and nature of incidents. The residents concerned have recently been given these sheets and have been encouraged to complete them. The relevant instances of crime and anti-social behaviour will, once received, then need to be balanced against use of the path and potential inconvenience caused to users of the path by installation of gates. A decision will then be made by the Operational Director, under his delegated powers, whether to advertise a proposed Gating Order, which if uncontested would allow the erection of gates (subject to funding by the Area Forum).
- 3.7 The Gating Order legislation referred to above, would allow for gates to be erected at either end of the path, but would not allow for the Stopping Up and hence full closure (and enclosure by land owners) of the path. Legislation is available to allow this, on the grounds of crime and anti-social behaviour, which was brought in a number of years ago under the CROW Act. However, this is a lengthy process, where an area first must be designated by the Secretary of State, which can take many months, followed by a local Order for the path concerned, and potentially an automatic Public Inquiry, should objections be received. (Members may recall a number of paths at Kendal Road estate being closed using this process). By comparison a Gating Order is advertised and the Executive Board Sub Committee makes the decision whether to confirm the Order or hold a Public Inquiry, should objections be received. Should the need be proven to restrict the use of the route, it is felt that consideration

should be given to using a Gating Order, as the problems experienced by residents would potentially be resolved more quickly.

4.0 POLICY IMPLICATIONS

4.1 There are no policy implications

5.0 OTHER IMPLICATIONS

5.1 There are no other implications

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

It is alleged that anti-social behaviour by youths is causing a disturbance to neighbours adjacent to the path between Hale Road and Deansway. Should a Gating Order be implemented this would prevent such youths from gaining access to the path.

6.2 Employment, Learning and Skills in Halton

There are no direct implications for Employment, Learning and Skills in Halton.

6.3 A Healthy Halton

There are no direct health implications, however, the recommendation will help build a case for a Gating Order which could help relieve residents' stress caused by anti-social behaviour. Removal of pedestrian routes such as this, may discourage people from walking. However, in this case, for most users, the possible gating of the path would result in only a short additional walk.

6.4 A Safer Halton

Recommendation (1) will help build a case for a Gating Order which if pursued could help reduce crime and antisocial behaviour.

6.5 Halton's Urban Renewal

There are no direct implications for Halton's Urban Renewal.

7.0 RISK ANALYSIS

There are no risks associated with the proposed action.

8.0 EQUALITY AND DIVERSITY ISSUES

In cases such as this there is potential that gating a route may cause particular inconvenience for users of wheelchairs or mobility scooters. However, in this case the path has barriers which already prevent access to mobility scooters and larger wheelchairs.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Gating Orders Report 21 June 2007	Municipal Buildings, Widnes	Gill Ferguson
Police Crime Statistics	Rutland House, Runcorn	Jonathan Farmer