

ALLEY GATING PANEL

19 AUGUST 2011

PRESENT: Councillors Bicknell (Chairman), Bullock, Hilton, Mellins and J Stretton

Officers: Stephen Brown, Katie Hamill, Liz Hornby, Anthony Hurst, Brian Martin and Sean O'Connor.

Local Residents addressing the meeting: Shabir Amin, Margaret Bowdery, Margaret Crowe, Brian Fisher, Lorna Jacobs, Gerald Price, Michael Sinclair and Kath Winlo.

PART I

01/11 APOLOGIES FOR ABSENCE

There were none.

02/11 DECLARATIONS OF INTEREST

There were none.

03/11 MINUTES

RESOLVED: That the minutes of the meetings of the Panel held on 22 March 2011 be approved subject to the following amendments –

- **Page iii, Kath Winlo – Second sentence to be replaced with “She had noticed litter and occasional dog fouling, although this was not more than elsewhere”. The last sentence to read “Mrs Winlo believed that the report in relation to public way status was very one-sided and commented that in relation to the 10 reports of ASB, eight were in Farmers Way, one in Farmers Close and one in Culley Way.**
- **Page iv – Mrs Lorna Jacobs – the third sentence to be replaced with “Mrs Jacobs stated that there was insufficient evidence of continual crime and anti-social behaviour within the alley way and therefore did not justify the extreme measure of an Alley Gating Order.”**

04/11 ALLEY GATING – 17 & 19 CULLEY WAY AND 8 & 10 FARMERS CLOSE

Community Safety Officer

Mr Martin, the Community Safety Manager stated that this Alley Gating matter had been discussed at a Panel meeting previously, on 22 March 2011 when it was decided to gate

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the alley following consultation which would include key agencies. If any of those key agencies did object to the Order, then it was necessary to bring the matter back to Panel and if it was still unresolved after that, then the matter would be taken to Public Inquiry. Mr Martin stated that whilst the Police Officer who attended the previous meeting, it was noted that he was not present but that his comments had been noted in the report. Highways Officers

Mr Brown, the Head of Highways and Engineering stated that the current status had been set out in the report and that investigations were under way as to whether the alley should be designated a public right of way. Mr Brown stated that there was sufficient evidence to make a change to the definitive map but that a process had to be adhered to before any change could take place.

Questions to the Community Safety, and Highways Officers

Councillor Hilton asked what the process was if any objections should be received. Anthony Hurst replied that the Council would attempt to liaise with any objectors to resolve any issues. Councillor Hilton asked whether, if taken to Public Inquiry how long the process would take. Anthony Hurst replied that it could potentially be up to eighteen months.

Representations by the Parish Council

Parish Councillor Mrs Howes stated that Cox Green Parish Council believed there to be insufficient evidence for gating the public right of way, which was a public amenity and as such should be protected. Mrs Howes referred to two letters dated 4 April 2011 which stated in detail the Parish Council's observations and conclusions on the matter. Mrs Howes then wished to draw the Panel's attention to the following points –

- The RBWM Alley Gating Policy had not been implemented appropriately with regard to 'other methods to solve problems'. The final paragraph of 3.3.4 in the report stated that alternatives were considered, but the report provided no evidence to support the claim that "they were rejected due to being unsuitable, impractical or too costly".
- Item 3.3.5 stated that the cost of a Public Inquiry, in the region of £10,000 would be met by residents. However, the report made no reference to residents having given an undertaking to meet administration, solicitors, land registry and other fees, which, according to RBWM's Gating Policy, was a requirement should the gating go ahead.
- Cox Green was not a high crime area. Item 3.3.1 referred to incidents of anti-social behaviour (ASB) and crime over six years. Forty four of the sixty three incidents of the ASB occurred on a road not directly connected to the alley. Of the remaining nineteen, eight took place in Culley Way and eleven in Farmers Close. None were attributed to the alley. All twenty four incidents of crime took place in Farmers Way

and, given the nature of the crimes, bear no relevance to issues with the alley. If any crime of ASB had been attributed to the alley during the past two years, this confirmed that gating would be of no value because the alley had been illegally gated by residents during that period.

- The maps attached to the CADIS report showed there were several similar alleyways in the vicinity and that none of them were gated, nor had it been suggested that they should be. This proposed closure could set a precedent.
- Gating alleyways may have a negative effect because unless extremely high obtrusive gates were installed, the possibility of accessing the alleyways for the purpose of ASB and criminal behaviour out of sight and undetected may occur. This had occurred in Redcar where the Council had re-opened alleys which had previously been gated.
- The Culley Way / Farmers Close alley was adopted as a Public Right of Way only a matter of weeks ago. One of the consequences of this was that RBWM become responsible for maintaining access, keeping it clear of litter, debris, weeds etc. This was a positive consequence of the adoption because adequate maintenance would increase the frequency of use, thereby deterring the type of unsocial behaviour referred to in the report.

As a Public Right of Way rather than a 'private area' the alley could also be monitored by Police Constable Special Officers (PCSOs) and Community Wardens.

- Cox Green Parish Council employed an excellent litter warden to supplement the work undertaken by the Borough in maintaining a clean and tidy environment. The Parish Council was confident it would look favourably at including the alley, as a newly adopted Public Right of Way, within the litter warden's areas of responsibility.
- Recent events had shown that no-one should 'give in' to a few badly behaved individuals. They should not be allowed to create no-go areas and should not let anyone be forced into creating 'can't go areas'.

Questions to Parish Council representative

Councillor Hilton asked whether the alleyway should be a public amenity or whether residents from Culley Way and Farmers Close would be the only residents to access the alley. Parish Councillor (PC) Mrs Howes responded that it was wished the alley be available to the wider community. Councillor Bicknell asked why Mrs Howes had stated that the alleyway had been illegally gated to which PC Mrs Howes stated that there was no Gating Order in place and that the residents had placed the gates there themselves. She stated that the Parish Council had requested the residents remove the gates on a number of occasions. PC Mrs Howes also stated that there were many other alleyways in the locale, the majority of which were overgrown and not maintained well, and that had not been the subject of ASB or crime. Councillor Bicknell asked whether the Parish Council would be prepared to take on responsibility for the alleyway to which PC Mrs Howes replied that she would need to take the question back to the Parish Council to enable them to debate the issue.

Representations by local residents in favour of Alley Gating

Ms Lucy Churchill, a local resident, commented that she believed the majority of the objectors did not live near the alleyway and were therefore not subjected to the problems the local residents had experienced. Since the gate had been in place, ASB and crime had reduced and that if the gate was taken away, it was believed that ASB and crime would return to the alleyway. The alleyway was not lit at night and there were blind spots. Ms Churchill commented that the Police were in favour of the gating order. Ms Churchill also commented that Mr Amin, a neighbour, had been subjected to instances of ASB on several occasions. Ms Churchill stated that she did not believe that by gating the alley it would have an impact on house prices. She also stated that there was an alleyway further up the road from the alley in question which would bring residents nearer the amenities they wished to access. She also believed that the community was acting in an anti-social way by attempting to take the gates down.

Mr Shabir Amin, a local resident stated that he lived adjacent to the alleyway and was therefore immediately affected. He believed that residents would be safer walking along the road, which was not a main road and therefore not very busy than they were walking through the alley as it was not lit and had two blind corners. Mr Amin stated that he had erected two sets of gates, the first of which he had taken down, but when trouble began again, he replaced the gates. Mr Amin could not understand why the Parish Council did not have the same view of the Police who supported the Gating Order. There had been many occasions when crimes and ASB had been committed that it was not reported to the Police, but also many times when they had and Mr Amin stated he had been given Crime Numbers which he had on record. Mr Amin also believed that the alleyway was not a shortcut.

Mr Gerald Price, a local resident, commented that the Parish Council had not attended the original Alley Gating meeting in March and now found it strange that they were taking an interest. Mr Price stated that he had lived in Cox Green for the last thirty-five years. He also stated that he had contacted the Parish Council when the issue was originally raised, but that they had commented that as it was private land, they could do nothing. Mr Price stated that there had been evidence of heavy drinking in the alley the previous week and that the Police had attended. Mr Price commented that the alleyway should be access for local residents only.

Questions to residents in favour of Alley Gating

Councillor Stretton asked Mr Amin how he decided who to give keys to the gate to. Mr Amin stated he had given keys to those residents who lived adjacent to the alleyway and needed access. He stated that the alleyway was originally built for local residents to access their rear gardens. Mr Amin stated that he would consider any application by a resident for a key although commented that he did not see any benefit of anyone not living adjacent to the alleyway being issued a key.

Councillor Hilton asked Ms Churchill what issues arising from ASB or crimes had been reported to the Police and what had occurred when the alley was ungated. Ms Churchill replied that rubbish such as crisps packets, drinks cans etc., had been thrown over their fences into their gardens. That people had sat on some of the lower level fences which had broken, abuse had been shouted over the fences to residents and that pupils from Cox Green school and local teenagers used to congregate there. She commented that these problems had not been experienced since the gate had been erected.

Councillor Bullock asked Ms Churchill why it was thought this particular alleyway attracted more ASB than others. Ms Churchill commented that it was the clearest alleyway as it was not overgrown and that because there were two 90° angles, it was easy to hide and not be seen.

Councillor Bicknell asked Mr Amin that should the matter be taken to a Public Enquiry and the government Inspector decided that it was a Right of Way, would he be prepared to take his gate down or give out keys? Mr Amin replied that if a genuine need was identified then he would be happy to give out keys to those who needed it. Councillor Bicknell asked Mr Amin if he would be prepared to take down his gate if the Panel decided to go ahead with the Order. Mr Amin replied that he would be prepared although he stated that he would not want everyone to be issued with a key.

Councillor Hilton asked the Community Safety Officer if his team was aware that there were issues with the alleyway. Mr Martin replied that they were not aware of issues prior to the Alley Gating issue although this did not mean that the Police were not aware.

Councillor Bicknell asked Mr Amin whether the majority of ASB was from young people. Mr Amin replied that this was the case and believed that some of the abuse was racially motivated.

Councillor Bicknell asked the objectors if they were aware that the residents would liable for costs should the matter be taken to Public Enquiry. The reply was that they were.

Representations by local residents against Alley Gating

Kath Winlo, a local resident, commented that the alley was used as a shortcut by residents of Culley Way to access the local shops, doctor's surgery and schools. Mrs Winlo commented that for the last two years the alley had become impassable and that access at both ends was not immediately obvious. Mrs Winlo commented on an incident which had taken place the previous week when a group of youths had been drinking after which the residents of Culley Way had cleared up. Mrs Winlo believed that following the last meeting, the Gating criteria had not been followed by the Panel. Mrs Winlo commented that residents should come together to liaise to come to an acceptable solution.

Mrs Lorna Jacobs, a local resident, commented that the decision reached should be by a

clear majority. Mrs Jacobs referred to point 3.3.3 in the report which quoted figures following a consultation particularly that thirty five people were against the proposal and thirty four were in favour of the proposal. Mrs Jacobs commented that the report did not show that there had been persistent crime in the alleyway. Mrs Jacobs believed that claims of ASB and crime had been grossly exaggerated and that she believed the application for Public Right of Way designation had been deferred until the outcome of this Panel meeting. Mrs Jacobs believed that as there was no clear majority in favour of gating the alley that the Panel should refuse to gate and that there was a duty to designate the alley a Public Right of Way.

Mrs Crowe, a local resident commented that she believed the residents of Culley Way would be most disadvantaged by the alleyway being gated. Mrs Crowe stated that she, and other neighbours, had been aware of meetings being held by residents who lived adjacent to the alleyway, but it appeared they had been excluded from those meetings. Mrs Crowe commented that she and her neighbours would be happy to assist in monitoring the alleyway. Mrs Crowe suggested that a mediator be appointed to enable the residents to reach an equitable solution. Mrs Crowe commented that with the closing of the alleyway, young mothers with toddlers and pushchairs had been inconvenienced as well as some elderly residents, in particular one resident whose daughter lived close by and who had used the alleyway to walk to visit her daughter. However, since the closure of the alley, this resident cannot now access by foot and now drove around to her daughter's house instead.

Questions to residents against Alley Gating

Councillor Hilton asked Mrs Crowe whether the residents in Culley Way had sought a solution to the issue. Mrs Crowe stated that she was not aware this had taken place. Mrs Jacobs commented that she had contacted the Parish Council who had informed her that the alley was not a Public Right of Way and that a Definitive Order would have to be applied for to change the designation of the alley. Councillor Bicknell wished to reinforce the point that should one of the groups disagree with the decision and formally objected, then the matter would be taken to Public Inquiry and the residents would be liable for the costs. Mrs Howes confirmed that should the Panel decide to uphold the decision made in March, then Cox Green Parish Council would press for a Public Inquiry as they believed it should be a designated Public Right of Way.

Decision

The Panel then retired to consider the application and evidence that had been presented. At 1.25pm, the Panel reconvened to inform all present of their decision, and it was –

RESOLVED: The Panel reached a way forward in respect of the Alley Gating issue, in particular respecting the long-term usage of the access way. The Panel agreed

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to set aside the decision of the previous panel which met on 22 March 2011. However, the Panel was minded to support the installation of gates on this unrecorded highway which would not require a Gating Order for a trial period. The detail of this complex issue needed to be worked out in consultation with the Community, Parish and Ward Councillors, and the proposals would be set out in a letter to all parties which would be despatched within the next five working days.

05/11 MEETING

The meeting, which began at 10.30am ended at 1.30pm.

Chairman:

Date: