

WEST AREA COMMITTEE

23rd JULY 2008

REPORT OF DIRECTOR OF TRANSPORT SERVICES

REQUEST TO GATE A FOOTPATH AT SMEDLEY CLOSE, ASPLEY

1. SUMMARY

This report provides Area Committee with information to enable it to consider whether to authorise the making of a gating order to restrict public access along a footpath running between Smedley Close and Wendover Drive and between Smedley Close and Keverne Close, Aspley to reduce crime and anti-social behaviour.

2. RECOMMENDATIONS

It is recommended that the Area Committee, having considered the information contained in this report and its Appendices and having regard to its allowance of one gating order per financial year, resolves to determine the request in one of the following ways:-

- a) if it is satisfied that the statutory tests as set out at paragraphs 7.1 and 7.2 to this report are met, by authorising the making of a full-time gating order in this case; or
- b) if it is satisfied that the statutory tests as set out in paragraphs 7.1 and 7.2 to this report are met, by authorising the making of a part-time gating order in this case whose operating hours shall be as specified by the Area Committee; or
- c) by declining to authorise the making of a gating order in this case; or
- d) by deferring consideration of the request to a future meeting of the Area Committee; or
- e) by requesting officers to seek further information and deferring consideration of the request until that information has been received.

3. GATING ORDERS

- 3.1 The Clean Neighbourhoods and Environment Act 2005 introduced a new provision into the Highways Act 1980 which allows highway authorities, with effect from 1 April 2006, to make a "gating order". Unlike previous legislation for the closure of highways, such an order would not remove highway status but (as with a traffic regulation order) would simply restrict the public from being able to use the highway at all times. The restriction may be full or part-time, thereby allowing, for example, the physical closure of a right of way outside daylight hours only. The legislation permits the installation of physical barriers to enforce the restriction. The legal criteria for the making of a gating order (set out at paragraphs 7.1 and 7.2) are less stringent than for special extinguishment orders.

- 3.2 At its meeting on 20 June 2006 the Council's Executive Board considered a report of the Acting Lead Services Director of City Development on the new gating order legislation. Executive Board authorised the performance of various functions and responsibilities associated with gating orders and approved the allocation of City Council resources for the carrying out of those functions and responsibilities. A table setting out the allocation of those tasks and the allocation of resources is attached to this report at Appendix 5.
- 3.3 Also at its meeting on 20 June 2006, Executive Board imposed on each Area Committee (which has responsibility for determining individual applications for gating orders under the Council's Constitution) a limit of one gating order to be authorised in any financial year.
- 3.4 At its meeting on 13 September 2006 Area Committee considered a report of the Lead Services Director of City Development which included details of the process for dealing with individual applications for gating orders and elaborated on the role of Area Committee in the determination of such applications. The report drew to Area Committee's attention the decisions which Executive Board had made and requested Area Committee to specify how it wished to exercise its power to authorise gating orders, having regard to its allowance of one gating order per financial year. The options were either to consider each request as it was made on a "first come, first served" basis or to consider all requests made during a financial year together towards the end of the financial year. Area Committee did not specify which of these options it preferred.
- 3.5 The Area Committee's allowance of one gating order for the financial year 2008 – 2009 is unspent. There are no other gating order requests for this Area currently 'in the pipeline'. If Area Committee authorise the making of the gating order for Smedley Close its allowance of one gating order for the financial year 2008 – 2009 will be used and no further requests may be authorised this financial year.

4. BACKGROUND

- 4.1 In 2008 local residents requested a gating order in respect of the footpath running between Smedley Close and Wendover Drive and between Smedley Close and Keverne Close, Aspley due to problems of crime and anti-social behaviour occurring either on the path itself, or resulting from its use. The footpath is shown at Appendix 1.
- 4.2 To collate the necessary crime and antisocial behaviour incident data and any other information which is relevant to the statutory tests set out at paragraph 7.1 (a) (b) and (c) the following actions have been carried out:-
- 4.2.1 A meeting was held on 14 February 2008 at Smedley Close which was attended by residents from Smedley Close, the Council's Public Rights of Way Officer and three Community Protection Officers. At the meeting residents gave their account of the types of incidents affecting their premises and how the incidents were linked to the footpath.
- 4.2.2 During February / March 2008 consultation letters and incident log sheets were sent to the 5 premises adjoining or adjacent to the footpath on Wendover Drive and the

Sheltered Housing Service on Keverne Close which is also adjoining or adjacent to the footpath seeking information as to any crime or anti-social behaviour which may be associated with the footpath and how it may affect those premises. In response, two completed log sheets were received and their contents are summarised at Appendix 2.

- 4.2.3 Between March and July 2008 thirty three individual incident records were submitted to the Council by residents of Smedley Close. Sixteen of the incident records refer to incidents affecting premises adjoining or adjacent to the footpath and seventeen refer to premises that are not adjoining or adjacent to the footpath. The thirty three incident records are summarised at Appendix 2.
- 4.3 During June and July 2008 information was requested from Nottinghamshire Police Local Area Tasking, which forms part of the City wide Joint Tasking group. At the date of preparing this report, no response has yet been received. Should it be received prior to the date of the Area Committee meeting, it will be circulated separately as amended Appendix 3.
- 4.4 During June 2008 incident data was requested from the Crime Disorder Partnership. This information is included at Appendix 4 and contains details of a number of specific incidents linked with the footpath.
- 4.5 During June 2008 an on-site environmental assessment and relevant incident data was requested from Nottinghamshire Police Architectural Liaison Officer / Crime Reduction Manager. The assessment and data is included at Appendix 5.
- 4.6 During July 2008 information was requested from the Aspley Police Community Support Officer. A statement is included at Appendix 6.
- 4.7 Based on this information it is the report author's view that, should Area Committee believe that the statutory tests at Paragraph 7.1 and 7.2 are met and authorise the making of a gating order, a full-time gating order would be the most appropriate in this location.
- 4.8 Should the footpath be gated the alternative route (which would add approximately 250 metres to a person's journey) is shown at Appendix 1. This information is relevant to the circumstances set out at paragraph 7.2 (b) below and, as the footpath constitutes a through route, is also relevant to the circumstances set out at paragraph 7.2 (c).

5. TIMESCALE FOR IMPLEMENTATION OF PROPOSALS

- 5.1 After a decision to authorise a gating order has been made, the City Council must comply with statutory requirements regarding publication and display of a notice giving details of the proposed order as specified in paragraph 7.3 and inviting representations on it. In the case of an order to which no objections are received, the City Council can proceed both with the making of the order and the installation of the gates once the 28 day notice period has expired. In the present case it is anticipated that the proposed works will be carried out within 6 months of the date Area Committee has authorised that the order be made.

- 5.2 In a case where objections are received, the City Council cannot proceed immediately to make the order. The nature, source and number of objections will influence what steps Area Committee may take in such a situation, and paragraphs 7.5 and 7.6 provide further information on the courses of action which may be available. It should be recognised that the receipt of any objection to a proposed order will at the very least delay its implementation (since it necessitates a referral back to Area Committee) and it may impede a proposed order from coming into effect. Where a public inquiry is to be held, the final determination of an opposed orders will be delayed for many months.

6. FINANCIAL IMPLICATIONS

- 6.1 The financial implications for Area Committee in making and implementing a gating order are set out at items III, V, IX, X and XII of the table at Appendix 7. It is estimated that the total of these will be approximately £6,000.
- 6.2 Should objections be received and a public inquiry be held, Area Committee would additionally be responsible for meeting the fees charged by the Planning Inspectorate for the provision of an inspector to conduct the inquiry. These fees are currently £630 per day. It is unlikely that such an inquiry would exceed two days.

7. LEGAL IMPLICATIONS

- 7.1 The evidence (or a summary thereof) supporting the request for a gating order in respect of the footpath is attached at Appendices 2, 3, 4, 5, and 6. To comply with section 129A(3) Highways Act 1980 the City Council must be satisfied, before making a gating order, that:-

- (a) premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour;
- (b) the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour; and
- (c) it is in all the circumstances expedient to make the order for the purposes of reducing crime or antisocial behaviour.

- 7.2 The circumstances referred to in paragraph 7.1 (c) above include:-

- (a) the likely effect of a gating order on occupiers of premises adjoining or adjacent to the highway,
- (b) the likely effect of making the order on other persons in the locality;
- (c) in a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.

- 7.3 Once the City Council has decided to make a gating order, it must publish in a local newspaper and on its website a notice giving details of the proposed order and identifying alternative routes which would be available if the proposed order were to be made. The published notice must invite representations on the proposed order within a period specified (no less than 28 days). In addition, the City Council must erect notices on or adjacent to the footpath for no less than 28 days. The City Council must send a copy of the notice to a number of statutory consultees, including all the occupiers of premises adjacent to or adjoining the footpath, the Police the Fire and Rescue Service, the local NHS Trust, the Local Access Forum,

statutory undertakers and providers of gas, electricity, water and telecommunications services in the area of the footpath.

- 7.4 In the case of an order to which no objections are received, the City Council can proceed to make the order and publicise it in accordance with statutory requirements.
- 7.5 Should any objections be received to the proposed order, the matter will be brought back to Area Committee confirming the nature of the objection(s) and the options available to the City Council. Authorisation will be sought from Area Committee as to how it wishes to proceed. Area Committee will be aware from the report of the Lead Services Director of City Development to its meeting on 19 October 2006 that if objections are received from the Police, the Fire and Rescue Service or the local NHS Trust, that the City Council cannot proceed to make the order. In such a case, the City Council has the choice either of not proceeding with its proposed order, or of arranging a public inquiry to resolve the opposed order. No order can be made until a public inquiry has been held and concluded in a case involving one of the above objectors. If objections are received from persons other than those specified above, the City Council has a discretion as to whether to arrange to hold a public inquiry or not. If it decides not to do so, it may proceed to make the order and publicise it in accordance with statutory requirements.
- 7.6 At the public inquiry, the Council will be required to provide the evidence on which it decided that a proposed order should be made i.e. the basis on which it was satisfied that the statutory tests set out in paragraphs 7.1 and 7.2 were met. Further, it will be required to demonstrate by the production of evidence that those tests are still met at the date of the inquiry. Because of pressure of work on the part of the Planning Inspectorate, the date of the public inquiry is likely to be many months after the original decision to make the proposed order was taken.
- 7.7 Where objections have been received, Area Committee may authorise a revision of the terms of the proposed order to address the concerns of the objectors (e.g. by amending a proposed full-time order to an order restricting public access solely during the night). Such a proposed revised order would need to be publicised in the same way as the original order. However, the result may be that previously lodged objections would not be repeated and a public inquiry could be avoided.
- 7.8 A person wishing to challenge the validity of a gating order may do so by application to the High Court within six weeks of the order having been made. The possible grounds of challenge are either that the Council had no power to make the order, or that a requirement under the gating order legislation has not been complied with.

8. OBSERVATIONS OF OTHER OFFICERS

The legal processes involved in dealing with gating orders have been approved by the Department of Resources (Legal Services) and the Department of Environment and Regeneration (Traffic Management).

9. EQUALITY AND DIVERSITY IMPLICATIONS

The introduction of a gating order in appropriate circumstances will help reduce crime, disorder and anti-social behaviour in the local community and therefore the

use of these powers will improve the quality of life for vulnerable and disadvantaged groups within the community.

10. RISK MANAGEMENT ISSUES

None

11. CONSULTATIONS

Before the City Council may make a gating order it is required to carry out the consultations set out at paragraph 7.3.

12. STRATEGIC PRIORITIES

In appropriate circumstances, a gating order will help the Council to reduce crime, disorder and anti-social behaviour and help make people feel safe in their community.

13. CRIME AND DISORDER ACT IMPLICATIONS

Under section 17 of the 1998 Crime and Disorder Act the Council has a duty to take account of community safety in all areas of its work and under the *Safe For Nottingham: Nottingham City Crime, Drugs and Anti-Social Behaviour Strategy 2005 – 2008*, all policies, plans, activities and budgets need to be considered from the standpoint of their potential contribution to the reduction of crime and disorder. The introduction of a gating order in appropriate cases will provide the Council with an additional tool to complement other corporate initiatives for reducing crime, disorder and anti-social behaviour in the community.

14. VALUE FOR MONEY

The principles of Value for Money have been followed when carrying out the actions identified in this report.

15. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

None

16. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Highways Act 1980 (as amended)

Crime and Disorder Act 1998

Clean Neighbourhoods and Environment Act 2005

The Highways Act 1980 (Gating Orders) (England) Regulations 2006

Safe for Nottingham: Nottingham City Crime, Drugs and Anti-Social Behaviour Strategy 2005 – 2008

Report to Executive Board meeting on 20 June 2006 headed "Gating Orders"

Minute No. 23 of Executive Board meeting on 20 June 2006

Report to West Area Committee meeting on the 13 September 2006 headed "Gating Orders to Reduce Crime and Antisocial Behaviour"

Minute No. 32 of West Area Committee meeting on 13 September 2006

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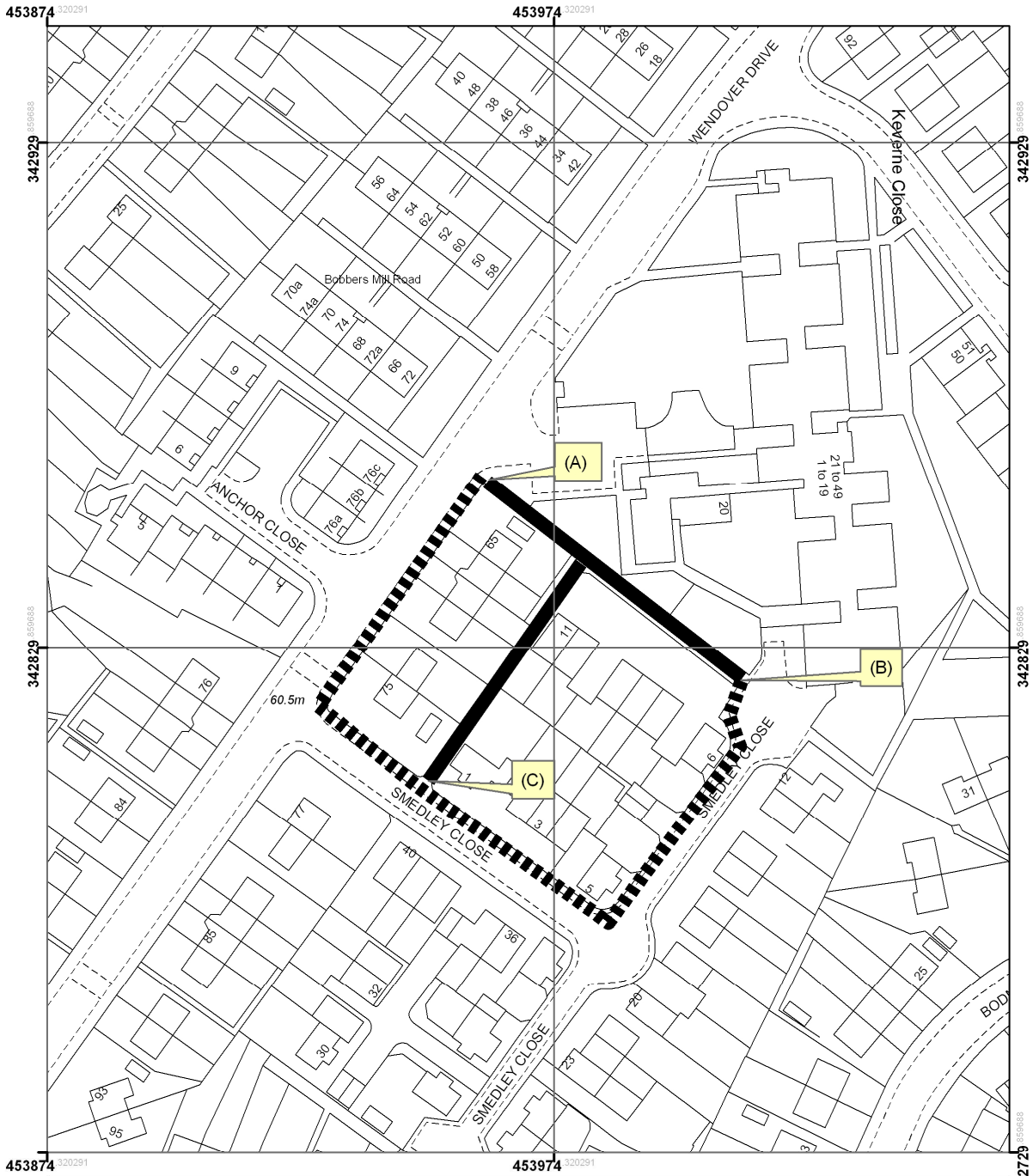
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APPENDIX 1



Gating Order Enquiry at Smedley Close, Aspley

Legend

-  A - B - C footpath subject of gating order
-  alternative route

Map produced on:
24 June 2008
Map produced by:
John Lee
Traffic Management



Nottingham
City Council

Environment and Regeneration

Scale 1:1,000

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APPENDIX 2

SUMMARY OF INFORMATION RECEIVED FROM PREMISES ADJOINING OR ADJACENT TO THE HIGHWAY

<u>location of property and distance from footpath</u>	<u>Years living at address</u>	<u>Details of incidents of crime and antisocial behaviour including dates and times (where indicated)</u>	<u>Part played by footpath in crime or antisocial behaviour</u>	<u>Was the incident reported to the Police?</u>	<u>Other comments</u>
Wendover Drive (incident log sheet)	10 years	13 July 2007 (between 10.00 and 03.00 hrs) - burglary 6 December 2007 (between 08.00 and 15.00) - burglary Date / time unspecified - antisocial behaviour – setting light to hedge Date / time unspecified- antisocial behaviour – dumping rubbish Date / time unknown - antisocial behaviour	The area was used in entry/exit of my property and for removal of stolen items The area was used in entry/exit of my property and for removal of stolen items Footpath used by perpetrator to carry out act Rubbish dumped in footpath Footpath used by perpetrator to carry out acts	Yes Yes No No	
Keverne Close (incident log sheet)	Worked at premises for 7 years	9 February 2008 (14.45) antisocial behaviour	Used footpath to exit area	Yes	Used footpath that runs between Keverne Close and Smedley Close They used footpath that runs between

		1 March 2008 (15.00) Burglary – perpetrators entered the building and stole 3 health and safety log sheets	Used footpath to gain access to premises	Yes	Keverne Close and Smedley Close
Smedley Close	Not indicated	5 January 2008 (14.15) burglary	Used footpath to gain access to garden / patio doors, using plank of wood to get over fence and escape along alleyway.	Yes	We feel it is likely to happen again as we live directly adjacent to the public footpath, we actually caught someone climbing into garden
		13 February 2008 (15.30) suspicious behaviour (i.e. non residents/youths hanging around)	Used alleyway to gain access to area / premises	Yes	It looked like they were carrying a crow bar, which worried me as we had only just recently been burgled
		7 February 2008 (18.30) antisocial behaviour – attempt to trespass on my property	Used alleyway to gain access to area / premises	Yes	Just arrived back home and heard a noise over my fence in the alleyway then I saw 2 hands and head pop over but they ran off when they

		6 February 2008 (21.00) antisocial behaviour - group of youths loitering in the alleyway, smoking, shouting, banging, kicking my fence and running up and down, then started banging on windows and being intimidating at old people's home	Used alleyway to congregate	Yes	saw me looking at them
Smedley Close	Not indicated	4 February 2008 (16.30) antisocial behaviour - youths going in and out of all the gardens and giving verbal abuse 10 February 2008 (15.00) antisocial behaviour - two youths came into my garden without permission and stole building materials		Yes Yes	
Smedley Close	Not indicated	21 April 2008 (05.45) attempted burglary	Not indicated	Yes	
Smedley Close	Not indicated	13 April 2008 (20.00 and 9.00) theft from car 27 June 2008 (11.30) suspicious behaviour - youths hanging around and when they saw me they left the area using the alleyway	Not indicated Footpath used to gain access to the area	Yes No	More strangers can access the garden/area since the temporary fencing was removed As a single mother I feel very vulnerable next to the open alleyway
Smedley Close	Not indicated	No date given (17.40) - attempted arson and antisocial behaviour - kids made fire in the alleyway. Regularly on Friday and Saturday nights kids gang	Footpath used as a gathering place for youths	Not indicated	It's frightening to go out at night

		up in the alleyway drinking and being loud, swearing and being intimidating, kids jump over the fence from the alleyway			
Smedley Close	Not indicated	<p>27 June / 28 June 2008 (11.30 – 12.00) - antisocial behaviour - I heard an alarm go off and then someone running away down the alley next to my house. Generally Friday, Saturday and Sunday evenings the alleyways are used by groups of youths loitering, drinking smoking and swearing</p> <p>23 June 2008 (01.00) attempted theft of/from vehicle</p>	<p>Footpath used as escape route or for antisocial behaviour to take place in</p> <p>Footpath used as escape route</p>	<p>No</p> <p>No</p>	<p>I feel that much of the behaviour would be avoided if the alleys were closed, I would certainly feel much safer</p> <p>I was woken early in the morning by someone shouting and banging and then someone running at speed along the alley past my house, then youths appeared at the top of the alley, the alleys makes it easy for people to access and exit our estate, they need to be closed to put a stop to this</p>

APPENDIX 2

SUMMARY OF INFORMATION RECEIVED FROM PREMISES NOT ADJOINING OR ADJACENT TO THE HIGHWAY

<u>location of property and distance from footpath</u>	<u>Years living at address</u>	<u>Details of incidents of crime and antisocial behaviour including dates and times (where indicated)</u>	<u>Part played by footpath in crime or antisocial behaviour</u>	<u>Was the incident reported to the Police?</u>	<u>Other comments</u>
Smedley Close 40 metres	Not indicated	November 2007 (between 13.00 and 17.00) attempted burglary	Saw the two offenders run towards alleyway	Not indicated	Looked like [the offenders] had cut across from premises 36 and 37 Smedley Close
Smedley Close 40 metres	Not indicated	26 December 2007 (15.00) and 27 December (23.00) attempted burglary 27 January 2008 (between 08.00 and 18.00) trespass into garden 2 February 2008 (13.30) youths acting suspiciously	Not indicated Not indicated Youth on cycle hanging around on the alleyway	Not indicated Not indicated Not indicated	Recycle bin moved around to side of property and used to stand on to climb over fence

Smedley Close 45 metres	Not indicated	September / October 2007 (between 18.00 and 23.00) theft from garden – garden lights stolen on two occasions. Also vandalism.	Footpath used to gain access to/leave the area	Not indicated	On numerous occasions youths hang around the alleyway just watching.
		September to November 2007 (all p.m.) antisocial behaviour and intimidation - youths hanging around in our gardens, banging on French doors and then jumping over gate when confronted	Footpath used to gain access to/leave the area	Not indicated	
		3 February 2008 (12.50) vandalism/theft of garden lights	Footpath used to gain access to/leave the area – youths ran off using the alleyway as I arrived home	Not indicated	
		20 May 2008 (15.00) theft from car – brick put through window and items stolen from car	Footpath used to gain access to /leave the area – perpetrator seen riding bike down the alleyway to escape. We gave chase but he escaped.	Not indicated	
		18 April 2008 – antisocial behaviour - two youths squeezed through my neighbour's fence and then entered my garden	Footpath used to gain access to /leave the area – when youths noticed me they ran off straight down the alleyway	Not indicated	

<p>Smedley Close 60 metres</p>	<p>Not indicated</p>	<p>20 January 2008 (13.00) suspicious behaviour / antisocial behaviour and trespass into gardens</p> <p>26 January 2008 (14.00) attempted theft of 2 lintels from site</p> <p>No date given (20.00) – antisocial behaviour / youths hanging around</p> <p>Antisocial behaviour – youths looking into houses and cars</p> <p>26 December 2007 (approx 19.00 to 23.00) burglary</p>	<p>Access to housing area gained by youth climbing over fence from footpath.</p> <p>Perpetrator when confronted by security man ran off, jumping over fence and made escape via footpath.</p> <p>One youth gained access to private garden from the alleyway adjacent to no. 11 Smedley Close and two others stood in alleyway. They were chased away down the alleyway.</p> <p>Footpath used to gain access to housing area. One youth uses planks of wood to scale the fences</p> <p>Used alleyway to escape - the point of entry was through French doors at the back of the house. We found the lead from the TV hanging from the fence, we assume that the burglars escaped via the gardens and down the alleyway</p>	<p>Not indicated</p> <p>Yes</p> <p>Not indicated</p> <p>Not indicated</p> <p>Not indicated</p>	
<p>Smedley Close 65 metres</p>	<p>Not indicated</p>	<p>9 February 2008 (19.55) youths acting suspiciously (i.e. non residents/youths hanging around)</p>	<p>Not indicated</p>	<p>Not indicated</p>	
<p>Smedley Close 20 Close</p>	<p>Not indicated</p>	<p>23 and 30 May 2008 (02.45) attempted burglary – smashed kitchen window</p>	<p>Used as escape route</p>	<p>Not indicated</p>	

Smedley Close metres	50	Since February 2008	4 May 2008 (01.30) 15 April 16 June 2008 all theft from car – car windows smashed	I have noticed a large amount of people jumping the fence to access the alleyway and Harwill Crescent	Yes	
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APPENDIX 3

RESPONSE FROM NOTTINGHAMSHIRE POLICE LOCAL AREA TASKING

(INFORMATION TO BE INSERTED WHEN RECEIVED)

APPENDIX 4

INCIDENT DATA FROM CRIME DISORDER PARTNERSHIP FOR PREMISES ADJOINING OR ADJACENT TO THE HIGHWAY

<u>Date of Incident</u>	<u>Time Of Incident</u>	<u>Address</u>	<u>Type of incident</u>	<u>Part played by footpath in incident</u>
27 December 2007	16.00	Smedley Close	Burglary	Gave access to rear of property / patio doors
5 January 2008	Not indicated	Smedley Close	Attempted burglary	Gave access to rear of property / patio doors
5 January 2008	Not indicated	Smedley Close	Burglary	Gave access to rear of property / patio doors
7 January 2008	Not indicated	Smedley Close	Intruders in garden	Gave access to rear of property
13 April 2008	Not indicated	Smedley Close	Theft from vehicle	Not indicated
21 April 2008	05.45	Smedley Close	Attempted burglary	Gave access to rear of property / patio doors
28 April 2008	Not indicated	Smedley Close	Attempted burglary	Gave access to rear of property / patio doors
5 May 2008	Not indicated	Smedley Close	House burglary	Gave access to rear of property / patio doors
28 June 2008	Not indicated	Smedley Close	Intruders in garden	Gave access to rear of property

APPENDIX 5

ASSESSMENT PROVIDED BY NOTTINGHAMSHIRE POLICE ARCHITECTURAL LIAISON OFFICER / CRIME REDUCTION MANAGER: 8 JULY 2008

On-site assessment

Footpath C (as shown on Appendix 1) leads from Smedley Close onto the adjacent A-B footpath (also shown on Appendix 1). C footpath serves several homes along its length, is quite narrow due to tree and foliage growth and is dark in places because of the vegetation. Footpath C should in my opinion be gated to give access to residents only, I do not see the purpose of this footpath for general use, as either Wendover Drive or Smedley Close roadway would easily facilitate access.

Footpath A-B (as shown on Appendix 1) leads from Wendover Drive into Smedley Close and onto adjoining footpaths. This footpath is quite wide, open and well lit. The junction of this footpath with C footpath appears to be a gathering area with evidence of graffiti, drinks cans and cigarette butts scattered around. The footpath does give access from adjoining footpaths but I am not convinced that it is heavily used, and consideration of gating to this section should be considered.

Incidents of crime or antisocial behaviour

Smedley Close is a new build development of 39 new homes situated within a historically high crime area within Aspley, Nottingham.

Unfortunately the new development has been subjected to a high level of crime, both during the building stage and since most of the homes have become occupied. During the past 12 months 59 crimes were reported at this location, however as this was still within the building stage, with some occupation, I have decided to concentrate on the past 7 months, which is the period the majority of homes became occupied.

Since 1/1/08 the development has suffered from 35 reported crimes, of which 12 were domestic burglary, 6 Theft from motor vehicle and 2 Theft, in addition the level of anti social behaviour is high with 11 suspicious incidents (suspicious characters, incidents etc) and 2 reported nuisance offences.

Conclusions

The level of crime and disorder at this location is particularly high and I am aware that the area is a current Police "hotspot" for crime. It is very difficult to apportion the crime directly to the footpaths but the ease of access into and through the area together with the legitimacy the footpath gives to a potential criminal, allows me to speculate that the footpaths are very likely to be used to facilitate or escape from a crime location. Criminals in the local area are well known to use footpaths and alleyways in the immediate vicinity to commit, facilitate or escape from crime locations and to evade the Police.

APPENDIX 6

STATEMENT PROVIDED BY NOTTINGHAMSHIRE POLICE COMMUNITY SUPPORT OFFICER: 8 JULY 2008

I am a Police Community Support Officer employed by Nottinghamshire Police and I am based at Broxtowe Police Station, Strelley Road, Strelley, Nottingham.

I have worked on the Aspley estate for 1.5 years. I personally feel that a gating order blocking the rear alleyways leading to Smedley Close would be beneficial to the residents in the specified area. The sections of footpath that present the problems are the one that leads from the garages on Keverne Close to Smedley Close, one leads from Wendover Drive again to the rear of Smedley Close and then the third leads from Wendover Drive to the rear properties of Wendover and to the rear of Smedley Close.

I have seen prior to the Smedley Close development the impact that the locality of these alleyways has had on the public. They have been utilised as an escape route for criminals committing burglary on Wendover Drive and currently being used to escape through when committing crime on Smedley Close. From a policing point of view, this increases the opportunity for passing criminals to commit opportunist crime and also planned crime, because the location is so open.

There is not only an increase in crime but also, an increment in the attraction of single disorder e.g. littering, rowdy/ nuisance behaviour, vandalism and graffiti. I have witnessed this on numerous occasions; this ranges from witnessing known nominals cutting through the close in large numbers alarming people within the close. I have also seen youths congregating within the alleyway, next to number 11 Smedley close, which provides a perfect environment for gangs to congregate and disrupt the area surrounding.

A specific criminal incident occurred when I was on patrol, a report came through of a burglary in progress I went down the alleyway that leads to the rear properties of Wendover Drive (this alleyway also leads to Smedley Close) I encountered several lads to the rear of the property, when pursued they dispersed each utilising a different means of escape, this makes these alleyways a hindrance for policing actions, even when compromised they still have suitable means of escape.

I have had numerous reports from the public stating that they are concerned as they have witnessed youths coming through from the alleyways leading to the rear of Smedley close and checking houses door handles and looking into car windows. There has been a massive increase in dwelling burglary in the area and auto crime offences.

I have a report from a specific resident stating that the alleyway next to the address has attracted loads of attention from the local youth, congregating creating noise till the early hours of the morning, leaving litter and just generally causing nuisance for them and other residents in the close.

Not only has there been criminal offences and evidence of litter, street drinking vandalism and graffiti but also numerous incidents whereby youths have been going into people's backyards and trying to gain access to the property but have been disturbed by other residents.

All of the above suggests to me that these problem youths are aware of the accessibility into the close and out of it. Using this knowledge they are able to persistently offend and have repercussions on their actions. I strongly believe that applying a gating order and strong fencing to the specified locations will deter crime and as a result preserve life and improve protection of the property.

Having discussed this matter with my colleague who has worked in the area for the last three years before the redevelopment of Smedley Close, it was confirmed that youths have used these alleyways as an escape route after committing burglary on and around Wendover Drive or abandoning stolen vehicles at the back of the garages on Keverne Close.

Local residents feel very vulnerable, as historically, the said alleyways have also attracted youths to congregate around the area, which leads to other crimes such as anti-social behaviour, graffiti, street drinking and littering. It has been reported that while these youths are congregating they have been seen to enter gardens and try door handles. My colleague has personally witnessed youths using Smedley Close as a cut through to get to the alleyways, which also causes the residents to feel open and vulnerable. It is clear that youths are aware of the alleyways and target Smedley Close due to it being an easy escape route. Due to these examples given my colleague also believes that restricting public access along these alleyways will dramatically reduce crime within the area and improve the security of the properties on and around Smedley Close.

APPENDIX 7

TABLE OF FUNCTIONS AND RESPONSIBILITIES ASSOCIATED WITH GATING ORDERS

<u>Task</u>	<u>Suggested Officer/Team(s)/Body to Perform Task</u>	<u>Approximate Cost of Task Per Order</u>	<u>Budget Source and Department Responsible</u>
I. Considering and investigating application(including assessing and collecting data)	Rights of Way Officer – Traffic Management Team – Environment and Regeneration and Senior Solicitor - Planning and Environment Team - Legal Services Resources	Will vary according to quality and quantity of information provided. Likely to be between £385 and £600 based on between 11 and 175 hours of officer time	To be contained within existing revenue budgets allocated to Environment and Regeneration (Traffic, Safety and Parking Service Area) and Resources (Legal Services)
II. Liaising with Joint Tasking, Members, residents', the Police and other Council departments regarding evidence to support order	Rights of Way Officer – Traffic Management Team – Environment and Regeneration and Senior Solicitor - Planning and Environment Team - Legal Services Resources	Will vary according to particular application but likely to be between £275 and £ 495 based on between 7 and 13 hours of officer time	To be contained within existing revenue budgets allocated to Environment and Regeneration (Traffic, Safety and Parking Service Area) and Resources (Legal Services)
III. Applying for any necessary planning permission to erect gates	Relevant Area Committee	Planning application fee of £135 plus cost of officer time (estimated 5 hours) of £165	Relevant Area Committee to make planning application and pay fee.
IV. Reporting to Area Committee regarding application for order	Rights of Way Officer – Traffic Management Team – Environment and Regeneration and Senior Solicitor - Planning and Environment Team - Legal Services Resources	Estimated as between £154 and £188 based on between 4 and 5 hours of officer time	To be contained within existing revenue budgets allocated to Environment and Regeneration (Traffic, Safety and Parking Service Area) and Resources (Legal Services)
V. Publicising proposed order and preparing order	Rights of Way Officer – Traffic Management Team – Environment and Regeneration	Estimated as between £165 and £198 based on between 5 and 6 hours of officer time plus £700 being fees for advertising	The work is to be carried out by the Traffic Management Team (Environment and Regeneration) within its existing revenue budget. The cost of advertising is to be met by the relevant Area Committee

VI. Considering objections and liaising with objectors	Rights of Way Officer – Traffic Management Team – Environment and Regeneration and Senior Solicitor - Planning and Environment Team - Legal Services Resources	Estimated as between £220 and £308 based on between 6 and 8 hours of officer time	To be contained within existing revenue budgets allocated to Environment and Regeneration (Traffic, Safety and Parking Service Area) and Resources (Legal Services)
VII. Reporting back to Area Committee	Rights of Way Officer – Traffic Management Team – Environment and Regeneration and Senior Solicitor - Planning and Environment Team - Legal Services Resources	Estimated as between £154 and £243 based on between 4 and 5 hours of officer time	To be contained within existing revenue budgets allocated to Environment and Regeneration (Traffic, Safety and Parking Service Area) and Resources (Legal Services)
VIII. Preparing for and attending public inquiry	Rights of Way Officer – Traffic Management Team – Environment and Regeneration and Senior Solicitor - Planning and Environment Team - Legal Services Resources	Will vary according to particular circumstances of case but estimated at between £883 and £1760 based on between 20 and 40 hours of officer time	To be contained within existing revenue budgets allocated to Environment and Regeneration (Traffic, Safety and Parking Service Area) and Resources (Legal Services).
X. Arranging installation of fencing and gates	Rights of Way Officer Traffic Management Team –Environment and Regeneration	Estimated at £99 based on 3 hours of officer time plus cost of gates and fencing	The work is to be carried out by the Traffic Management Team (Environment and Regeneration) and contained within existing revenue budgets. The cost of gates and fencing is to be met by the relevant Area Committee. To be contained within existing revenue budgets allocated to Environment and Regeneration (Highways Maintenance Section)
XI. Carrying out repairs and maintenance to fencing and gates	Highways Maintenance – Environment and Regeneration	Will vary from case to case but estimated at between £66 and £99 based on between 2 and 3 hours of officer time plus materials	
XII. Arranging cutting and distribution of keys and arranging supply of duplicate keys (if applicable)	Traffic Management Team – Environment and Regeneration	Estimated at between £ 33 and £66 based on between 2 and 3 hours of officer time plus £10 per security key	The work is to be carried out by the Traffic Management Team (Environment and Regeneration) within existing revenue budgets. The cost of the keys is to be met by the relevant Area Committee

<p>XIII. Locking and unlocking gates periodically (if order requires it)</p>	<p>Environment and Regeneration – task to be performed by Community Protection Officers (Wardens)</p>	<p>Estimated at £5000 per order per year including vehicle use for task to be carried out by Environment and Regeneration</p> <p>A request for an estimate from an external security firm has indicated that they would charge £11 per day on the basis of two visits. This would equate to a yearly cost of £4015 per order</p>	<p>To be contained within existing revenue budgets allocated to Environment and Regeneration</p>
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