

AREA TWO COMMITTEE
(BASFORD & BESTWOOD WARDS)

28 JANUARY 2008

REPORT OF DIRECTOR OF TRANSPORT SERVICES

REQUEST TO GATE A FOOTPATH AT NESTON DRIVE, CINDERHILL

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 adjacent to 125 and 127 Neston Drive, Cinderhill to reduce crime and anti-social behaviour.

2. RECOMMENDATIONS

It is recommended that Area Committee, having considered the information contained in this report and its Appendices and having regard to its increased allowance of the number of gating orders they may authorise 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; and
- f) note the decision by the Councils Executive Board to allow an Area Committee to authorise more than one gating order per financial year as set out in paragraphs 3.3 to 3.5 to this report

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 6.
- 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 27 September 2008 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. Area Committee resolved to consider applications towards the end of the financial year to enable assessment and comparison between applications to be made, rather than dealing with each application as it arose on a 'first come, first served' basis.
- 3.5 With respect to Paragraphs 3.3 and 3.4 above; the Regeneration, Infrastructure and Sustainability Standing Panel (the Panel) has been monitoring the implementation of Gating Orders following their introduction in 2006. At its meeting on 15th January 2008, the Panel requested that the Executive Board consider 'the power to authorise one gating order, per year, per Area Committee was too restrictive and a flexible approach should be used where a need is identified on community safety grounds within an area'. At their meeting on the 18th March 2008 Executive Board resolved with regard to the resource implications and the potential need for a consequent increase in resources, a more flexible approach to gating orders 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.

4. BACKGROUND

- 4.1 In May 2008 local residents requested a gating order in respect of the footpath adjacent to 125 and 127 Neston Drive, Cinderhill 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 During September and October 2008 a consultation letter and incident log sheets were sent to the eight premises 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. Two responses were received Residents also provided information to officers by telephone and their contents are summarised at Appendix 2.
- 4.2.2 In addition, information was requested from eight other premises which are near the footpath, though they are not adjoining or adjacent to it. No responses were received. This information would have been relevant to consideration of the circumstances set out at paragraph 7.2 (b).
- 4.2.3 Information was requested from the Crime Disorder Partnership, which is a partnership between the, Council, Joint Tasking / Hot Spot Tasking Group, Police, Probation Service, Nottingham City Homes, local NHS Trusts and the Fire and Rescue Service. The Joint Tasking Group meets weekly and identifies geographical areas of crime and anti-social behaviour on the basis of incident data, and allocates resources to tackle identified hotspots. This information provides a number of incidents affecting premises adjoining or adjacent the footpath. This information is provided at Appendix 3.
- 4.2.4 Information was requested from Nottinghamshire Police Crime Reduction Manager. The Police's response is summarised at Appendix 4 with data provided at Part 1 and general observations at Part 2. This contains details of a number of incidents occurring either on the path itself, or resulting from its use.
- 4.2.5 Nottingham City Council Anti-Social Behaviour team were asked to provide information of reported incidents specifically related to the footpath and premises adjoining or adjacent to it. This information is provided at Appendix 5.
- 4.3 The information suggests that the crime and antisocial behaviour may occur at anytime of the day and night. 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 most appropriate at this location.
- 4.4 Should the footpath be gated the alternative route (which would add approximately 109 metres to a persons 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 2 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 5. It is estimated that the total of these will be £3,650.00.

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 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.

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 27 September 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 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. In addition, the Joint Tasking Group (see paragraph 4.6), which comprises a number of the statutory consultees under the gating order legislation, has been requested for information relevant to the request for gating, which is attached at Appendix 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 Area Two Committee (Basford and Bestwood Wards) meeting on 27 September 2006 headed ‘Gating Orders to Reduce Crime and Anti-social Behaviour’

Minute No. 28 of the Area Two Committee (Basford and Bestwood Wards) meeting on 27 September 2006

Minute No. 51 of the Regeneration, Infrastructure and Sustainability Standing Panel meeting on the 15 January 2008

Minute No. 156 of Executive Board meeting on the 18 March 2008

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Contact Officers / Other Officers Involved

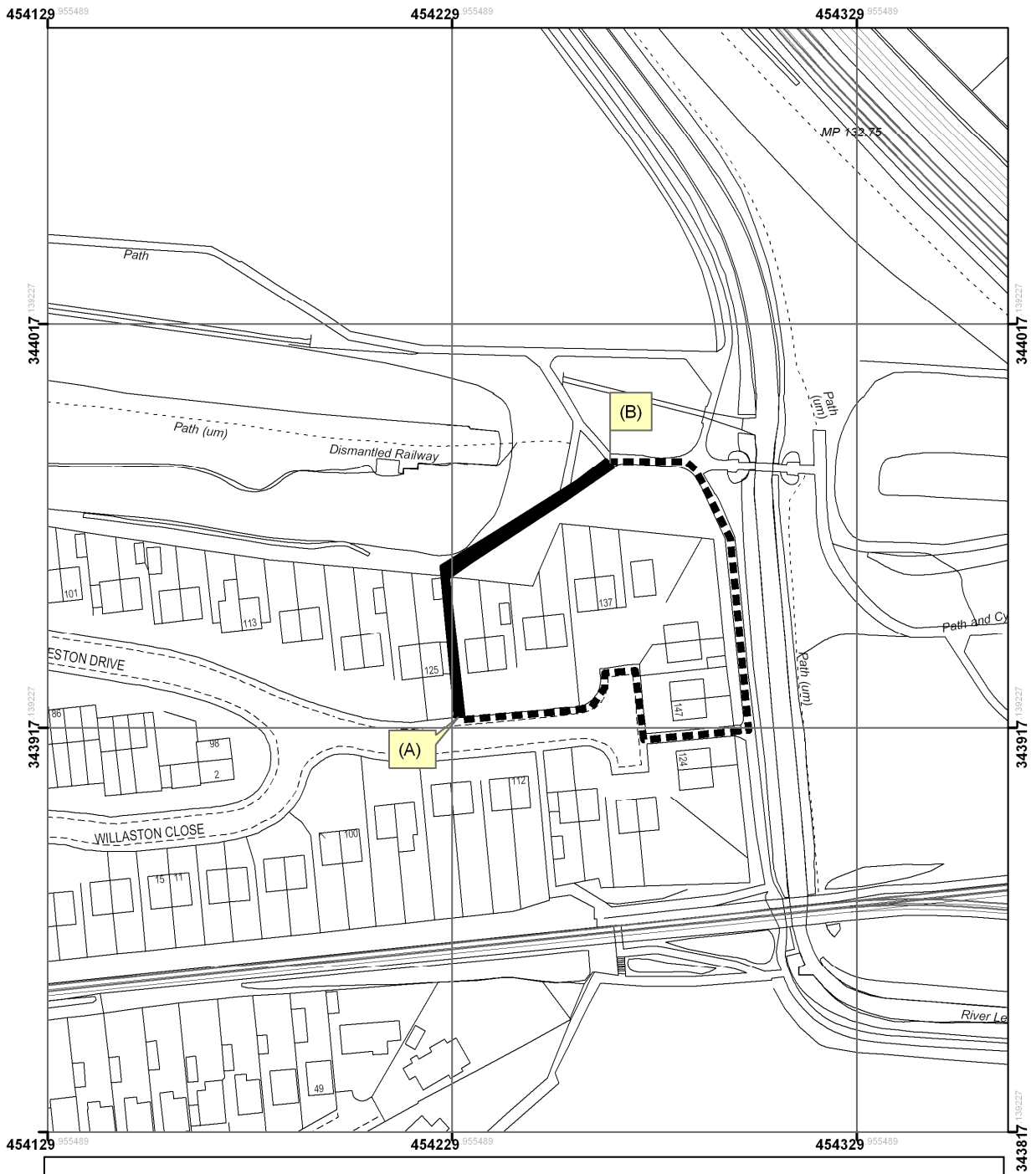
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APPENDIX 1



Gating Order Request for Footpath at Neston Drive, Cinderhill

Legend

-  (A) - (B) footpath subject of gating order
-  alternative route

Map produced on
8 December 2008
Map produced by:
John Lee
Traffic Management



Environment and Regeneration

Scale 1:1,250

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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>
Neston Drive Adjoining/adjacent	Not Stated	Saturday 3 rd May 2008 (23:50) Fighting/ASB.	Incident took place in the alleyway	Yes	Young people shouting bad language and drinking in the alleyway. Youths were seen kicking someone on the road; it was a delivery person, who had also been robbed.
		Saturday 10 th May 2008 (19:00) Anti-social problems,	Incident took place in the alleyway	Yes	
		Monday 19 th May 2008 (10:30) House was burgled.	Perpetrators use the alleyway to gain access to the rear garden and escaped using the alleyway	Yes	
		Monday 26 th May 2008 (16:00) Anti-social behaviour problems.	Incident took place in the alleyway	No	

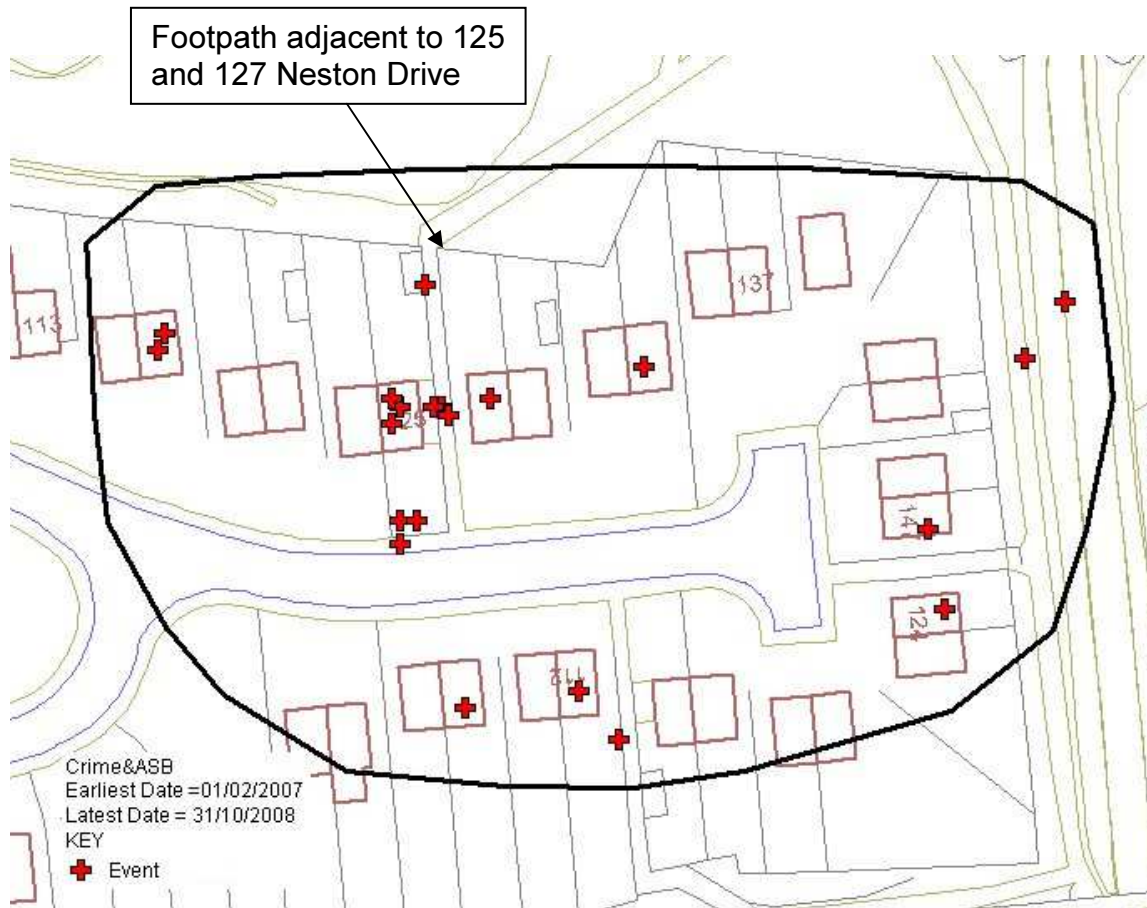
		Thursday 29 th May 2008 (06:30 – 12:00) Mini mopeds speeding.	Using the alleyway as a racetrack.	No	line was called Antisocial behaviour line was called
		Saturday 31 st May 2008 (16:30) Anti-social behaviour.	Used as a gathering point	No	Smell of cannabis in the garden coming from the alleyway
		Friday 13 th June 2008 (07:30) Anti-social behaviour.	Used as a gathering point	Yes	Teenagers on the alleyway were drinking, swearing and were verbally abusive. One person was arrested
		Sunday 15 th June 2008 (early morning)		No	Found my company van with two flat tyres.
		Monday 16 th June 2008 (04.30)	Incident took place in the alleyway	No	Youths were swearing and letting off stink bombs. Anti-social behaviour line was called
		Friday 20 th June 2008 (18:00) Anti-social behaviour.	Incident took place in the alleyway	No	Youths generally misbehaving, swearing and sitting

		<p>Sat 21st June 2008 (19:00) Anti-social behaviour.</p> <p>Sunday 22nd June 2008</p> <p>Saturday 28th June 2008 (18:00) Anti-social behaviour</p> <p>Tuesday 8th July 2008 (18:00) Anti-social behaviour.</p> <p>Saturday 11th July 2008 Anti-social behaviour</p>	<p>Youths congregating around the alleyway</p> <p>Not indicated</p> <p>Incident took place in the alleyway</p> <p>Incident took place in the alleyway.</p> <p>Incident took place in the alleyway</p>	<p>Not stated</p> <p>yes</p> <p>No</p> <p>Not stated</p> <p>Not stated</p>	<p>on the fence. Called Community Protection Officer.</p> <p>Seemed strange behaviour.</p> <p>Smelled cannabis and heard bad language.</p> <p>Youths were swearing, drinking and damaging the fence</p> <p>A couple were shouting and arguing.</p> <p>Incident woke the whole house.</p>
16 metres from footpath		Nothing reported	Nothing reported	NA	NA

APPENDIX 3

INFORMATION FROM THE CRIME DISORDER PARTNERSHIP: 11 NOVEMBER 2008

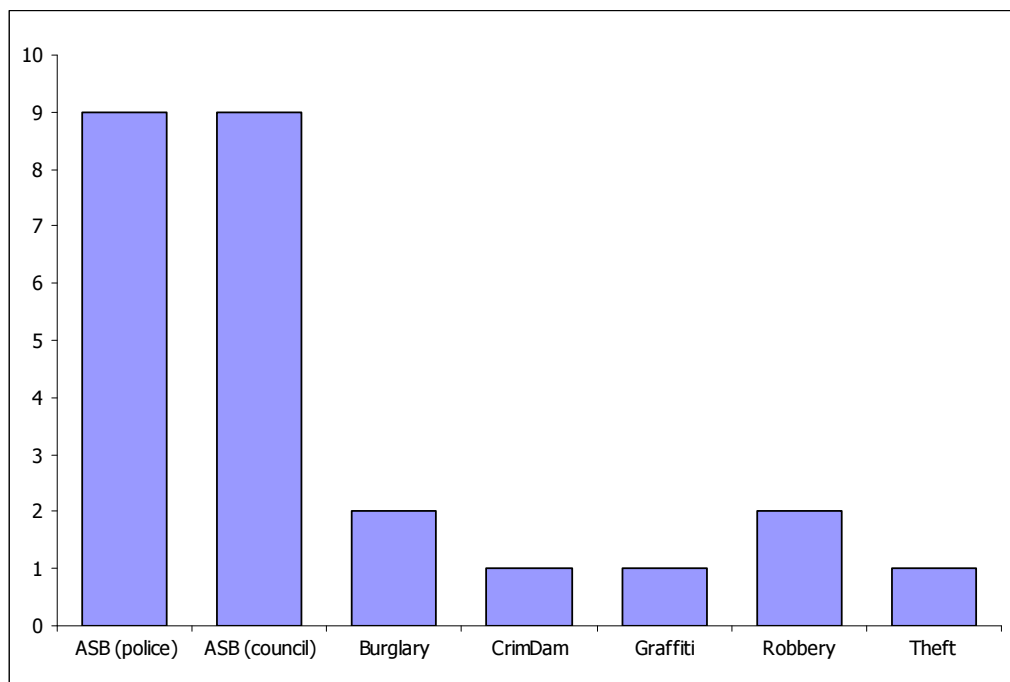
The map shows the footpath adjacent to 125 and 127 Neston Drive. The crosses indicate Crime and antisocial behaviour Incidents in that area.



There were nine calls to the police relating to anti-social behaviour between 3rd May 2008 and 14th October 2008 including Fireworks (1), Rowdy Inconsiderate (6) and Vehicle Nuisance (2).

There were also nine calls to the Anti-social Behaviour Hotline between 28th April 2008 and 4th August 2008 including Drugs (1), Groups (4), Mini Motors (2), Noise / Nuisance (1), Reporting Crime (1).

The following chart indicates that anti-social behaviour is the most common type of incident reported to the Police and the Council.



The table below provides a breakdown of the incidents and their location in relation to the footpath and the premises between 22nd April 2008 and 14th October 2008.

Distance from Footpath	Address	Earliest	Offence Group
Not stated	Neston Drive	22/04/2008 12:00	Graffiti
Not stated	Neston Drive	28/04/2008 12:00	ASB
Adjacent	NESTON DRIVE	03/05/2008 23:25	ASB
Adjacent	NESTON DRIVE CINDERHILL NG68QY	07/05/2008 17:45	Theft
Adjacent	NESTON DRIVE CINDERHILL NG68QY	11/05/2008 00:10	Robbery
Not stated	Neston Drive	12/05/2008 12:00	ASB
Adjacent	NESTON DRIVE CINDERHILL NG68QY	19/05/2008 11:16	Burglary
Not stated	Neston Drive	20/05/2008 12:00	ASB
Adjacent	NESTON DRIVE BASFORD NOTTINGHAM	01/06/2008 18:07	ASB
Not stated	Neston Drive	02/06/2008 12:00	ASB
Approx 35 m	NESTON DRIVE BULWELL NOTTINGHAM	05/06/2008 11:18	ASB
Not stated	Neston Drive	05/06/2008 12:00	ASB
Approx 50 m	NESTON DRIVE BASFORD NOTTINGHAM	09/06/2008 11:43	ASB
Not stated	Neston Drive	09/06/2008 12:00	ASB
Not stated	ALLEYWAY NEXT TO/ 125 NESTON DRIVE	01/07/2008 19:22	ASB
Not stated	Neston Drive	02/07/2008 12:00	ASB
Not stated	Neston Drive	02/07/2008 12:00	ASB
Approx 26 m	NESTON DRIVE CINDERHILL NG68QY	07/07/2008 09:00	Burglary
Approx 50 m	NESTON DRIVE BULWELL NOTTINGHAM	27/07/2008 20:00	ASB
Not stated	Neston Drive	04/08/2008 12:00	ASB
Approx 46 m	NESTON DRIVE BASFORD NOTTINGHAM	11/08/2008 00:28	ASB
Adjacent	NESTON DRIVE BASFORD NOTTINGHAM	14/08/2008 21:04	ASB
Not stated	In the Vicinity of Neston Drive Cinderhill	15/09/2008 16:09	Robbery
Not stated	Neston Drive Cinderhill NOTTINGHAM	03/10/2008 01:40	CrimDam
Not stated	NESTON DRIVE, Rpt 0867-NH-141008	14/10/2008 19:43	ASB

Conclusion

The crime and incident information shows the following:

Between 108 – 117 Neston Drive, there were 2 anti-social behaviour incidents reported.

Between 124 - 147 Neston Drive, 8 incidents have been reported, 5 anti-social behaviour incidents, 2 Burglary, 1 Robbery.

1 incident has been reported on the alleyway next to 125 Neston Drive for anti-social behaviour.

13 incidents have been reported in the vicinity of the alleyway on Neston Drive, but no property numbers given. There were 10 anti-social behaviour incidents, 1 Robbery, 1 Graffiti and 1 Criminal Damage.

APPENDIX 4 – PART 1**DATA PROVIDED BY NOTTINGHAMSHIRE POLICE: NOVEMBER 2007**

<u>Date of Incident</u>	<u>Time Of Incident</u>	<u>Location</u>	<u>Type of incident</u>	<u>Part played by footpath in incident</u>
11/08/2008	Not stated	Neston Drive	Anti-social behaviour	Youths threw eggs and made off on a bike via the alleyway.
27/07/2008	Not stated	Neston Drive	Anti-social behaviour	Youths in alleyway, drinking shouting and swearing.
04/07/2008	Not stated	Neston Drive	Anti-social behaviour	Youths throwing bricks at the tram and escaping through alleyway.
01/07/2008	Not stated	Neston Drive	Anti-social behaviour	Teenagers in alley shouting and swearing.
19/05/2008	Not stated	Neston Drive	Burglary	Witnessed perpetrator exiting through the alleyway.
07/01/2008	Not stated	Neston Drive	Anti-social behaviour	Youths running through alleyway and played chicken.
05/06/2008	Not stated	Neston Drive	Nuisance behaviour	Motor bikes being ridden up and down the alley
04/06/2008	Not stated	Neston Drive	Nuisance behaviour	Motor bikes being ridden up and down the alley
29/05/2008	Not stated	Neston Drive	Nuisance behaviour	Motor bikes being ridden up and down the alley
28/05/2008	Not stated	Neston Drive	Anti-social behaviour	6 youths being noisy and causing a nuisance
26/04/2008	Not stated	Neston Drive	Anti-social behaviour	Mini motos being ridden along the footpath
14/08/2008	Not stated	Neston Drive	Anti-social behaviour	15+ youths smoking, drinking, swearing and

				causing a disturbance in the alleyway.
23/07/2008	Not stated	Neston Drive	Drugs	Stong smell of cannabis coming from the alley
11/06/2008	Not stated	Neston Drive	Suspicious behaviour	Vehicle parked in front of house male disappeared down the alleyway, came back and got in his car and sped off
09/06/2008	Not stated	Neston Drive	Nuisance behaviour	Motor bikes being ridden up and down the alley
05/06/2008	Not stated	Neston Drive	Nuisance behaviour	Mini motos being ridden up and down the alley
28/05/2008	Not stated	Neston Drive	Anti-social behaviour	Kids in alleyway causing a disturbance
03/05/2008	Not stated	Neston Drive	Anti-social behaviour	2 youths were causing a disturbance. Lives next to alleyway
26/04/2008	Not stated	Neston Drive	Anti-social behaviour	using alley way to access the footpath to river on mini motos
10/04/2008	Not stated	Neston Drive	Nuisance behaviour	gang of youths throwing stones near tramline
22/03/2008	Not stated	Neston Drive	Nuisance behaviour	Motor bikes being ridden up and down the alley
03/10/2008	Not stated	Deston Drive	Nuisance behaviour	Youths messing about on motorbikes and also knocking on door and running off down alleyway

APPENDIX 4 – PART 2

GENERAL OBSERVATIONS OF THE CRIME REDUCTION MANAGER FOR NOTTINGHAMSHIRE POLICE: 23 OCTOBER 2008

There have been 51 reported crimes in Neston Drive between 1st January 2007 and the 23rd October 2008 of which two were burglaries to properties adjacent to the footpath

There have been 74 reported incidents of anti-social behaviour between the 1st September 2007 and 23rd October 2008, of these 53 were reported by persons living in properties near the footpath and 7 of these incidents were reported as being in the alley/footpath. Although one of these incidents related to a group of youth's who actually live in Neston Drive or one/two of the other roads off it, this would indicate that although the alley/footpath is used by various youths who cause a disturbance it is also youths who live in the area that cause a disturbance.

Youths use the alleyway/footpath to access the wood at the rear of number 125 Neston Drive and then climb up the bank and use the old railway line to get to Phoenix Park and other locations. There is evidence of youths congregating within the footpath; there is a small amount of rubbish around and some graffiti on the fence and restrictor bollards at the location.

This footpath does feed the tram stop at Highbury Vale, although I do appreciate that pedestrians can access the tram stop from other directions. It is also used to get to Phoenix Park and for persons living in Potters Hollow.

APPENDIX 5

INFORMATION RECEIVED BY NOTTINGHAM CITY COUNCIL ANTISOCIAL BEHAVIOUR HOTLINE TEAM

The table below provides a break down of the dates and type of incidents between the 24 January 2007 and the 04 August 2008 on Neston Drive in the vicinity of the footpath.

<u>DATE OF INCIDENT</u>	<u>LOCATION</u>	<u>OFFENCE GROUP</u>
24 January 07	Not indicated	Noise/Nuisance
28 January 07	Not indicated	Harassment
22 March 07	Not indicated	Verbal Abuse
31 May 07	Not indicated	Vandalism
27 June 07	Not indicated	Groups
10 August 07	Not indicated	Groups
01 October 07	Not indicated	Vandalism
13 November 07	Not indicated	Groups
28 April 08	Not indicated	Mini Motors
12 May 08	Adjacent to footpath	Noise/Nuisance
20 May 08	Adjacent to footpath	Reporting Crime
02 June 08	Adjacent to footpath	Drugs
05 June 08	Adjacent to footpath	Mini Motors
09 June 08	Adjacent to footpath	Groups
17 June 08	Adjacent to footpath	Harassment
02 July 08	Adjacent to footpath	Groups
02 July 08	Adjacent to footpath	Groups
29 July 08	Adjacent to footpath	Noise/Nuisance
04 August 08	Adjacent to footpath	Groups

APPENDIX 6

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 -	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

	Legal Services Resources		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 at between £2000 and £3000	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
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	To be contained within existing revenue budgets allocated to Environment and Regeneration (Highways Maintenance Section)
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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