

## KENT COUNTY COUNCIL

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### REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the St Mary The Virgin Church Hall, The Church Yard, Ashford TN23 1QG on Monday, 24 September 2012.

PRESENT: Mr M J Harrison (Chairman), Mr A D Crowther (Vice-Chairman), Mr H J Craske, Mr S J G Koowaree and Mr R J Lees

ALSO PRESENT: Mr J N Wedgbury, Mr J Hann and Inspector A Hobbs

IN ATTENDANCE: Mr G Rusling (Public Rights of Way Operations Manager) and Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **15. Proposed Gating Order at Public Footpath AU79, St Mary's Church Yard Passage at Ashford** *(Item 3)*

(1) Members of the Panel held a site visit prior to the meeting. They inspected Church Yard Passage and Church Yard, noting the location of the proposed gate. They also walked the alternative route along the High Street, Bank Street and Tufton Street. This site visit was attended by Mr J Hann from the Ashford Community Safety Unit, Mr A Buchanan, Mr J Adey and Rev C Preece (local residents) and Cllr H Apps.

(2) The PROW Operations Manager said that since The Highways Act (Gating Orders) (England) Regulations 2006 had come into force, the County Council had been given the power to make, revoke or vary gating orders. This power could be exercised in order to prevent crime or antisocial behaviour on or next to a highway if the County Council was satisfied that premises adjoining or adjacent to the highway were affected by and facilitated persistent crime or anti-social behaviour.

(3) In 2010 the Ashford Community Safety Unit had submitted an application for a Gating Order in respect of Public Footpath AU79 Ashford Church Yard. This application could not, however, be taken forward as the proposal would have had the effect of preventing access to a number of dwellings. The Community Safety Unit had therefore brought an amended proposal forward, addressing this flaw.

(4) The PROW Operations Manager then said that Public Footpaths AU79 and AU80 formed a complete circuit of St Mary's Church Yard in the centre of Ashford, abutted by residential properties, businesses, a community hall and St Mary's Church. These footpaths linked Tufton Street with the High Street and were well-used convenient routes passing through a conservation area of high amenity value. There were two principal means of entry and exit to the Church Yard from Tufton Street and one point of entry/exit to the High Street. There were also private means of entry/exit to the Church Yard - most notably from the Bull Yard on the western side of the Church Yard, abutting Public Footpath AU79.

(5) The PROW Operations Manager then explained his view that there were suitable alternatives. The footways of Tufton Street and Bank Street and the pedestrianised High Street provided links between the same areas of the town centre. They were well lit with good natural surveillance and primarily passed business properties rather than residential properties. They were of a similar gradient and were equally convenient. In the very worst possible case where a person in the High Street wished to access a property in the Church Yard at a time the gate was locked, an additional distance of 400 metres would be added to a journey. The walking distance would be considerably less than that in most cases.

(6) The PROW Operations Manager continued by saying that in order for a Gating Order to be made, the crime and anti-social behaviour in question needed to be enduring, constant and repeated. In this case, the reports included banging on doors and windows, criminal damage, urination through letter boxes and against residential properties, and general disturbance. Temporal analysis indicated peaks in criminal and antisocial behaviour during Friday and Saturday nights. He believed that there was a clear link between the movement of patrons between licensed premises and the worst of the crime and anti social behaviour.

(7) The statistics indicated that reported crime had continued over a number of years despite the introduction of measures to reduce it. Policing and practical measures had included the introduction of additional street lighting, signage and CCTV in Church Yard Passage as well as targeted policing, including increased foot patrols and plain clothes patrols. These measures had had no demonstrable lasting impact in reducing criminal and antisocial behaviour in the area.

(8) The PROW Operations Manager went on to say that many residents had written in support of gating the footpath, citing many instances of crime and anti-social behaviour and the adverse impact that it had had on their quality of life. Their ability to take practical steps to reduce the crime and anti-social behaviour was limited to a considerable extent as their properties directly abutted the footpaths. Their ability to alter doors and windows was also limited due to planning constraints reflecting the area's conservation area status.

(9) After briefly explaining how concerns raised during informal consultation had been accommodated, the PROW Operations Manager moved on to consideration of the five objections to the draft Gating Order. The first of these was that installation of the gate in the early hours of Saturday and Sunday morning would have the effect of trapping anti-social people, who might then attempt to climb the gate and otherwise disturb residents. It could even lead to the area becoming a cul-de-sac, encouraging drug use and sexual activity. In response, the PROW Operations Manager said he believed that by installing a gate and locking it on the days and times indicated, a pattern of movement would be broken or interrupted between the licensed premises and the crime and anti-social behaviour associated with them. During the first weeks, resources would be dedicated to patrolling the area to inform route users about the gating of the path. Signs would also be placed at entrance points.

(10) The second objection was that the presence of a locked gate would prevent evacuation in the case of emergency. The PROW Operations Manager's response to this concern was that the gate would be open most of the time; that the emergency services would hold a key to the gate and that other access points were also available.

(11) One objector had objected to what was mistakenly believed to be a permanent closure. Another had claimed that notices were not available at stated locations or the Gateway. The PROW Operations Manager affirmed that Notice of the Gating Order had been advertised in the local press and on site. Copies of the relevant documents had been placed on deposit at both the Ashford Borough Council Civic Centre and at the Kent Highways and Transportation Office at Henwood Road Ashford.

(12) The final objection was that there would need to be a firm ongoing commitment to locking and unlocking the gate. The PROW Operations Manager confirmed that this would be accommodated within existing contracts for the management of facilities in the town centre.

(13) The PROW Operations Manager concluded his presentation by saying that, having carried out an Equalities Impact Assessment and taken the supportive views of the public and Police fully into account, he was recommending that the Panel should make the proposed Gating Order.

(14) The PROW Operations Manager responded to questions from Panel Members by saying that periodic review of every Gating Order in operation was required. He would be responsible for instigating a review in this case, reporting either to Regulation Committee or to a Panel as appropriate.

(15) The Chairman asked whether there was risk that the effect of making an Order would be to displace the crime and anti-social behaviour. Inspector A Hobbs from Kent Police replied that there was a possibility of displacement. There would need to be education for the local people before the gate was installed and a policing presence on site immediately afterwards. The purpose of the proposed Gating Order was to protect the local residential properties. The most likely venue for any possible displacement would be the Bull Yard, which did not have any.

(16) Mr A Buchanan (local resident) said that he had lived in one of the houses in Church Yard that had borne the brunt of crime and anti-social behaviour for a number of years. His windows were single-glazed, and he was not allowed to install shutters because of the area's Conservation status.

(17) Mr Buchan then described some of the behaviour he had personally experienced. He said that someone had head-butted his window, another person had urinated through it and then attempted to kick open his front door. There had been bottle fights and snowball fights as well as heavily drunken and drug-affected behaviour. This, he said happened all through the week between the hours of 9 pm and 2.30 am.

(18) Mr Buchanan concluded his remarks by saying that the gate in the north would prevent the majority of people from entering the area after visiting bars in that direction. The problems from the south did not tend to begin until 1.30 am.

(19) Mr J Adby (local resident) said that he had lived in Church Yard since 1995. The problems had begun in 2007 once nearby local bars had opened. He had presented a petition to Ashford BC in 2008 requesting improvements in street

lighting, CCTV, an improved Police presence and the installation of gates. *(A copy of this petition was presented to the Panel).*

(20) Mr Aaby said that he had seen people selling and using drugs and that his windows had been smashed on three occasions. Food and cigarette butts had also been stuffed through his letterbox.

(21) Mr Aaby asked the Panel to make the Gating Order as Church Yard was a wonderful place to live when such behaviour did not take place. He agreed with the proposed location of the gate and agreed that the initial period should be for a year.

(22) Mr D Smyth said that he had in the past been the local County Councillor. He had been made aware of the problem in 2007. In his view, the Gating Order should be seen as the first of a series of necessary measures rather than as the cure itself.

(24) Rev Preece from St Mary's Church said that he questioned whether the proposed Gating Order would solve the problem. He asked the Panel to bear in mind that Churches were increasingly being targeted by thieves. If the northern part of the site were to be gated off, criminals would know that they would not be disturbed from that direction. He could nevertheless fully understand why the Order was being proposed and strongly supported a review in a year's time if the Order was made.

(25) Mr J N Wedgbury (Local Member) said that he was certain that the installation of the gate would be effective, as criminals always liked to have more than one escape route. If the Order was made, the people who currently carried out anti-social activities in Church Yard would take a different route.

(26) Mr C Cooper (Local resident – Save Ashford Church) said that local residents' lives had been blighted for a number of years. Closing all the gates around the churchyard would keep it safe from burglars.

(27) Inspector Hobbs said that she believed the local residents were living in fear. By taking the necessary action on Friday and Saturday nights, the fear level would be reduced.

(28) Inspector Hobbs then said that the Police had received 53 calls in 2011 from Church Yard. This was far higher than any other part of Ashford. Most of this related to anti-social behaviour such as banging on windows and doors, urinating, screaming, shouting and swearing, drug and alcohol use and threatening behaviour. In contrast, the number of crimes had been relatively low. There had been assaults, burglaries, criminal damage and violent disorder. In 2012, the number of crimes had already risen (including 5 crimes in relation to the Church).

(29) Inspector Hobbs continued by saying that most of the crimes and anti-social behaviours arose when people took a short cut between the Phoenix, the Swan in Tufton Street to the south and Wetherspoons and the Liquid Night Club to the north. The Ashford Community Safety Unit and the Police were very supportive of the proposed Order and would do what they could to make it work.

(30) Mr J Hann (Ashford Community Safety Unit) said that efforts to contain the problems in Churchyard had included Police Patrols, increased street lighting, signage, CCTV. The public houses had also been very co-operative and helpful. No one wanted to create a gated community, but the proposed Gating was the best

option available. It would need a supporting campaign of awareness raising and publicity.

(31) Mr Hann then said that the problems in Church Yard had arisen after the Phoenix opened in 2006. People had seen it as an easy short cut between the north and south. He believed that if the gate was installed, it would very quickly change people's perceptions of the route that would need to be taken. He believed that it would be right to review the Order one year after the installation of the gate.

(32) On being put to the vote, the Panel voted by 4 votes to 0 to make the Order. It specified that there should be a review commencing a year after installation of the gate.

(33) RESOLVED that:-

- (a) the Gating Order be made; and
- (b) the Gating Order be reviewed one year after installation of the gate, and revoked, amended or continued at that time as appropriate.