

**REPORT TO:** Executive Board – Sub Committee

**DATE:** 16 July 2009

**REPORTING OFFICER:** Strategic Director - Environment

**SUBJECT:** Hale Road/Deansway – Proposed Gating Order

**WARDS:** Riverside, Ditton, Broadheath

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To seek approval from Members to proceed with the making of a Gating Order for the footpath between Hale Road and Deansway, Widnes.

## **2.0 RECOMMENDATION: That**

- (1) A Gating Order for the footpath between Hale Road and Deansway, Widnes be made and gates erected to support the Order; and
- (2) The objector be notified accordingly

## **3.0 SUPPORTING INFORMATION**

- 3.1 A report to Safer Halton Policy and Performance Board on 20 January 2009 reported the receipt of a petition and set out the background to a request for alleygates at the footpath between Hale Road and Deansway, Widnes – see Appendix 1. It also contained information relating to crime statistics and the use made of the path. Based on the information in that report the Board approved the recommendation which was:

- (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.
- 3.2 The Council's policy and procedure, which requires a Gating Order to be made prior to the erection of any gate on a public highway, was adopted by the Executive Board on 21 June 2007. This stated that any objections received to a proposed Gating Order, following an advertising and notice procedure, should be referred to the Executive Board Sub Committee. Members of this Board should then decide whether to proceed with

making the Order and erecting the gates or to request that a Public Inquiry be held.

- 3.3 In accordance with the procedure, the recommendation of the Safer Halton Policy and Performance Board and based on the evidence provided by residents, the police and other departments, the Operational Director (Highways Transportation and Logistics) approved the advertising of a draft Order for the footpath between Deansway and Hale Road in April 2009. The schedule of the footpath and case for the Gating Order is attached in Appendix 2.
- 3.4 An objection has been received from one local resident only. A copy of this objection is attached in Appendix 3.
- 3.5 A summary of the objection is listed in the table below, along with a response from the Strategic Director, Environment.

<b>OBJECTION</b>	<b>RESPONSE</b>
It is a public footpath in use for over 50 years (the objector makes an accusation that the Council is breaking the law)	It is a Public footpath but the new 2005 legislation does not exclude it from a Gating Order, which would allow gates to be erected and closed at times as specified in the Order (should one be made)
A petition was circulated approx. 2 years earlier to keep the path open. What was the outcome?	The action being taken to obtain a Gating Order and erect gates is in response to a petition received by the Council requesting that the path be closed. The Council is not aware of any other recent petitions
There have been no vandals and number 19 hear no noise at night	Crime and antisocial behaviour are occurring throughout the day. This is supported by the crime statistics and the diary sheets
Issue with parked cars	This issue is not related to the proposed Gating Order and will be considered separately

- 3.6 **Proposal** - It is recognised that some users of this path could be disadvantaged if gates were erected by having to walk slightly longer distances using the alternative route indicated in Appendix 2. However, this additional route involves no additional road crossings, and is on wide and well lit footways, albeit along busier local distributor roads. Approximately, 240 consultation letters were sent to residents in the area informing them of the proposal. These letters also indicated that

residents most affected could request a key for the gates if they wished to continue to use the path. This consultation resulted in nine responses in support of the scheme and only one objection.

3.7 Therefore, on balance it is recommended that the Order be made and gates erected. This recommendation is based on the evidence of crime and antisocial behaviour and the need to tackle such crime problems in accordance with the Council's statutory duty and as permitted under the Gating Order procedure. Account is also taken of the issues and case set out in Appendices 1 and 2 (which considers the crime case, pedestrian usage and the alternative route) and the level of concern expressed in the petition and the consultation exercise. The Council is obliged to keep all Gating Orders under review and if it is felt that gates are no longer needed, a recommendation to remove them can be considered.

3.8 If the Gating Order is to be approved as proposed, then the objector should be informed of the Council's decision.

#### **4.0 POLICY IMPLICATIONS**

4.1 This has implications for the Council's Policy to promote walking (both as a sole mode of transport and as a means to access a bus stop) as it is restricting the use of a footpath. This may result in longer journeys needing to be made, for which residents may be more likely to use a car, resulting in health and environmental impacts.

#### **5.0 OTHER IMPLICATIONS**

5.1 The cost of erecting the gates is to be met by the Local Area Forum.

#### **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 There are a number of implications of erecting alley gates on public highways some of which are reflected in the responses given to the objection above. In tackling crime and anti-social behaviour alley gates can make areas safer places in which to live and improve people's quality of life through reduced stress. A more detailed report on the implications of alleygating schemes was considered by the Safer Halton Policy and Performance Board on 20 November 2007. The effect alley gates have had, countrywide, in combating crime and anti-social behaviour and thus improving the quality of people's lives is well documented.

#### **7.0 RISK ANALYSIS**

7.1 Risks associated with erecting alley gates include the potential for longer journeys on busier footways to be experienced but in this case they are

not felt to be significant. It is possible that a small number of people may be encouraged to use their cars but this cannot be proven at this stage. Conversely the risks associated with not implementing the scheme would involve an increase in anti-social behaviour, criminal damage, graffiti and burglary, which are more significant.

## **8.0 IMPLEMENTATION DATE**

**8.1** Late 2009

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

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
<b>Alley Gates and Gating Orders Report, Executive Board 21 June 2007</b>	<b>Rutland House</b>	<b>J Farmer</b>
<b>Crime statistics</b>	<b>Rutland House</b>	<b>J Farmer</b>

**Appendix 1 – Report to Safer Halton Policy and Performance Board**

**Appendix 2 – Schedule of footpath and case for the Gating Order**

**Appendix 3 – Objection**