

**ARBORETUM, DUNKIRK AND LENTON, RADFORD AND PARK AREA COMMITTEE –
19 SEPTEMBER 2012**

Title of paper:	REQUEST TO GATE A FOOTPATH ADJACENT TO PORTLAND ROAD AND CROMWELL STREET, ARBORETUM	
Director	David Bishop, Corporate Director of Development Tel: 0115 8763758 Email: david.bishop@nottinghamcity.gov.uk	Wards affected: Arboretum
Contact Officer(s) and contact details:	Steve Hunt, Traffic Manager Development Tel: 0115 8765294 Email: steve.hunt@nottinghamcity.gov.uk John Lee, Senior Rights of Way Officer Development Tel: 0115 8765246 Email: john.lee@nottinghamcity.gov.uk	
Other officers who have provided input:	Legal Services – Planning, Environment and Leisure Team	
Relevant Council Plan Strategic Priority:		
World Class Nottingham		
Work in Nottingham		
Safer Nottingham		X
Neighbourhood Nottingham		X
Family Nottingham		X
Healthy Nottingham		X
Leading Nottingham		X
Summary of issues (including benefits to customers/service users):		
<p>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 Portland Road and Cromwell Street to reduce crime and anti-social behaviour.</p> <p>The introduction of a gating order in appropriate circumstances will help reduce crime, disorder and anti-social behaviour and therefore help the Council deliver its priorities for a Safer, Neighbourhood, Family, Healthy Nottingham.</p>		
Recommendation(s):		
1	That the Area Committee note the statutory tests, set out at paragraphs 5.1.1 and 5.1.2, and that the information in support of the Gating Order, included at paragraphs 2 to 6, satisfies these tests.	
2	That the Area Committee authorise the making of a full-time gating order.	

1 BACKGROUND

- 1.1 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 5.1.1 and 5.1.2 to this report) are less stringent than for special extinguishment orders.

- 1.2 At its meeting on the 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. Additionally, the Executive Board resolved that each Area Committee authorise no more than one gating order during each financial year. A copy of the report to the Executive Board is attached at Appendix 6 to this report.
- 1.3 At its meeting on the 18 March 2008, the Executive Board considered a request from the Council's Regeneration, Infrastructure and Sustainability Standing Panel for a more flexible approach to the use of gating orders. In response, the Executive Board resolved that a more flexible approach should be introduced on a trial basis, whereby Area Committees, in response to demand, would be able to apply for more than one gating order in a municipal year, if needed.

2 REASONS FOR RECOMMENDATIONS

APPLICATION AND SUPPORTING INFORMATION

- 2.1 During October 2011 local residents, supported by the Safer Neighbourhood Police team, approached the City Council with a request for a gating order. The Council was requested to gate a footpath running between and adjacent to Portland Road and Cromwell Street due to problems of crime and anti-social behaviour occurring either on the footpath itself, or resulting from its use. The footpath is shown between points (A) and (B) on the plan at Appendix 1.
- 2.2 To collate the necessary crime and anti-social behaviour incident data and any other information which is relevant to the statutory tests set out at paragraph 5.1.1 (a) (b) and (c) below, the following actions have been carried out:-
 - 2.2.1 During February and March 2012, a consultation letter and incident log sheets were hand delivered by the Safer Neighbourhood Police team to 80 premises on Portland Road and Cromwell Street adjoining or adjacent to the footpath seeking information as to crime or anti-social behaviour associated with the footpath and how it affected those premises. The letter asked that all incidents are reported to the Police and/or the Council's Anti-Social Behaviour hotline. In response, 13 completed log sheets were received which are summarised in a schedule at Appendix 2. A further 11 "contact detail" forms were received which support the gating scheme although these do not provide any additional supporting information. A petition was also received which included 57 signatories supporting the proposals. Over a number of years, residents have also raised their concerns and the problems associated with the footpath with Local Councillors during their surgeries and walk-about sessions in the local community.
 - 2.2.2 Information was sought and obtained from Nottinghamshire Police. The local Police Community Support Officer (PCSO) provided a statement and schedule of incident data

and these documents are annexed at Appendix 3. Further information was provided by the Nottinghamshire Police Architectural Liaison Officer / Crime Reduction Manager (ALO/CRM) whose report is annexed at Appendix 4.

2.2.3 Information was requested from the Crime & Drugs Partnership (CDP). The CDP collate and record crime and anti-social behaviour incident data reported to the Police and the Council's Anti-Social Behaviour Team. The CDP facilitate weekly meetings for the Hot Spot Tasking group which is a partnership between the Council, Police, Probation Service, Nottingham City Homes, local NHS Trusts and the Fire and Rescue Service. Geographical areas of crime and anti-social behaviour are mapped and resources allocated to deal with the hot spots. The information provided by the CDP is attached at Appendix 5.

ANALYSIS

2.5 The following provides an assessment of the above supporting information against the statutory criteria set out at Paragraph 5.1.1 sections (a), (b) and (c) below.

2.5.1 Appendix 2 (summary of residents' 13 Incident Log Sheets): This information records 20 incidents of crime and/or anti-social behaviour between 2001 and 2012 that are attributable to the footpath, with the majority of incidents (70 out of the 98) occurring between January 2011 and June 2012. These include drug dealing, attempted burglary, vandalism, anti-social behaviour, drinking and drug taking. The incidents occur both during the day and the evening. With respect to the legal criteria set out at (a) and (b) in paragraph 5.1.1 below, which the Council must be satisfied are met before a gating order is made, this information demonstrates that premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour and the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour.

2.5.2 Appendix 3 (Nottinghamshire Police): The Police Community Protection Officer's statement provides a summary of the main issues occurring in the locality and how the use of the footpath is involved. It also states that the gating order will disrupt these activities and help create a safer neighbourhood. The schedule of data records 48 incidents of crime and/or anti-social behaviour between April 2009 and May 2012. 47 of these incidents refer specifically to the footpath and include climbing into gardens, burglaries, firearms, drug dealing and drug taking, anti-social behaviour, youths gathering and intimidation and the footpath being used as an escape route to evade the police. This data is consistent with the residents' Incident Log Sheets and shows that the incidents occur during the day and the evening. This information demonstrates that premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour and the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour.

2.5.3 Appendix 4 (Nottinghamshire Police ALO/CRM report): This report covers the period August 2011 to August 2012 and records 23 incidents directly related to the use of the footpath and is consistent with the residents' Incident Log Sheets and the PCSO's statement and data. For example, the report includes 6 burglaries to homes, 10 suspicious incidents, 2 incidents of drug dealing and 2 incidents of anti-social behaviour. It also states that there are obvious signs of gathering throughout the alleyway due to graffiti, dropped litter, alcohol cans etc and local knowledge also refers to the footpath being used regularly for drug dealing and taking. Again, this information demonstrates that premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour and the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour.

- 2.5.4 Appendix 5 (Crime and Drugs Partnership): This statement covers the period April 2011 to July 2012 and records 37 reported incidents of crime and/or anti-social behaviour in the area and 7 of these make specific reference to the footpath. This information is consistent with the Incident Log Sheets, the PCSO's statement and schedule and the ALO/CRM report. This information demonstrates that premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour and the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour.

CONCLUSIONS

- 2.5.5 The analysis shows that over the period 2001 to 2012 there have been 98 incidents logged by residents and/or reported to the Police which involve the footpath, with 70 of the 98 incidents occurring between January 2011 and August 2012. The 2 incidents which occurred during 2001 and 2007 respectively suggest that this issue has been ongoing since at least 2001. The majority of the incidents are drug dealing and taking, fly tipping, burglary, anti-social behaviour and intimidation by youths and gangs. It appears that the footpath provides an ideal environment to carry out these types of offences and to evade the Police. From the information received from the Police the number of incidents occurring is likely to be much higher because only a small percentage of incidents are reported. This is, in part, attributed to a local gang operating in the area and the fear of reprisals if information pertaining to related activities is provided to the authorities. The area also has a high student population which is common with under-reporting of incidents such as attempted burglaries. Based on the evidence submitted it is the report author's view that premises adjoining or adjacent to the footpath are affected by crime and anti-social behaviour and the existence of the footpath is facilitating the persistent commission of criminal offences and anti-social behaviour and that these incidents may occur at anytime of the day or night. It is the report author's view that the statutory criteria set out at Paragraph 5.1.1 and 5.1.2 is met and that a full-time gating order would be the most appropriate in this location.

- 2.6 It will be noted that the footpath constitutes a through route. Accordingly, Area Committee must, when deciding whether or not it is expedient to make a gating order, consider the availability of a reasonably convenient alternative route (please see paragraph 5.1.2 below). Using the footpath the distance between point (A) and point (B) on Appendix 1 is 120 metres. The 2 alternative routes, which are shown by the two dotted lines on the plan at Appendix 1, are 165 and 170 metres in length. Use of the alternative route would therefore add either 45 metres to a person's journey when using Portland Road (i.e. $165 - 120 = 45$ metres) or 50 metres when using Cromwell Street (i.e. $170 - 120 = 50$ metres). It is the reports author's view that the two alternative routes are as reasonably convenient as the footpath.

3 OTHER OPTIONS CONSIDERED IN MAKING THE RECOMMENDATIONS

- 3.1 The Council could decide not to use the new gating order provisions and continue to rely on other legislation for highway closures details of which are set out below at paragraph 3.2 to this report.
- 3.2 The Council could rely purely on the pre-existing power to permanently close a highway under section 118B of the Highways Act 1980, which enables the Council to make an order (known as a "special extinguishment order") where high levels of crime are affecting

adjacent and adjoining properties and the highway is facilitating the persistent commission of crime. However, the disadvantages of using this legislation are as follows:

- 3.2.1 The Secretary of State must approve an application for designated area status before the Council can exercise the power to make a special extinguishment order. This is a lengthy and time-consuming process and those residents most directly affected by the crime will continue to suffer in the meantime. (The gating order provisions involve no such pre-application stage).
- 3.2.2 The Council cannot make a special extinguishment order based solely on antisocial behaviour which is not criminal. (By contrast, the gating provisions allow for either criminal or antisocial behaviour or a mix of both to supply the legal basis for an order).
- 3.2.3 Only an "all or nothing" solution, whereby a highway is closed permanently, is available if a special extinguishment order is made. (This contrasts with the more flexible gating order provisions, under which an order restricting public access for only part of the time (during the hours of darkness, for example) may be made, and which may subsequently be varied or revoked. Consequently, local opposition to closure may be less likely).
- 3.2.4 A single objection by a resident is sufficient to deny the Council the ability to confirm a special extinguishment order, and will automatically trigger the need for a public inquiry if the Council wishes to see the order confirmed. (By contrast, in the case of a gating order, should a statutory consultee such as the Police or the local NHS Trust object, a public inquiry must be held if the Council wishes to see the order confirmed. However, should an objection be received from any other person, the Council has a discretion as to whether a public inquiry should be held before making the gating order).

4 FINANCIAL IMPLICATIONS

- 4.1 Gating orders appear to provide a more workable option than the available pre-existing legislation and reflect Value for Money in terms of the City Council's use of available resources. There are no other lawful means of seeking closure of a highway to prevent crime or antisocial behaviour, the only other legal grounds for closure being that the highway is unnecessary for public use, or that closure of the highway is necessary to enable development to be carried out.
- 4.2 The financial implications of making and implementing gating orders generally are set out in a table attached as an appendix to the report to the Council's Executive Board meeting on 20 June 2006. In this case the financial implications are as follows:-
 - 4.2.2 The total cost to Area Committee to implement the gating scheme is £5,500. This includes the cost of advertising the order, erecting security gates and fencing and officer's fees. This will be funded by the Area Capital Fund.
- 4.3 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. Should this be necessary, it would be funded through the Members Ward Allocation.

5 RISK MANAGEMENT ISSUES

5.1 LEGAL IMPLICATIONS

5.1.1 The evidence (or a summary thereof) supporting the request for a gating order is attached at Appendices 2, 3, 4, and 5. 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.

5.1.2 The circumstances referred to in paragraph 5.1 (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.

5.1.3 "Anti-social behaviour" is defined in the legislation as behaviour by a person which causes or likely to cause harassment, alarm or distress to person(s) not of the same household as himself.

5.1.4 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 adjoining or adjacent to the footpath, the Police the Fire and Rescue Service, the local NHS Trust, the Nottingham Local Access Forum, statutory undertakers and providers of gas, electricity, water and telecommunications services in the area of the footpath.

5.1.5 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.

5.1.6 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.

- 5.1.7 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 5.1.1 and 5.1.2 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.
- 5.1.8 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.
- 5.1.9 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.

5.2 CRIME AND DISORDER ACT IMPLICATIONS

- 5.2.1 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. The Crime & Drugs Partnership Plan 2001/12 – 2013/14 acknowledges that; once an area is allowed to decline physically and socially, community tolerance and cohesion will reduce and a community's natural ability to regulate crime and ASB will decline. In such an environment crime can flourish. Thus, proactive interventions to tackle ASB (environmental issues, vandalism etc) will help create cohesive communities more resilient to crime and reduce crime in the long term.
- 5.2.2 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.

5.3 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. The Equality Act 2010 places a duty on the Council to ensure all potential impacts on disabled citizens have been fully considered and actions are proportionate to the problems. In this case this includes the availability and suitability of an alternative route in the event that the footpath is gated. Details of the alternative route are provided at paragraph 2.6 above.

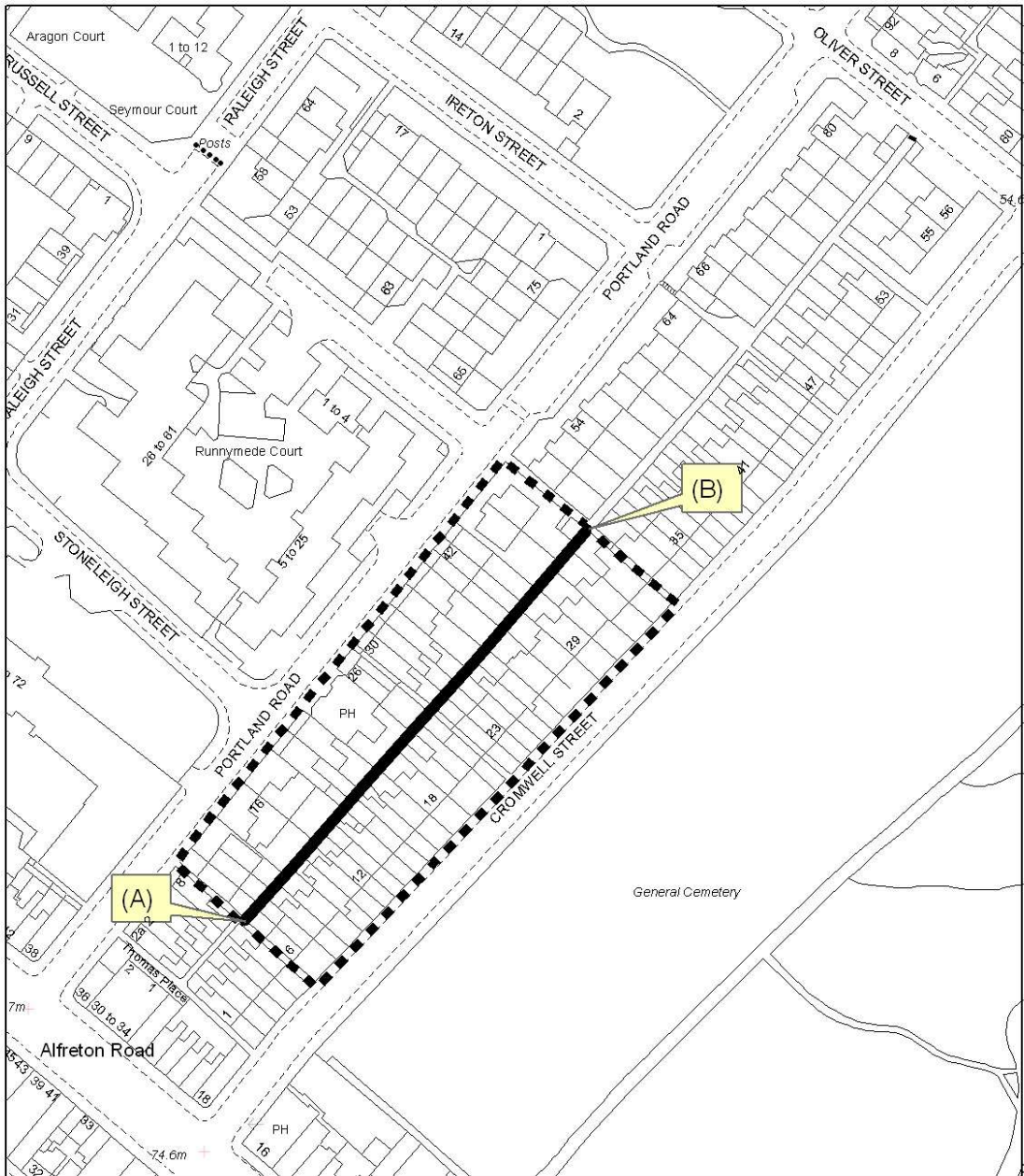
6 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

None

7 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 7.1 Highways Act 1980 (as amended)
- 7.2 Crime and Disorder Act 1998
- 7.3 Clean Neighbourhoods and Environment Act 2005
- 7.4 The Highways Act 1980 (Gating Orders) (England) Regulations 2006
- 7.5 The Crime & Drugs Partnership Plan 20011/12 – 2013/14
- 7.6 Report to Executive Board meeting on 20 June 2006 headed “Gating Orders”
- 7.7 Minute No. 23 of Executive Board meeting on 20 June 2006
- 7.8 Minute No. 156 of Executive Board meeting on 18 March 2008

APPENDIX 1: FOOTPATH ADJACENT TO PORTLAND ROAD AND CROMWELL STREET



Request for Gating Order for Footpath adjacent to Portland Road and Cromwell Street

<p>Legend</p> <p>— (A) - (B) footpath subject of gating order</p> <p>■ ■ ■ alternative routes</p>	<p>Map produced on: August 2012 Data provided by: Open Street Map Management</p>	<p>N</p>	<p>Nottingham City Council</p>
		<p>Development</p> <p>Scale 1:1,250</p>	
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APPENDIX 2

SUMMARY OF DETAILS FROM INCIDENT LOGS FROM PREMISES ADJOINING AND ADJACENT TO THE FOOTPATH

<u>Log no.</u>	<u>Location of Premises</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 (where indicated)</u>	<u>Was the incident reported to the Police?</u>	<u>Other comments</u>
1	Portland Road	Attempted burglary (Approx 2001, early evening) Anti-social behaviour: approx 5 years ago	Used the footpath to enter garden and property Incidents took place on the footpath	No Yes	My children caught a burglar attempting to enter the property next door via the back upstairs window; it was reported to the police. There has been occasion when our pet dog has had items thrown at him over the fence, washing has been stolen off the washing line. My daughter's rabbits were also killed by someone who got into our garden. Lots of people acting suspicious, selling drugs – fighting and arguing. A man used the path outside my property to urinate, whilst my daughter and me were sat in the garden. He would have

			<p data-bbox="986 1317 1054 1720">Vandalism/attempted arson: (no date given 00.00hrs)</p> <p data-bbox="1281 1361 1350 1720">Attempted theft (January 2012 afternoon)</p>	<p data-bbox="986 898 1054 1279">Incidents took place on the footpath</p> <p data-bbox="1281 875 1350 1279">Gained access to my garden via the footpath</p>	<p data-bbox="248 192 389 636">known we were there. I responded by telling him to leave or I would douse him in water from the hose pipe.</p> <p data-bbox="432 192 647 636">The above situations have occurred frequently in the alleyway, people have used the area as a toilet, and continue if uncaught. No respect for themselves.</p> <p data-bbox="691 192 943 636">There has also been situations of persons hanging around looking at all the properties from the back, using the area to pass drugs, smoke weed, this can be heard or smelt out in the open.</p> <p data-bbox="986 192 1238 636">A glass jar containing petrol and a rag was set on fire and thrown at the back of my house hitting the wall under the window causing a fire, thick smoke which needed dousing with water.</p> <p data-bbox="1281 192 1350 636">2 men caught attempting to take a washing machine which</p>
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					<p>had been placed outside the back door.</p> <p>Over the years there have been lots of incidents where inappropriate behaviour, ASB and criminal, have occurred on a regular basis. There have been so many that it's difficult to date these, people using the area as a toilet, to dump rubbish, watching properties and at times indecent behaviour. The alley has also been used to get away from the police, they have run down the alleyway and jumped over the walls into the other alleyways. There was one incident where 2 kids had been caught by myself carrying a generator obviously stolen as they were acting suspicious.</p> <p>Myself and my family would very much appreciate gates placed on the alley, it would help us feel more secure in our homes and hopefully stop all</p>
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					the above incidents reoccurring time and time gain. I have already spoken to the local Councillors on this matter and push forward for this project to go ahead.
2	Portland Road	Fly tipping / rubbish (constantly – no dates or times given)	used the footpath to commit offence Used footpath to enter the garden / property	Not indicated Yes	The burglars came in through the back of my garden via the footpath.
3	Portland Road	Fly tipping / rubbish (25 th November 2011, 13.00hrs)	Incident took place on the footpath	No	Lots of litter, enough litter that it was blown into adjacent gardens.
4	Cromwell Street	Anti-social behaviour (18 th November 2011 – no time indicated)	Incident took place on the footpath	Yes	The argument was held in the back alleyway.
5	Cromwell Street	Attempted burglary (no date or time indicated)	Used the footpath to enter the garden / property	No	A person ascended my back yard via the path and tried to grab my hand bag through my cat flap. My neighbour saw someone climb up onto my wall from the path to try and break in through my door.

6	Cromwell Street	15 April 2012, 01.00hrs	Used the footpath to enter the garden / property	No	Used it to get into my back garden.
7	Cromwell Street	April 2012, 16.00hrs	Used the footpath to enter the garden / property	Yes	Attempt to get into the back door.
8	Cromwell Street	April 2012, 16.00hrs	Used the footpath to enter the garden / property	Yes	Someone climbed into back garden. Used to access back garden.
9	Cromwell Street	Burglary: 2011, 16.00 – 17.00hrs	Used the footpath to enter the garden / property	No	Fridge and washing machine was taken from the back garden.
10	Cromwell Street	Burglary: 6 th June 2012, 16.30 – 17.00hrs	Used the footpath to enter the garden / property	Yes	Someone jumped over the wall from the path and into our house.
11	Cromwell Street	Burglary 11 th October 2011, 19.00 - 03.00hrs	Used the footpath to enter the garden / property	Yes	They used it for transport of stolen goods.
12	Cromwell Street	Anti-social behaviour	Incidents took place on the footpath	No	Bad behaviour, when people passing, people that walk past use the way as a toilet.
13	Cromwell Street	Anti-social behaviour: May / June 2011 Anti-social behaviour: June /July 2011	Incident took place on the footpath Incident took place on the footpath	Yes	Over a period of weeks a young male was sleeping rough every night in the top alleyway between Cromwell and Portland Roads. While working on our house I noticed two hiding from someone in the back alley, I called in to Canning Street [Canning Circus] police station

				to bring this to their attention.
	Burglary: 6 September 2011	Used the footpath to enter the garden / property	Yes	Someone gained access from the back alley into our back yard to steal a complete Victorian marble fire surround that we were storing there.
	Anti-social behaviour: 8 February 2012, night time	Incident took place on the footpath	No	I heard a large bang out the back of our house but could not see through the window. In the morning I heard that a section of our neighbour's fence had been thrown over the wall into our garden.
	Current / ongoing	Incident took place on the footpath	No	Again this year, as last year, rubbish has been tipped into the back alley causing an obstruction and attraction for vermin, this current lot has been there for 3 weeks now.

APPENDIX 3

NOTTINGHAMSHIRE POLICE: POLICE COMMUNITY SUPPORT OFFICER

I am Police Community Support Officer 4731 Helen Winstanley and I am employed by Nottinghamshire Police as a member of the beat team for the Radford East City Central Area. I am stationed at Radford Road Police Station, Nottingham. I have occupied this role for the past two years. My role consists of forging community links to provide a problem solving approach to long-standing issues.

A part of the area that I cover is Cromwell Street and Portland Road which has an alleyway linking the two roads, running at the back of the houses. This specific area is part of a crime hotspot and is often targeted for burglaries, drug dealing and fly tipping.

The area also has a large number of the local gang members living in the community, some of them living in properties overlooking the alleyway. These individuals are members of the RAD MPR gang who are involved directly and often linked indirectly to many reports of criminal behaviour. Examples of such criminal behaviour are; possession and use of firearms, possession and the supply of Class A drugs, possession, the cultivation, supply and distribution of cannabis, criminal damage, street robberies, burglaries, intimidation, assaults and general anti-social behaviour.

Many of the members of RAD MPR have been or are suspected to be involved in these acts and many of them have previous convictions or pending court cases in relation to these offences.

In addition to the members of RAD MPR there are a number of drug dealers living adjacent to the alleyway. There have been numerous reports from members of the community that the alleyway is often used for the distribution of drugs by these and other people. There have been numerous enforcement actions carried out in the area in relation to drugs with varying degrees of success, but nothing has stopped or deterred drug activity.

Unfortunately due to the nature of the area and associated criminality and gang culture many members of the public are often too frightened to speak with the Police through fear of reprisals and so as a result we perhaps fail to collate a bigger picture.

There is a large proportion of student properties on the two streets, which are often targeted by burglars; be it by 'career' offenders or simple opportunists, and the alleyway provides the perfect environment for such crimes. Many of the houses have the back gate bricked up to prevent from crime; however there are still a large proportion of houses attacked each year. These houses are particularly vulnerable due to many of them having a one story flat roof extension at the rear providing easy access to the first floor bedrooms.

The majority of burglaries on these two streets involve the alleyway, either as a way of gaining entry or an escape point for offenders. This area is very difficult to watch or organise containment on and therefore we are rarely able to catch anyone using it to escape.

In addition to the student properties, there are a large number of families living on Portland Road, in social housing managed by Places For People. These properties directly back onto the alleyway. There is also a play area on Portland Road to provide entertainment for the children of the area. Quite often local children are discouraged from playing there by their parents due to the number of youths and gang members who will congregate at the entrance to the alleyway close to the play area.

On the opposite side of Portland Road there is sheltered housing for older people called Runnymede Court. Many of the occupants have raised concerns with myself and my colleagues about the level of crime in the area, and the negative effect that the alleyway has. They have also mentioned how intimidating it can be to have to walk past a group of youths who will be congregating around the alleyway. These residents are very vulnerable and could be considered as easy targets.

In addition to these problems the alleyway is also used as an area for fly-tipping general refuse or large household items. This creates a dirty and smelly environment which detracts from the local residents' quality of life.

Members of the local community do not generally use the alleyway as an access route into their properties, partially due to the fear of crime and partially as the main access point is at the front of the house.

It is my strong belief that closing the alleyways will help the local residents and the Police to achieve a Safer Neighbourhood, deter criminality and help to improve the local resident's quality of life. This will be achieved by taking away the opportunity for those engaging in criminal activity to use the environment that they consider as safe and cut off any potential escape routes.

NOTTINGHAMSHIRE POLICE INCIDENT DATA: 4th APRIL 2009 TO 31st MAY 2012

Date of Incident	Time of Incident	Location of incident	incident	How was the path involved in the incident
27/02/2012	03:44	Portland Road	Suspicious Incident	Banging sounds in the alleyway
31/03/2012	17:31	Cromwell Street	Suspicious Incident	Persons climbing over a back wall into gardens
24/04/2012	16:00	Cromwell Street	Suspicious Incident	2 males in back garden
31/05/2012	Overnight	Portland Road	Burglary	entrance/exit through the alleyway
13/01/2011	Overnight	Cromwell Street	Burglary	entrance/exit through the alleyway
22/01/2011	04:21	Portland Road	Burglary Other than Dwelling	entrance through the alleyway
23/01/2011	18:06	Portland Road	Burglary	entrance/exit through the alleyway
23/01/2011	21:19	Portland Road	Suspicious Incident	Car parked up occupants looking up alleyway
03/02/2011	Afternoon	Portland Road	Burglary	entrance/exit through the alleyway
26/02/2011	Overnight	Cromwell Street	Burglary	entrance/exit through the alleyway
02/03/2011	11:45	Portland Road	Anti-social Behaviour	2 males in the alleyway drinking

26/04/2011	22:33	Cromwell Street	Burglary	entrance/exit through the alleyway
16/05/2011	02:00	Cromwell Street	Suspicious Incident	Person looking suspicious in alleyway
19/07/2011	19:28	Cromwell Street	Suspicious Incident	Male in back garden ran down whole alleyway
25/08/2011	12:28	Portland Road	Suspicious Incident	2 males in alleyway checking addresses
27/08/2011	Overnight	Cromwell Street	Theft	Theft of marble fireplace from back garden
19/09/2011	15:33	Portland Road	Drugs	People selling drugs to children in the alleyway
27/09/2011	04:49	Portland Road	Burglary	entrance/exit through the alleyway
09/10/2011	16:19	Portland Road	Suspicious Incident	2 males in back garden
10/10/2011	16:10	Cromwell Street	Criminal damage	back window smashed
16/10/2011	02:18	Portland Road	Burglary	entrance/exit through the alleyway
22/10/2011	Overnight	Cromwell Street	Burglary	entrance/exit through the alleyway
16/11/2011	01:16	Portland Road	Criminal damage	petrol bomb thrown at house from alleyway
19/11/2011	01:15	Cromwell Street	Suspicious Incident	drug dealing in alleyway

05/12/2011	21:37	Cromwell Street	Police created incident	Runners lost down alleyway
12/01/2012	01:26	Cromwell Street	Violence against person	IP attacked with a metal pole in alleyway
02/02/2010	00:59	Portland Road	Drugs	Male in possession of cannabis in alleyway
04/02/2010	18:01	Cromwell Street	Suspicious Incident	2 males in alleyway looking into houses
27/02/2010	22:46	Cromwell Street	Police created incident	Runner lost up alleyway
12/03/2010	00:30	Portland Road	Drugs	Male in possession of cannabis in alleyway
23/04/2010	Overnight	Cromwell Street	Burglary	Attempt Burglary between
28/04/2010	15:14	Portland Road	Crime – other	Male in alleyway in possession of a knife
18/06/2010	13:22	Cromwell Street	Burglary	Burglary between
27/07/2010	10:00	Cromwell Street	Suspicious Incident	Bin Dipping
27/07/2010	15:09	Portland Road	Drugs	3 males in alleyway trading drugs
18/08/2010	11:03	Cromwell Street	Drugs	Drug Dealing in the alleyway
14/10/2010	14:35	Cromwell Street	Firearms	Males in alleyway with a firearm
25/10/2010	20:30	Cromwell Street	Burglary	Burglary
07/11/2010	22:36	Cromwell Street	Suspicious Incident	Male in alleyway looking into gardens

04/04/2009	23:51	Cromwell Street	Criminal Damage	Rear window smashed
08/04/2009	00:20	Cromwell Street	Criminal Damage	Rear window smashed
20/04/2009	22:55	Portland Road	Drugs	Drug dealing in the alleyway
18/05/2009	06:13	Portland Road	Suspicious Incident	Male sleeping rough in alleyway
07/06/2009	02:15	Portland Road	Burglary	Entrance/exit through the alleyway
28/07/2009	12:57	Portland Road	Drugs	Drug dealing in the alleyway
15/09/2009	11:12	Cromwell Street	Drugs	Male in possession of cannabis - ran down alleyway to evade capture
15/10/2009	22:45	Cromwell Street	Burglary	Entrance/exit through the alleyway
30/11/2009	12:33	Portland Road	Burglary	Entrance/exit through the alleyway

APPENDIX 4

NOTTINGHAMSHIRE POLICE ARCHITECTURAL LIAISON OFFICER / CRIME REDUCTION MANAGER'S REPORT: AUGUST 2012

Crime

The area in which this alleyway is located is a high crime area with over 160 crimes or incidents being reported on Cromwell Street and over 430 crimes or incidents being reported on Portland Road, within the past 12 month period, 22nd Aug 2011 – 21st Aug 2012.

With regards to the issue if the rear alleyway between these two roads contributes to the crime and disorder in this area can be difficult to ascertain, mainly due to persons reporting crime or incidents failing to state where the crime or incident occurred or were unaware of the location of the crime or incident.

However from examining the crime reports I can confirm that at least 23 crimes or incidents were committed which directly related to the alleyway. These crimes and incidents include:

- 6 x Burglaries to homes – entry was gained through the rear of the home
- 10 x Suspicious Incidents – All reported as occurring on the rear alleyway
- 3 x Criminal Damage – Damage to property at the rear of the premises
- 2 Drugs – Incidents of drug dealing in the alleyway
- 2 ASB – Incidents of anti social behaviour reported in the alleyway.

There may well be many more incidents occurring in the alleyway but for the purposes of this report I have included only those that make reference to the rear alleyway but I have discounted others that are very likely to be committed in this area but do not make direct reference to the alleyway.

Local knowledge in the area refers to the alleyway being regularly used to deal drugs both in the alleyway and on the access routes (beneath homes) to the alleyway.

The additional crime and disorder material provided by PCSO Winstanley supports the crime issues at this location.

Crime Reduction Observations

The alleyway from the point to the rear of no. 2 Portland Road & no 1 Cromwell Street is quite narrow and appears to be largely unused by regular pedestrian traffic. The rear alleyway shows a covering of moss, which would normally be worn away by foot traffic if regularly used. It is worth noting however that the side accesses leading to and on through the rear alleyway have very little moss showing that these cross access routes are used with more regularity.

The following images are typical views of the footpath and show the rear access to the adjacent and adjoining premises and gardens.



A number of the local residents have taken extra precautions to reduce the opportunity for unlawful entry into the rear of their properties with home made

additions to the top of the walls, or in some cases barbed wire has been used. This is shown on the following image.



There are obvious signs of gathering throughout the alleyway due to graffiti being very evident, especially on the covered walkways leading to the rear alleyway, dropped litter, alcohol cans and other dropped litter, all of which show that there are a number of gathering locations in this area, mainly in the covered areas.

Conclusion

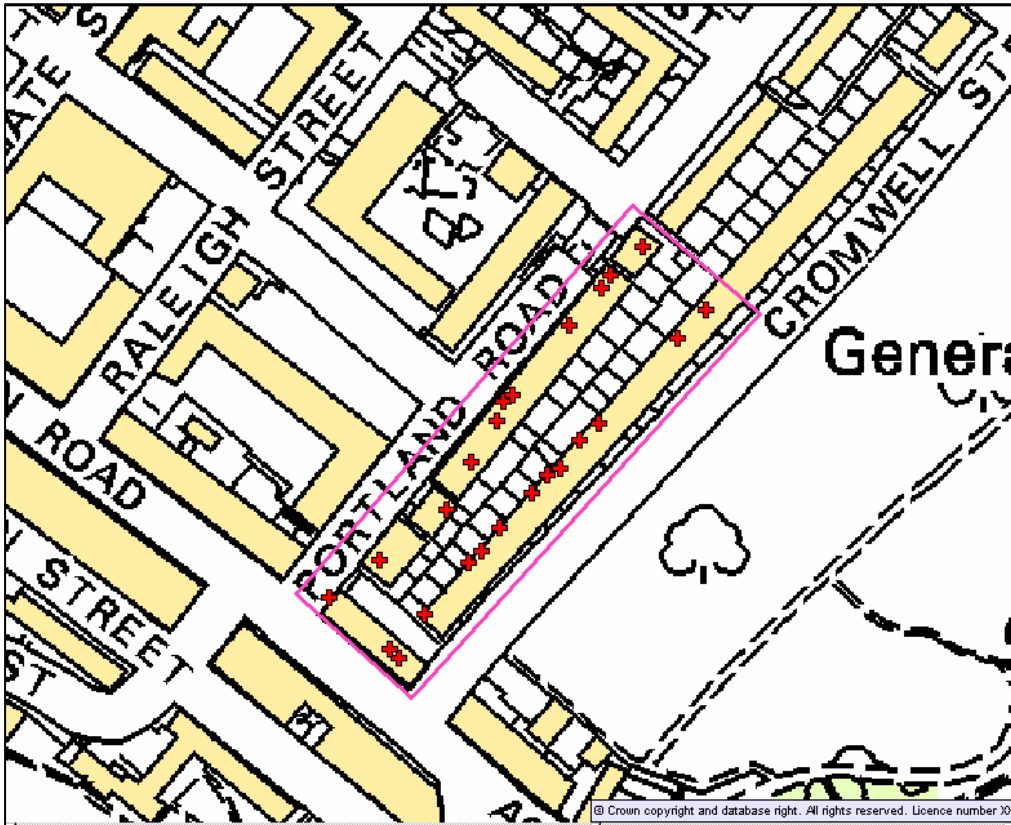
With the evidence available I can confirm that the alleyway and covered access routes leading to the rear alleyway are and have been used to facilitate crime, both in recent times and in previous years. It is an ongoing issue with local residents who are suffering from crime and disorder in this particular area. At the time of my visit I disturbed a suspicious character attempting to gain access into a rear garden via the rear alleyway, he quickly moved away when he saw my Police identification.

APPENDIX 5

Nottingham Crime and Drugs Partnership

Crimes and offences occurring in the proposed Gating Order area between Cromwell Street and Portland Road on the Radford East beat.

Both crimes and ASB incidents were looked at over a 15 month period (April '11 to July '12) on Canning Circus Radford East beat. A polygon was drawn in the mapping system Prophecy to show the offences occurring within the proposed gating order area (shown below).



Over the 15 month period there were a total of 37 crime and ASB incidents (25 of the former and 12 of the latter). The crime types are detailed in the table below:

Initial Offence Category Desc	Total
ABH	1
ASB NUISANCE	3
ASB PERSONAL	2
BURGLARY DWELLING	7
BURGLARY OTHER	3
COMMON ASSAULT	2
CRIMINAL DAMAGE TO A DWELLING	3
DOMESTIC INCIDENT	1
OTHER CRIME NOT LISTED	1
RACIST INCIDENT NOT A CRIME	1
ROWDY INCONSIDERATE	6
THEFT IN DWELLING OTHER THAN AUTO MACHINE OR METER	1
THEFT OR UNAUTHORISED TAKING OF PEDAL CYCLE	1
THEFT OTHER	3
WOUNDING WITH INTENT	2
Grand Total	37

A closer look was taken at the offences/incidents to see if there were any connections with the alleyway.

Burglaries:

There were 7 burglary dwellings in the 15 month period, 4 of which have been identified as the offender potentially using the alleyway as an escape route due to rear access into the properties. It is likely that the number is higher but due to a lack of specific detailed information it is difficult to establish whether entry was gained via the front or the back of the properties.

Rowdy Inconsiderate:

Out of the 6 incidents none of them refer to the alleyway. The incidents consisted of noisy neighbours or neighbour disputes, harassment on Facebook and disruptive behaviour in a pub and restaurant.

Theft Other:

Two of these offences were theft of a handbag from the Portland Arms Pub. The third offence was the theft of a fireplace from a residential property. Access was gained through a locked gate which backs on to the alleyway.

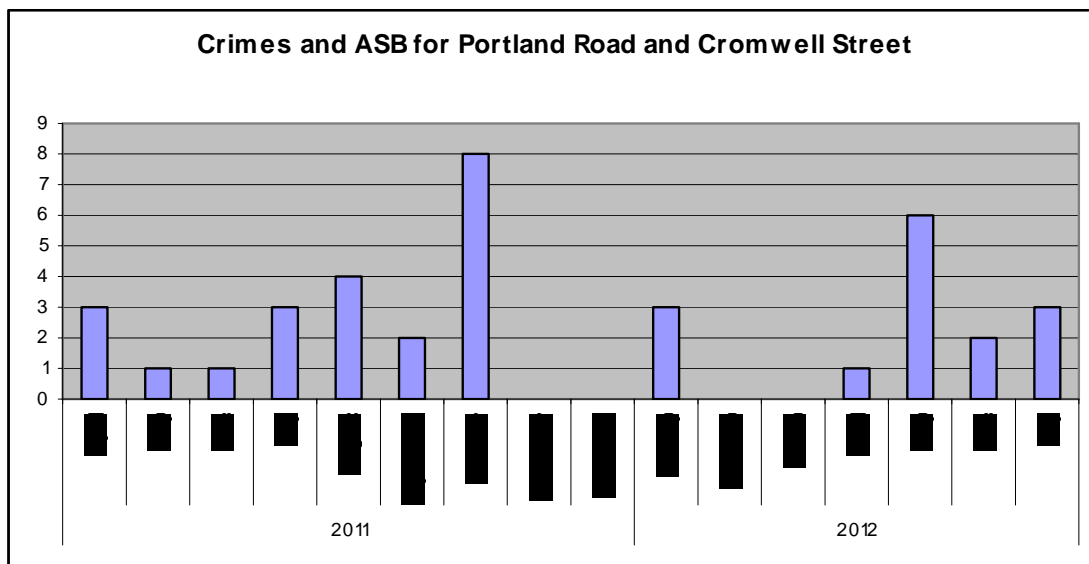
Criminal Damage to a Dwelling:

Of the three offences, the alleyway was used in one of them. A male was seen jumping over a wall onto the alleyway after smashing a kitchen window.

Burglary Other:

Two of the offences took place at a restaurant and kebab house. The third offence was at a residential property and the offenders entered the property by an insecure door at the rear and escaped by jumping over the wall onto the alleyway. There is no link to the alleyway in the remaining offence types.

As can be seen from the breakdown above, 7 out of the 37 incidents (19%) can be linked to the alleyway.



APPENDIX 6

REPORT TO THE CITY COUNCILS EXECUTIVE BOARD

EXECUTIVE BOARD 20 JUNE 2006

Title of paper:	Gating Orders	Key decision YES
Chief Officer(s)	Adrian Jones, Acting Lead Services Director Telephone Number: 9155312 Email: adrian.jones@nottinghamcity.gov.uk	
Contact officer(s)	Stewart Thompson Services Manager Traffic and Safety Telephone Number: 9156055 Email: stewart.thompson@nottinghamcity.gov.uk	
Summary issues raised: <ul style="list-style-type: none">- New legislation enabling the City Council to make orders to gate public highways to reduce crime or antisocial behaviour which provides the Council with an additional tool to fulfil its statutory responsibility to reduce crime and disorder within its area.		
	<u>Recommendations:</u> For the authorisation of officers to carry out tasks associated with gating orders; and For the authorisation of funding for necessary work/expenditure in connection with gating orders; and To impose a maximum number of gating orders which each Area Committee will authorise per financial year.	<u>Summary of Implications:</u> Significant staff and financial resource issues and statutory legal obligations as detailed in the report.
Impact on corporate objectives: Customers: by reducing crime or antisocial behaviour Nottingham will be a safer place for residents and visitors alike Social Inclusion: by making Nottingham City safer residents and visitors will feel more inclined to feel part of the local community Sustainability: reducing crime and antisocial behaviour will reduce enviro-crime making the Nottingham more environmentally sustainable		Benefits to customers/service users: By reducing crime and antisocial behaviour and the fear of crime and antisocial behaviour the proposals will benefit all customers and service users

REPORT OF ACTING LEAD SERVICES DIRECTOR OF CITY DEVELOPMENT

GATING ORDERS

1 KEY DECISION

This matter is the subject of a Key Decision because it is significant in terms of its effects on communities living or working in an area consisting of two or more wards in the City.

2 RECOMMENDATIONS

IT IS RECOMMENDED that:

- i) the performance of functions and responsibilities associated with the exercise of gating order powers as detailed in the Appendix to this report be approved;
- ii) the allocation of City Council resources as detailed in the Appendix to this report for the carrying out of those functions and responsibilities be approved;
- iii) No more than one gating order is authorised by each Area Committee per financial year.

3 REASONS

To enable the Council to avail itself of new powers to deal with crime and antisocial behaviour and to provide the Council with an additional tool to help fulfil its statutory responsibility to reduce crime and disorder within its area.

4 BACKGROUND

Until relatively recently, it was possible to close a public right of way only on grounds of development or lack of necessity. Concerns had been expressed that some rights of way were facilitating the commission of crime. In response to this, the Countryside and Rights of Way Act 2000 contained a power to enable highway authorities to close permanently a minor right of way for the purposes of crime reduction. This provision has been found by local authorities to be time-consuming, expensive and difficult to use.

5. PROPOSALS

- 5.1 The Clean Neighbourhoods and Environment Act 2005 introduced a new power for highway authorities to make gating orders for the purpose of reducing crime or antisocial behaviour. Unlike previous legislation for the closure of highways, a gating order does not remove highway status but (as with a traffic regulation order) simply restricts 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 rights of way outside daylight hours. The legislation permits the installation of physical barriers to enforce the restriction.

- 5.2 To comply with the legislation, the Council would, before making a gating order, have to be satisfied that properties adjacent to the highway were affected by crime or antisocial behaviour and that the existence of the highway was facilitating the commission of crime or antisocial behaviour. The Council would be required to give notice to the public, the Police, the Fire and Rescue Service, the local NHS trust, statutory undertakers, and other consultees before an order is made. Objections may be made to the order within a set time period, and the legislation provides a framework for the holding of public inquiries in certain cases where objections have been received.
- 5.3 Under the Council's Constitution, the appropriate bodies for determining individual applications for gating orders are the Area Committees, who have the power "to approve minor closures under highways and road traffic legislation, of a local nature ...". The role of Area Committees will be to decide, on the basis of information and evidence which officers have received and assessed in each case whether a gating order should be authorised. If recommendation no. iii is approved the Area Committee may have to choose one particular application which is to be authorised for the making of a gating order for that financial year from amongst a number. To assist an Area Committee in undertaking this process it is proposed that the report to the Area Committee on the individual application for a gating order will contain any relevant information and/or data provided by the "Joint Tasking" process which is already operating within the City to tackle crime, disorder and antisocial behaviour hot spots.
- 5.4 Joint Tasking is a partnership between the Council, Crime Disorder Reduction Partnership, Police, Probation Services, Nottingham City Homes, local NHS Trusts and the Fire and Rescue Services. Representatives of each of these bodies attend regular meetings at which geographical areas of crime, disorder and antisocial behaviour are identified and incident data is considered. Resources are then allocated, with priority being given to tackle identified hotspots.
- 5.5 If objections are received to the proposed order, a further report will be taken to the relevant Area Committee to request authorisation as to how the Area Committee wishes to proceed.
- 5.6 If the actions detailed in the recommendations to this report are approved, it is proposed, prior to Area Committees being required to consider individual applications, that each Area Committee should receive a briefing report. This briefing report will expand on the new legislation and the role of the Area Committee in implementing the changes.
- 5.7 It is anticipated that a gating order request may, if it results in an order being made, generate the following tasks:
- I. considering and investigating the application (including assessing and collecting data)
 - II. liaising with Joint Tasking, Members, residents, the Police and other Council departments regarding evidence to support any order
 - III. making an application for planning permission to erect gates in certain cases
 - IV. reporting to Area Committee regarding the application for an order
 - V. publicising proposed order and preparing order
 - VI. considering any objections received and liaising with objectors
 - VII. reporting back to Area Committee if objections received

- VIII. in appropriate cases, preparing for and attending public inquiry
- IX. carrying out further publication requirements after order made
- X. arranging installation of and repairs and maintenance to fencing and gates
- XI. arranging cutting and distribution of keys and arranging supply of duplicate keys (if applicable)
- XII. locking and unlocking gates periodically (if order requires it)

5.8 These tasks and suggested personnel to perform them are contained in the table which is in the Appendix to this report.

6.0 TIMESCALE FOR IMPLEMENTATION OF PROPOSALS

6.1 The powers to make gating orders came into effect on 1 April 2006. It is intended that applications for individual gating orders should be processed as soon as the recommendations numbered i and ii in this report have been approved by Members. (This contrasts with the delays inherent in the making of orders under the pre-existing legislation; Members are referred to paragraph 7.2 below and to the first bullet point under that paragraph).

7 OTHER OPTION

7.1 The Council could decide not to use the new gating order provisions and continue to rely on other legislation for highway closures details of which are set out at paragraph 7.2 to this report. However, 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 availability of gating orders for use in appropriate cases will complement other corporate initiatives for reducing crime and disorder and antisocial behaviour in the community.

7.2 The Council could decline to use the new gating order provisions and rely instead purely on the pre-existing power permanently to close a highway under section 118B of the Highways Act 1980, which enables the Council to make an order (known as a “special extinguishment order”) where high levels of crime are affecting adjacent and adjoining properties and the highway is facilitating the persistent commission of crime. However, the disadvantages of using this legislation are as follows:

- The Secretary of State must approve an application for designated area status before the Council can exercise the power to make a special extinguishment order. This is a lengthy and time-consuming process and those residents most directly affected by the crime will continue to suffer in the meantime. (The gating order provisions involve no such pre-application stage).
- The Council cannot make a special extinguishment order based solely on antisocial behaviour which is not criminal. (By contrast, the gating provisions allow for either criminal or antisocial behaviour or a mix of both to supply the legal basis for an order)
- Only an “all or nothing” solution, whereby a highway is closed permanently, is available if a special extinguishment order is made. (This contrasts with the more flexible gating order provisions, under which an order restricting public access for only part of the time (during the hours of darkness, for example)

may be made, and which may subsequently be varied or revoked. Consequently, local opposition to closure may be less likely).

- A single objection by a resident is sufficient to deny the council the ability to confirm a special extinguishment order, and will automatically trigger the need for a public inquiry if the Council wishes to see the order confirmed. (By contrast, in the case of a gating order, should a statutory consultee such as the Police or the local NHS Trust object, a public inquiry must be held if the Council wishes to see the order confirmed. However, should an objection be received from any other person, the Council has a discretion as to whether a public inquiry should be held before making the gating order).

7.3 Gating orders appear to provide a more workable option than the available pre-existing legislation and reflect Best Value in terms of the City Council's use of available resources. There are no other lawful means of seeking closure of a highway to prevent crime or antisocial behaviour, the only other legal grounds for closure being that the highway is unnecessary for public use, or that closure of the highway is necessary to enable development to be carried out.

8 FINANCIAL IMPLICATIONS

8.1 There may be a high demand for gating orders, and meeting that demand may have a significant financial impact on the City Council.

8.2 It is anticipated that the financial implications of gating orders will be a combination of officer time and expenditure on other items. The Appendix to this report contains approximate costings and estimates of officer time in connection with each task per order. A range of costs is given in connection with some tasks where variation is expected.

8.3 From current information available, it is anticipated that if the process of making gating orders is entirely demand-led, that the total number of applications to be considered by Area Committees each year is likely to be ten or less. However, with a view to ensuring the fair allocation of existing resources across the City, with priority being able to be given to a finite number of cases at any one time, it is proposed that each Area Committee be limited to authorising the making of one gating order per financial year.

8.4 If no limit is set, the adequacy of available resources (particularly in relation to tasks being carried out within existing revenue budgets) may need to be reviewed at a future date, if it transpires that the volume of work associated with gating order applications is greater than anticipated, and that staff are not able to deal with the applications within an acceptable timescale.

9 EQUAL OPPORTUNITIES IMPLICATIONS

The reduction of crime and/or antisocial behaviour by the introduction of a gating order will ensure all customers are less likely to suffer crime or antisocial behaviour when accessing local amenities and going about their day to day business.

10 List of background papers other than published works or those disclosing confidential or exempt information

NONE

11 Published documents referred to in compiling this report

Local Transport Plan 2006/7 – 2010/11
Highways Act 1980 as amended
Countryside and Rights of Way Act 2000
Clean Neighbourhoods and Environment Act 2005
The Highways Act 1980 (Gating Orders) (England) Regulations 2006 (Statutory Instrument 2006 No. 537)
Guidance Relating to the Making of Gating Orders published by the Home Office, March 2006
Crime and Disorder Act 1998
Safe For Nottingham: Nottingham City Crime, Drugs and Anti-Social Behaviour Strategy 2005 – 2008

CHIEF OFFICER:

Adrian Jones, Acting Lead Services Director
City Development
Exchange Buildings North
Smithy Row
Nottingham
NG12BS
Telephone Number: 0115 9155312

Contact Officer:

Telephone number:
Stewart Thompson
Traffic and Safety
Telephone Number 0115 9156055

15 May 2006

APPENDIX

<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 – City Planning and Environment Team – Legal Services – Corporate Services	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 City Development (Traffic and Safety Service Area) and Corporate Services (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 – City Planning and Environment Team – Legal Services – Corporate Services	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 City Development (traffic and Safety Service Area) and Corporate Services (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 – City Development; Planning and Environment Team – Legal Services – Corporate Services	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 City Development (Traffic and Safety Service Area) and Corporate Services (Legal Services)
V. Publicising proposed order and preparing order	Rights of Way Officer – Traffic Management – City Development	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 Section (City Development) within its existing revenue budget. The cost of advertising is to be met by the relevant Area Committee

<p>VI. Considering objections and liaising with objectors</p>	<p>Rights of Way Officer – Traffic Management – City Development; Planning and Environment Team – Legal Services – Corporate Services</p>	<p>Estimated as between £220 and £308 based on between 6 and 8 hours of officer time</p>	<p>To be contained within existing revenue budgets allocated to City Development (Traffic and Safety Service Area) and Corporate Services (Legal Services).</p>
<p>VII. Reporting back to Area Committee</p>	<p>Rights of Way Officer – Traffic Management – City Development; Planning and Environment Team – Legal Services – Corporate Services</p>	<p>Estimated as between £154 and £243 based on between 4 and 5 hours of officer time</p>	<p>To be contained within existing revenue budgets allocated to City Development (Traffic and Safety Service Area) and Corporate Services (Legal Services).</p>
<p>VIII. Preparing for and attending public inquiry</p>	<p>Rights of Way Officer – Traffic Management – City Development; Planning and Environment Team – Legal Services – Corporate Services</p>	<p>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</p>	<p>To be contained within existing revenue budgets allocated to City Development (Traffic and Safety Service Area) and Corporate Services (Legal Services).</p>
<p>IX. Carrying out further publication requirements after order made</p>	<p>Rights of Way Officer – Traffic Management – City Development</p>	<p>Estimated at £66 based on 2 hours of officer time</p>	<p>The work is to be carried out by the Traffic Management Team (City Development) within existing revenue budgets. The cost of advertising is to be met by the relevant Area Committee</p>
<p>X. Arranging installation of fencing and gates</p>	<p>Rights of Way Officer Traffic Management Team – City Development</p>	<p>Estimated at £99 based on 3 hours of officer time plus cost of gates and fencing at between £2000 and £3000</p>	<p>The work is to be carried out by the Traffic Management Team (City Development) and contained within existing revenue budgets. The cost of gates and fencing is to be met by the relevant Area Committee</p>

<p>XI. Carrying out repairs and maintenance to fencing and gates</p>	<p>Highways Maintenance – City Development</p>	<p>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</p>	<p>To be contained within existing revenue budgets allocated to City Development (Highways Maintenance Section)</p>
<p>XII. Arranging cutting and distribution of keys and arranging supply of duplicate keys (if applicable)</p>	<p>Traffic Management Team – City Development</p>	<p>Estimated at between £ 33 and £66 based on between 2 and 3 hours of officer time plus £10 per security key</p>	<p>The work is to be carried out by the Traffic Management Team (City Development) within existing revenue budgets. The cost of the keys is to be met by the relevant Area Committee</p>
<p>XIII. Locking and unlocking gates periodically (if order requires it)</p>	<p>Neighbourhood Services – 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 Neighbourhood Services 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 Neighbourhood Services</p>