

AD-HOC ALLEY GATING PANEL
19 AUGUST 2011

OFFICER REPORTING: BRIAN MARTIN, COMMUNITY SAFETY MANAGER

1. PURPOSE OF REPORT

This report sets out the evidence for and against an application to gate the alleyway between 17 and 19 Culley Way and 8 and 10 Farmers Close and review the decision made by the Alley Gating Panel on 22 March 2011 in the light of objections raised during the formal consultation period following the 22 March meeting.

2. OFFICERS' RECOMMENDATION: That members of the Panel re-consider the evidence put forward regarding the application before and since the Alley Gating Panel on 22 March 2011 and make a decision as to whether to proceed with the draft alley gating order.

3. SUPPORTING INFORMATION

3.1 Wards Affected

Cox Green. (Map provided in Appendix 1)

3.2 Resolution from the Alley Gating Panel meeting on 22 March 2011

The Council publishes Notice of a Draft Alley Gating Order for the alleyway between 17/19 Culley Way and 8/10 Farmers Close to be gated 24 hours a day 7 days a week. If no substantive objections are received during the statutory consultation period, the Council proceeds with installation of the gates and make keys available to residence in Culley Way and Farmers Close. If any substantive objections were received during the statutory consultation period the Alley Gating Panel would re-convene to consider these objections.

3.3 Relevant matters upon which the decision for a draft Alley Gating Order was made

3.3.1 The request for the alleyway to be gated was based on the following factors:

- There have been numerous reports about anti-social behaviour around Culley Way over a period of a number of years.
- There have been 63 accounts of anti-social behaviour over the past six years. Of these incidents, 11 took place in Farmers Close and 8 took place in Culley Way (see appendix 2).
- There have been 24 incidents of crime over the past six years however all of these were on Farmers Way (see appendix 3).
- Since the last Alley Gating Panel meeting, on the night of 20 May 2011 the gate currently in place at the Farmers Close end of the alleyway was damaged and the adjacent fence broken. This was reported to the Police.
- The alternative route, should the alley be closed, is only a little longer.

- Thames Valley Police support the request for the alley to be gated, stating that it will have a direct positive impact on crime and the quality of life of the residents of Farmers Close.

The following concerns were highlighted in residents' correspondence:

- Criminal damage and vandalism
- broken bottles and glasses, and other rubbish deposited in the alleyway
- graffiti
- urination
- dog fouling
- late night noise and offensive language
- poor lighting
- sexual activity and the evidence of it
- the fear of being attacked or abused
- the fear that it is an escape route for criminals.

3.3.2 View of Thames Valley Police on the alleyway:

In favour of alley gates being implemented (appendix 4)

3.3.3 An informal consultation with residents and partners ran from 23/02/2011 to 21/03/2011 and from that the following were collected:

- 35 responses objecting to the proposal for gating the alleyway
- Objections from the Local Access Forum Fast Response Team, the Parish Clerk, the Ramblers and the Open Spaces Secretary
- Of those who objected, seven properties either backed onto or were adjacent to the alley way
- 34 responses in favour of gating the alleyway
- Of those in favour, four properties backed on to or were adjacent to the alleyway

3.3.4 A formal consultation ran from 23/03/2011 to 20/04/2011 and from that the following were collected:

- No objections from Thames Valley Police, the Royal Berkshire Fire and Rescue Service, South Central Ambulance Service or any utility companies in the area.
- Six responses from residents objecting to the draft alley gating order, mainly on the grounds that the reasons for closure were exaggerated
- Objections from RBWM Local Access Forum, East Berks Ramblers and the Open Spaces Society, predominantly objecting on the grounds of a lack of evidence
- Most significantly, an objection from Cox Green Parish Council on the grounds of insufficient evidence to support gating.

According to the Council's alley gating policy, an objection from a Parish Council requires careful consideration. If the objection is not withdrawn and the alley gating panel proceeds with the Gating Order, we are obligated to undertake a public enquiry.

A number of the objections state that the Council have not implemented the Alley Gating policy properly. Whilst the flowchart needs revising, the written Alley Gating procedure was adhered to closely. Furthermore, alternatives to an Alley Gating Order were considered, for example increasing lighting in the alleyway, but they were rejected due to being unsuitable, impracticable or too costly.

3.3.5 Cost of a public enquiry

It should be noted that according to the Council's alley gating policy, the cost of any public enquiry, which might be in the region of £10,000, is to be paid by the residents or community who made the request for a gating order.

3.4 Relevant National/Regional Guidance

Powers which came into force in April 2006 give the Council the ability to gate off alleys, without recourse to the Secretary of State, as part of the Royal Borough's on-going battle against crime and anti-social behaviour. Section 2 of the Clean Neighbourhoods and Environment Act 2005 allows councils to make, vary or revoke gating orders in respect of highways within their area. Sections 129A to 129G in the Highways Act 1980 enable councils to restrict public access to any public highway by gating it (at certain times of the day if applicable), without removing its underlying highway status. Local authorities are able to make "gating" orders on grounds of anti-social behaviour as well as crime.

3.5 Relevant Council Policies/Strategies

The Council's current policy on alley gating "Policy for the installation of alley gates and policy for the extinguishment of problem alleys" was revised and agreed in September 2007. The policy also states the requirement of RBWM to identify a named officer with responsibility to work with residents to "make things happen"; and the move to a "public" consideration of schemes via an ad hoc Alley Gating Panel consisting of relevant members.

The recommendations contained in this report also contribute to the Community Strategy in the following ways:

	Relevant? Yes / No
Key Themes:	
getting about	Y
learning for life	
being safe and secure	Y
caring and health	
living and working in a good place	Y
Guiding Principles:	
working together	Y
leaving no one behind	Y
involving people	Y
safeguarding the young	Y

4. Implications

Failure to respond appropriately to the requests for alley gates could effectively result in the council being liable to legal action from the residents who have submitted the requests. If the Panel decide to approve the draft Alley Gating Order, and the objection from the Parish Council remains in place, we are required to go forward with a Public Enquiry. However, this would have to be funded by the residents.

4.1 FINANCIAL

It is estimated that the installation cost of gates for an individual alleyway would approximately £5,000 pounds (excluding fees and administration costs). Capital funding has been identified. However, this estimate takes no account of the cost of Council employees and therefore an indication of resource impact is provided below.

Human Resource Implications of a successful application:

Community Safety Team – 2 weeks

Highways – 1 week

Legal (drafting orders) – 2 days (needs verification)

This does not take into consideration any potential costs of a public enquiry.

4.2 Legal

Section 2 of the Clean Neighbourhoods and Environment Act 2005.
Sections 129A to 129G in the Highways Act 1980

4.3 Human Rights Act

Article 1 of the First Protocol, protection of property, and Article 14, Prohibition of discrimination in the enjoyment of this right, are both relevant to this report. This is an absolute right. Any interference with the right under Article 1 of the First Protocol must be as permitted by law, and proportionate.

4.4 Planning

The Planning Department have been consulted regarding the alleyway and a planning application may be needed in certain circumstances before the gates are installed. However with careful location of any potential gates this may not be required.

4.5 Sustainable Development

None.

4.6 Diversity and Equality

None.

Background Papers: Alley Gating Policy, Alley Gating Process Flow Chart, file with supporting documents



Scale: 1:1,000

Author: Jenni Howells



Proposed Alley Gating Order on the alleyway between Culley Way and Farmers Close in Cox Green under Section 2 of the Clean Neighbourhoods and Environment Act 2005.

■■■■■■ Alleyway to be Gated

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The Royal Borough



Windsor & Maidenhead

CADIS Report | Analysis of Anti-Social Behaviour around Farmers Close Alleyway

Prepared by:
Prepared for:

Julie Gardner, Community Safety Information Officer
Gail Lumsden, Anti-Social Behaviour Co-ordinator
Jenni Howells, Community Safety Projects Officer
25th January 2011

Date:

Time period covered by analysis: from the beginning of CADIS (1st April 2005) to 31st December 2010 (69 months)

Area Covered: Anti-social behaviour incidents that fall within a 100 metre buffer drawn around the alleyway between Farmers Close and Culley Way in Cox Green. The alleyway was closed twice (unofficially) in March 2004 and May 2009.

The table below shows the number of incidents reported each year in the area:

Year	No. ASB Incidents
2005/6	9
2006/7	8
2007/8	14
2008/9	14
2009/10	10
2010/11 (only 9 months Apr to Dec 2010)	8
Total	63

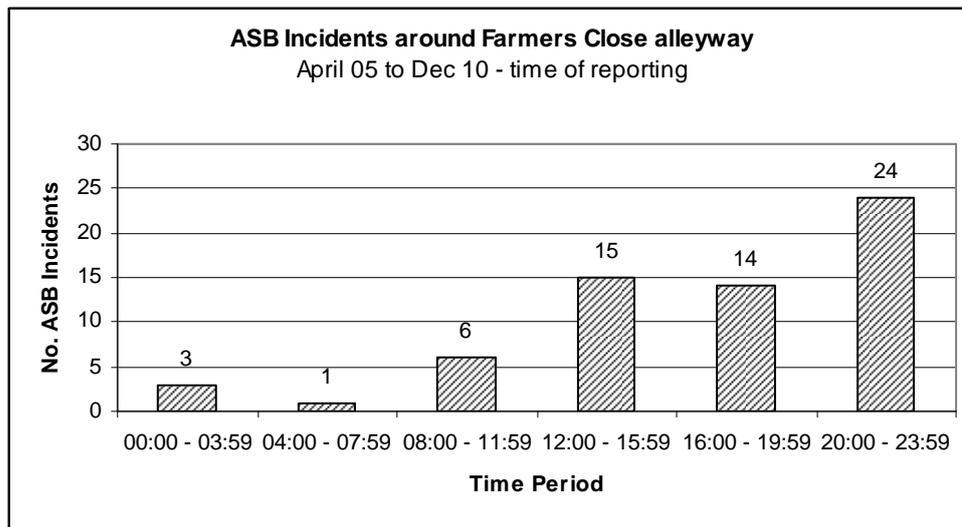
The 63 incidents refer to the following types of anti-social behaviour:

Type of ASB	No. ASB Incidents	Details
Rowdy/Nuisance – Rowdy & Inconsiderate Behaviour	30	21 loutish, rowdy and noisy behaviour
		3 ball games
		3 gathering
		2 general drunken behaviour
		1 missiles thrown
Rowdy/Nuisance – Neighbours	10	6 noise
		3 nuisance
		1 dispute
Parking	10	
Vehicle nuisance	6	4 cruising
		1 displaying
		1 racing
Malicious Communications	1	1 phone call
Noise	1	1 parties
Street drinking	1	
Substance misuse	3	2 suspected drug use
		1 supplying cigarettes to underage
Trespassing	1	

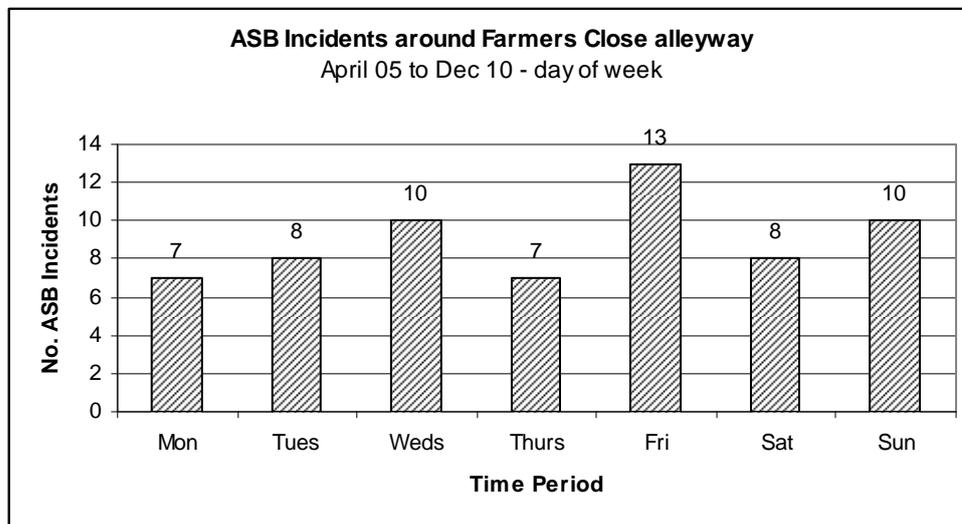
The 63 incidents were reported in 3 streets around the alleyway:

Street	No. ASB Incidents
Farmers Way	44
Farmers Close	11
Culley Way	8

The incidents were reported at the following times of day showing an increase in reporting between 8pm and midnight:



Reporting is evenly distributed through the week:



There have been 10 reports of anti-social behaviour in the last 12 months. These are detailed below:

Date	Hour	Who	What	Why	What2	Descriptor	Street
06/01/2010	18	NDD	RNN		Noise		Farmers Way
30/03/2010	0	YND	RNRIB		Missiles thrown		Farmers Way
16/04/2010	17	NDD	RNN		Noise		Farmers Way
05/05/2010	10	NDD	RNRIB		Loutish, rowdy & noisy		Farmers Way
16/05/2010	1	NDD	RNN		Noise		Farmers Way
20/07/2010	15	YND	Trespassing				Farmers Close
06/08/2010	21	YND	RNRIB		Loutish, rowdy & noisy	Smashing bottles	Farmers Way
31/08/2010	23	NDD	RNN		Noise		Farmers Way
31/10/2010	1	NDD	Noise		Parties		Culley Way
13/11/2010	22	YND	RNRIB		Loutish, rowdy & noisy		Farmers Way

NB CADIS Classifications:

NDD – nuisance/disorder/disturbance (perpetrator age not known)

YND – youth nuisance /disorder

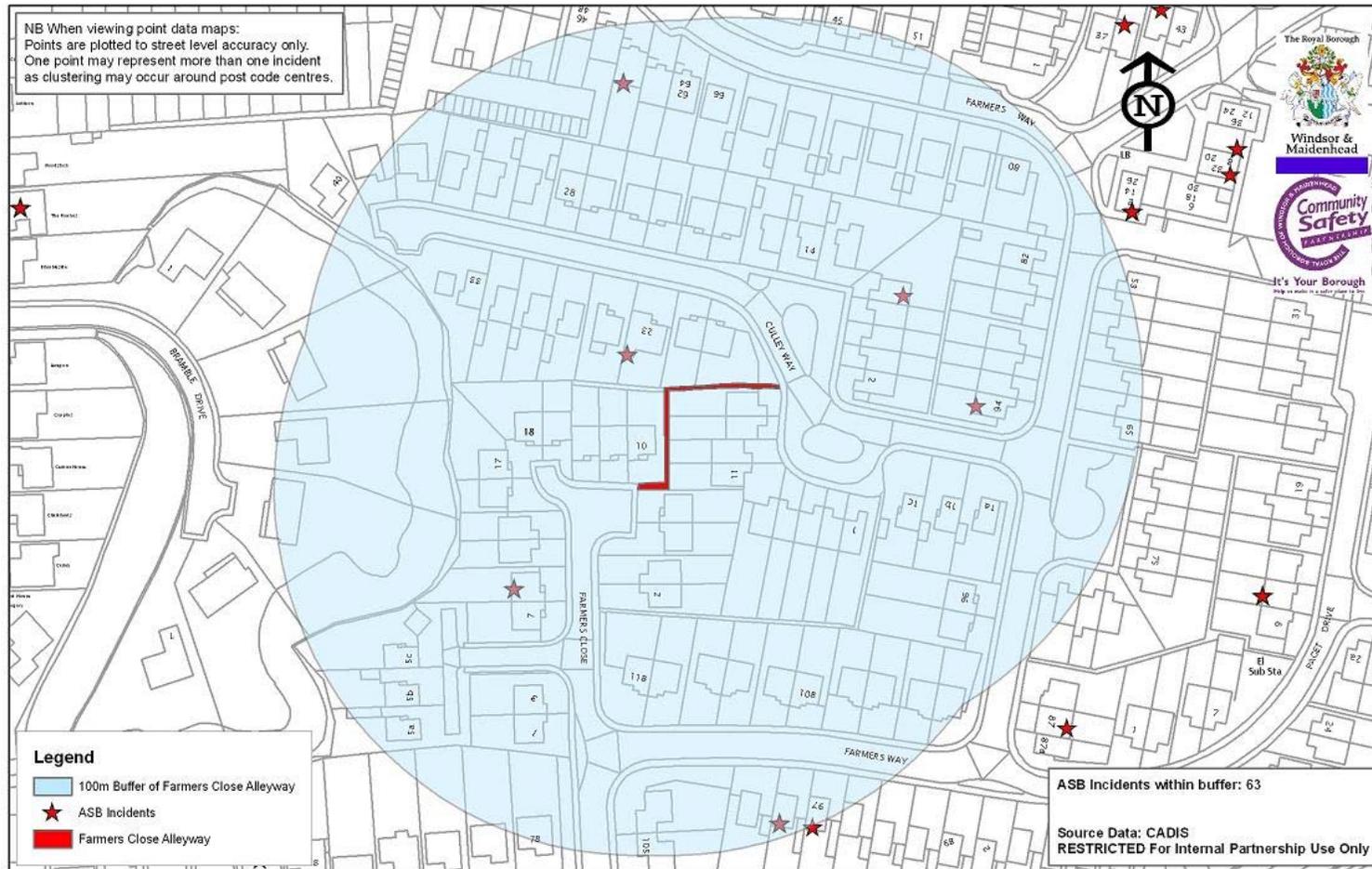
RNN – rowdy/nuisance – neighbours

RNRIB – rowdy/nuisance – rowdy & inconsiderate behaviour

No incidents involving drugs or alcohol have been reported in the last 12 months.

The last call regarding anti-social behaviour within the 100m buffer of the alleyway was in November 2010.

The map on the next page shows the area covered by this analysis and the location of reports of anti-social behaviour (note the caveat on the map regarding plotting of point data).



Anti-Social Behaviour Incidents within a buffer of 100m around Farmers Close Alleyway, Cox Green
 Incidents from 1st April 2005 to 31st December 2010

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0 12.5 25 50 75 100 Meters
 25th January 2011 FarmersCloseASBIncidents_0405_1210.mxd

CADIS Report**Analysis of Crime around Farmers Close Alleyway**

Prepared by:
Prepared for:

Martin Euden Partnership Performance Manager
Gail Lumsden, Anti-Social Behaviour Co-ordinator
Jenni Howells, Community Safety Projects Officer
26th January 2011

Date:

Time period covered by analysis: from 1st April 2005 to 31st December 2010 (69 months)

Area Covered: Crime incidents that fall within a 100 metre buffer drawn around the alleyway between Farmers Close and Culley Way in Cox Green. The alleyway was closed twice (unofficially) in March 2004 and May 2009.

Data Source: Thames Valley Police CEDAR mapped to a minimum of street level accuracy. The table below shows the number of incidents reported each year in the area:

Year	No. Crime Incidents
2005/6	5
2006/7	0
2007/8	11
2008/9	1
2009/10	6
2010/11 (only 9 months Apr to Dec 2010)	1
Total	24

The 24 incidents refer to the following categories of crime:

Crime Category	Count	Breakdown
Criminal Damage	8	6 Vehicles
		2 Other
Other	6	2 Vehicle Interference
		2 Drug Possession
		2 Exposure
Less Serious Violence	5	3 Public Order
		2 Assault Without Injury
Serious Acquisitive	3	2 Theft From Vehicle
		1 Theft Of Vehicle
Assault With Injury	2	2 Actual Bodily Harm

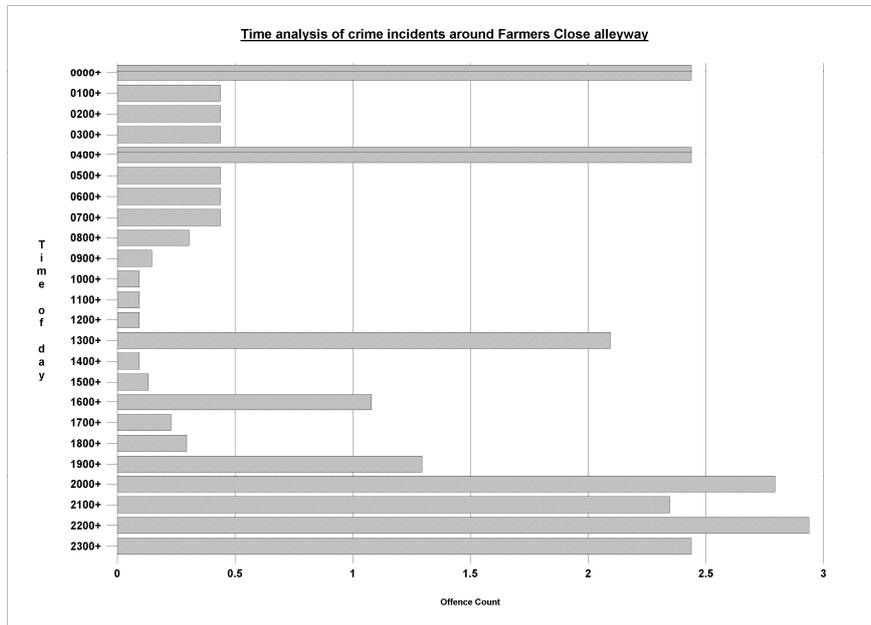
The 24 incidents were reported in 1 street around the alleyway:

Street	No. ASB Incidents
Farmers Way	24

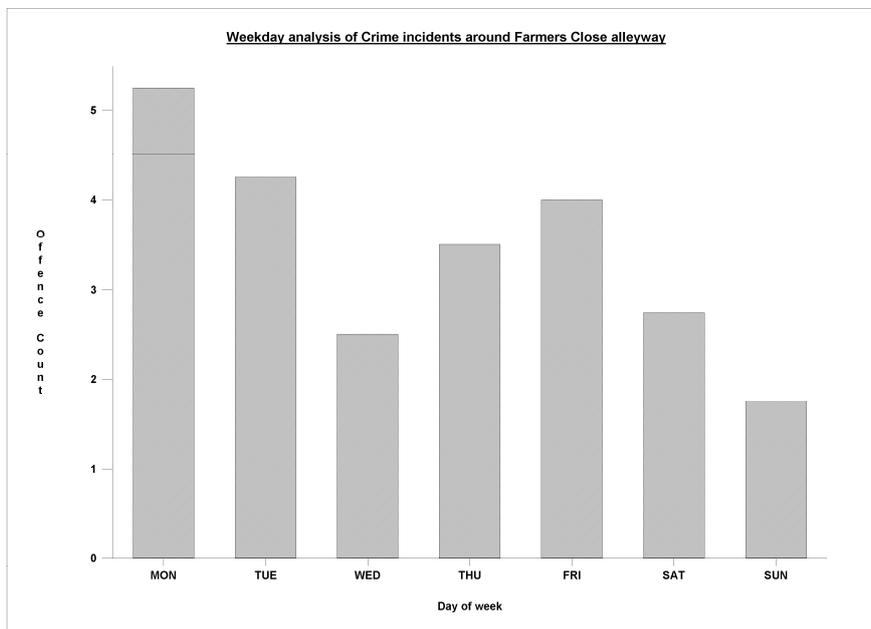
This may be as a result of the incidents being mapped to a minimum of street level and randomly matched to the section of the street in the 100m buffer zone. More significantly no crime reports were recorded in the vicinity of the alleyway on either Farmers Close or Culley Way.

Temporal Analysis

The incidents were reported at the following times of day showing an increase in reporting between 8pm through to the early hours of the following day:



Reporting is highest on Mondays but these could be as a result of overnight incidents being reported the following morning:



The data was extracted using the same geographic constraints as the mapped area in the Anti-Social Behaviour brief and so no map has been provided here.

Caroline Heard
Crime Reduction Advisor
Community Safety Team
Windsor Police Station
69 Alma Road
Windsor SL4 3ES
Tel. 01753 835505
04/03/11

CRIME REDUCTION SURVEY REPORT

Address of area surveyed: Alleyway between Culley Way
and Farmers Close,
Cox Green,
Maidenhead.

Recommendations made to: Jenni Howells

Dear Jenni,

This survey was carried out as a result of a proposal by the Royal Borough of Windsor and Maidenhead to Alleygate an alleyway connecting Culley Way to Farmers Close, in Cox Green, Maidenhead. Complaints have been received from the residents, with concerns that the alley is generating crime and disorder and anti-social behaviour.

RECOMMENDATIONS

This area is badly designed and runs behind side and rear gardens. In general terms this can provide access and exit routes to offenders and encourage anti social behaviour. More specifically rear alleyways that expose the rear boundary of properties give opportunities for offenders to operate unseen as well as providing places where activity can take place, concealed from any natural surveillance and the result can often be anti-social behaviour, hiding stolen goods and more. The alley in question joins up two housing areas and has no natural surveillance or lighting. There have been reports of sexual activity, broken bottles and glass, litter, late night noise to name a few.

On my visit I saw evidence to support the concerns. The alleyway is incredibly narrow and concealed and apart from providing back access to properties does not fit a purpose. It is dark and secluded, tucked away from easy view and if used in darkness, a threat to personal safety. Crime prevention material suggests that we should always try and keep pedestrians and vehicles side by side so that people are visible and safe. Back alleyways take people away from visibility and increase problems of personal safety.

The alleyway is also in the middle of a crime hotspot; there has been a particular increase in burglary across the Cox Green area. This could result in the alley being used to conceal stolen goods or indeed hide an offender.

Conclusion

From the evidence I have seen and visiting the alleyway, I believe that Alleygating it would be the best solution and solve all of the problems with the added bonus of removing one of the many routes for offenders and making residents safer. If residents needed to access the rear of their properties via the alley they would be provided with a key for the gate.

I hope the above is of some benefit to you, should you require any further advice or information please do not hesitate to contact me.

Yours Sincerely

Caroline Heard

Crime Reduction Advisor



This advice is based on information supplied by you and current crime trends in the area concerned. I can only give a view of what measures might reduce the risk of crime and there can be no guarantee that all measures will prevent crime. Crime reduction advice is free without the intention of creating a contract and neither The Home Office nor the Police can be held responsible.