

From: Director of Customer and Communities
To: Regulation Committee 7 September 2011

Subject: Gating Order – Un-named footpath to the rear of Henley Fields, Tenterden.

Classification: Unrestricted

Summary: A report seeking a decision from the Regulation Committee on whether to continue the Henley Fields Gating Order in operation.

Background

1.0 On 15 September 2008 a panel of the Regulation Committee resolved that a Gating Order should be made excluding the public from an un-named footpath to the rear of Henley Fields, Tenterden. The decision included a commitment to review the effectiveness of the Order after two years of operation. The Order became operational in April 2009.

1.1 A review of the effectiveness of the Order has been carried out and is summarised in this report. On the basis of the review Members are asked to endorse the recommendation that the Gating Order remains in place to be periodically reviewed if and when circumstances in the area change.

1.2 On the 1 April 2006 the Highways Act (Gating Orders) (England) Regulations 2006 came into force. The regulations brought into effect amendments to the Highways Act 1980 providing the County Council, as the Highway Authority, with the power to make, revoke or vary gating orders. The powers may be exercised in order to prevent crime or antisocial behaviour on or adjacent to the highway, if the Highway Authority are satisfied that premises adjoining or adjacent to the highway are affected by the persistent commission of crime or anti-social behaviour, and that it is facilitated by the existence of the highway.

1.3 In September 2007 Kent Police and Ashford Community Safety Unit submitted an application for a Gating Order in respect of an un-named footpath to the rear of Henley Fields, Tenterden.

1.4 The footpath is a public highway, approximately 334 metres in length with a metalled surface. It links Silver Hill with Henley Fields at three locations, passing to the rear of properties along its length. Close board fencing along the northern boundary of the path prevents good natural surveillance of the footpath from the adjacent properties. The area to the south of the footpath is a mixture of garden and scrub bordering the Homewood School site. The footways of Henley Fields provide an alternative to using the footpath. They are of a similar length, width and gradient.

1.6 Statistics relating to reported crime were submitted in support of the application and provided to Members in the original report to the Regulation Committee Panel dated 15 September 2008. The statistics clearly demonstrated that persistent (enduring, constant, repeated) criminal and anti-social behaviour occurred on, and was facilitated by, the existence of the footpath. The statistics indicated that reported crime had increased significantly in 2006 and 2007. The reported anti-social and criminal activity included: persistent damage to fences, graffiti and missile throwing at houses.

1.7 Statements from residents concerning instances of criminal damage and antisocial behaviour were also provided in support of the application. It is clear from the residents' statements that the level of anti-social and criminal behaviour was having a significant impact on their quality of life.

1.8 Reported crime and anti-social behaviour in Henley fields, and specifically those properties adjacent to the footpath, represented a significant proportion of all reported criminal damage for the St Michaels ward. This despite considerable police resource being devoted to detecting and deterring crime and anti-social behaviour in this area.

Impact of the Gating Order.

2.0 Mr M Hill the Elected Member for (Tenterden) has received correspondence from a constituent asking that the footpath is reopened. The author points to the impact of the closure and highlights:

- The parking of vehicles on the footpath.
- The placing of a trellis and plant pots at one of the gates.
- The loss of amenity.
- That street lights in the passage have remained on.
- The moving of the gates and encroachment onto the highway by one of the businesses adjacent to the footpath.

The author asks if crime has fallen since the closure, whether residents have taken advantage of the closure and whether drug dealing now takes place in the area.

2.1 Analysis of recorded crime and antisocial behaviour in the Henley Fields area for the period April 2009 to the 27 January 2011 indicates that only three calls have been made relating to houses backing onto the alley during this period.

- One relating to an abandoned vehicle, not on the path,
- One an information report not relating to the route, and
- One report of antisocial behaviour (dated 23/4/09) coinciding with the completion of the installation of gates and fencing.

2.2 In total there have been 15 calls relating to the St Michaels ward;

- two of these relate to a house party nearby (not attached to the alleyway)

- two further calls relate to a domestic incident.

There are calls relating to concern for welfare, traffic hazards, theft offences and information reports relating to abandoned vehicles. The reports could not be considered to be associated with or facilitated by the existence of the highway. Additionally the level of reports for the ward area is in line with the level of reports in the period prior to the introduction of the Gating Order. There appears to have been no displacement of the crime and anti-social behaviour in the area as a result of the introduction of the Order. There are no reports of drug dealing associated with the footpath.

2.3 No public consultation was carried out in reviewing the effectiveness of the Gating Order, the review relying primarily on analysis of police records. Additional information of note has been received and should be considered in reaching a decision.

2.4 A statement has been provided by PCSO Gipson-White setting out the very positive impact that the Gating Order has had on the policing of the area and the quality of life of residents.

2.5 Six letters have been received from residents living adjacent to the path highlighting the very positive impact that the introduction of the Gating Order has had on their quality of life.

2.6 A walk through of the alley way indicates that some trellis has been erected around one of the gates. This improves the aesthetics of the gate but does not interfere with access should it be required.

2.7 The gates beside the fire station do appear to have been moved and there has been very clear encroachment by an adjacent property owner who has erected a close board fence within the highway.

2.8 No maintenance has been carried out to the route since the introduction of the Gating Order as is evident from the overgrowth and accumulations of debris and vegetation on the surface of the route.

2.9 It should be noted that the gating of a route does not remove the maintenance and protection responsibilities of the highway authority. The encroachment and overgrowth have therefore been reported to Kent Highways Services for attention.

2.10 I believe that the Gating Order has been successful in achieving its primary objective of reducing crime and anti-social behaviour facilitated by the footpath. I recommend that the Order should continue in operation indefinitely, to be reviewed periodically should there be a material change in the area that suggests that it should be amended or revoked.

3. Recommendation

- (a) That the Gating Order continues in operation.
- (b) That the Order is subject to periodic review if and when circumstances in the area change.

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