

## **GATING ORDERS**

### **WORKSHOP FEEDBACK**

When responding to a Gating Order (G.O.) request LAF's need to be clear on the criteria for a G.O. (explained in handout). In particular:

The 'alley way' must have a highway classification, some may not meet this!

The reason for a G.O. must be based on the reduction of crime and antisocial behaviour.

Check if the Council have a 'protocol' for dealing with G.O.s. and any G.O. proposal is well documented.

Be on good terms with Council Officers, they may be inexperienced.

Be aware of 'political' influence/interference.

Time scales (and 'interested' LAF members) may necessitate delegated authority and sub group working.

No public enquiry so LAF's have key role in advising Councils.

Dave Brookshaw & Pru Gridley

## GATING ORDERS

1. In April 2006, under the Clean Neighbourhoods & Environment Act 2006 (through inserting addition clauses into the Highways Act 1980) local highway authorities were given the power to restrict access to alley ways with a highway classification through the application of a '**Gating Order**' (G.O.) - a mechanism which allows for alleyways to be closed 24/7 or for certain times based upon the reduction of crime and antisocial behaviour.

1.1 Regulations 4 and 10 require a council to give notice to any LAF's through whose area the relevant highway passes before making, varying or revoking a gating order.

1.2 A G.O. Order should be seen as 'temporary' in that it does not permanently affect the highway status of the alleyway and that an Order can be revoked or amended at any time. No upper time limit has been set for the life of an Order; however G.O.'s should be reviewed annually to ensure that they continue to be justified as a useful crime reduction intervention.

1.3 Although originally intended for use in urban settings, there is nothing to stop G.O.'s being used in rural locations. They may be imposed despite opposition and without the need for a public inquiry to be held. LAF's therefore have a particular role in advising local authorities on how best to devise gating order policies and on the periodic review of G.O.'s.

1.4 There is potential for LAF's to be proactive and vocal on G.O.'s  
Think strategically and how to approach the issues.

2. Organisations such as the Ramblers Association (RA) and Open Spaces Society have concerns over G.O.'s and the RA is campaigning to curb 'alleygators'. They are not against G.O.'s – only those which gate paths that provide a public benefit e.g. they lead to a shop, a school, a Doctors surgery, a park, or provide a safe route away from busy roads.

3. Further information can be found has follows:

Natural England 'Handbook for LAF Members'. Section 2 chapter 15, pages 211-3 deals with G.O.'s and provides further references.

([www.naturalengland.org.uk/ourwork/enjoying/accessforums/laf](http://www.naturalengland.org.uk/ourwork/enjoying/accessforums/laf))

Ramblers Association: ([www.unlockingpaths.org.uk](http://www.unlockingpaths.org.uk))

B&H Council has drawn up its own 'Gating Order protocol'  
([www.brighton-hove.gov.uk/index.cfm?request=c1164845](http://www.brighton-hove.gov.uk/index.cfm?request=c1164845))

Dave Brookshaw

## GATING ORDERS THE B&H LAF EXPERIENCE

1. In 2007 two Gating Order proposals were referred to the Brighton & Hove LAF. At a quarterly meeting B&H LAF felt that the forming of a sub group of three people was the best method for them to consider Gating Orders due in part to the complexity of Gating Orders and reporting time scale

2.1 Brunswick Row a short little-used pedestrian link between two major thoroughfares. By day few if any cases of anti social behaviour had been recorded. However during the evening & early hours of the morning it became a meeting place for youths from outside of the area who had no where to go. Although underage, drinking alcohol was the highlight of their evening. This lead onto harassing the residents and targeting their properties with missiles such as eggs and paint etc.  
LAF supported, Gating.Order in place, now due for review

2.2 Farman Street by contrast was a very popular & well-used pedestrian link for residents from neighbouring streets to their local shops some of which are open 24/7 selling alcohol. Farman Street is in a part of 'old Hove' to which preservation orders apply. Historically there had been an unusual decision to build 'bin cupboards' in the middle of the street. It is a mixture of properties, residential houses, second homes, social housing and a single business unit. Residents claim to have been reporting incidents of criminal/anti social behaviour to the police for a number of years.LAF did not support either proposal to Gate. Gating Orders cancelled until building work done without planning consent has been resolved.The Farman Street Gating Order may go to a third report once this issue has been resolved. **NB. In 2008 Farman Street won the Brighton in Bloom Most Florally Attractive Area Competition (Street Category)**

3. How the sub group set about their task (listed in no particular order):-

Each member of the sub group had a copy of the proposal.  
Thoroughly read & understand the proposal.  
Arranged site meeting(s) with the council's case officer(s)  
Checked & analysed the facts presented to them.  
Made more site visits on different days & at different times.  
Observed activities – made notes – took photos.  
We held Email conferences between ourselves.  
Used public records to confirm information & facts.  
Searched the Internet for more information.  
Checked for information & facts not included in the proposal.  
Remained in communication with Council's case officer.  
Requested more information from the case officer.  
Wrote their report.  
Submitted their report to the LAF Secretary.  
Made their recommendation to the LAF's next quarterly meeting.