

## **Gating Order Review**

### **The Kent County Council (Un-named Footpath to the rear of Henley Fields, Tenterden) (Gating) Order 2008**

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A report by the Head of Regulatory Services to Kent County Council's Regulation Committee on Tuesday 3<sup>rd</sup> September 2013 seeking a decision on whether or not to continue, in operation, the Henley Fields Gating Order

#### **Recommendations:**

- 1) That the Gating Order continues in operation**
  - 2) That the Order is subject to a review every two years**
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#### **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 at 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 Gating Order was taken to Regulation Committee in September 2011, following which it was agreed to continue with the operation. A further review of the effectiveness of the Order was requested by the Regulation Committee within a two year period. This has now 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 and is to be reviewed every two years.

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 is satisfied that premises adjoining or adjacent to the highway are affected by the persistent commission of crime or antisocial 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.

1.5 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 antisocial 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 antisocial and criminal activity included: persistent damage to fences, graffiti and missile throwing at houses.

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

1.7 Reported crime and antisocial 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 was despite considerable police resource being devoted to detecting and deterring crime and antisocial behaviour in this area.

### **Impact of the Gating Order**

2.0 Analysis of recorded crime and antisocial behaviour in the Henley Fields area for the period September 2011 to April 2013 indicates there have been three anti-social behaviour calls in the road of Henley Fields. None of these calls were related to the Gating Order:

- An abandoned vehicle to the rear of properties in the garages
- Nuisance riding of a motorbike in a yard behind properties
- Neighbour playing music too loudly.

2.1 There has been one crime in the road relating to the burglary of a dwelling. There were 56 antisocial behaviour calls to the area of St Michael's ward within which Henley Fields is situated; most calls are not in the vicinity of Henley Fields. There are no calls that could be linked to the Gating Order. The calls relate to abandoned vehicles, youths climbing on garages – these were not in the location of the footpath – and youths gathering in the area of Henley Meadows. Again this was not thought to be connected with the footpath.

2.2 There have been no reports of drugs, or drug dealing and paraphernalia. There are no repeat vulnerable victims of antisocial behaviour in the location. There have been no applications of anti-social behaviour Orders or acceptable behaviour agreements in the location.

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. No additional information of note has been received.

2.4 I believe that the Gating Order has been successful in achieving its primary objective of reducing crime and antisocial behaviour facilitated by the footpath. I recommend that the Order should continue in operation indefinitely, to be reviewed every two years.

**Recommendation**

I RECOMMEND that Members endorse the following that:-

1. The Gating Order continues in operation.
2. The Order is subject to a review every two years.

**Background documents:**

Appendix A – The Gating Order

**Contact Officer:**

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Definitive Map Officer

Public Rights of Way & Access Service

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*In the Borough of Ashford*

THE KENT COUNTY COUNCIL  
 (UNNAMED FOOTPATH TO THE REAR OF  
 HENLEY FIELDS, TENTERDEN)  
 (GATING) ORDER 2008

CLEAN NEIGHBOURHOODS & ENVIRONMENT ACT 2005  
 HIGHWAYS ACT 1980 (GATING ORDERS) (ENGLAND) REGULATIONS 2006

THE KENT COUNTY COUNCIL, acting as the local traffic authority in exercise of its powers under Part 1, Section 2 of the Clean Neighbourhoods and Environment Act 2005 and Sections 129 A to 129 G of the Highways Act 1980 (Gating Orders) (England) Regulations 2006; and having met the requirements of section 129A(3) of the Act, hereby makes the following order:-

1. Save as provided in Article 2 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden, cause any vehicle or pedestrian to proceed on any of the lengths of gated alley ways at the rear of Henley Fields, Tenterden, Ashford, Kent. The alternative route for pedestrians will be via the footways beside Henley Fields, Chaik Avenue and Silver Hill.

2. Nothing in Article 1 of this Order shall prevent any person from causing any vehicle to proceed in any of the lengths of road referred to in that Article if the vehicle:-;

1. Is an owner of premises adjacent to or which are accessed via the gated alley ways.
2. Is a representative of The Kent County Council's Kent Highway Services and the Countryside Access Service.
3. If it cannot conveniently be used for such purpose elsewhere, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the carrying out of any road works or the laying, erection and alteration or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraph or telephone wires, cables, posts or supports.
4. Is being used in the service of a Local Authority or Water Authority in pursuance of statutory powers or duties.
5. Is being used for Police, Fire Brigade or Ambulance purposes.

3. Gating Orders are not considered as a permanent solution and the effectiveness of gates will be reviewed every two years. If circumstances change the Order may be revoked or varied at this time.

4. The gates will be maintained and operated by the Police Community Support Officer- contactable at Tenterden Police Station, 42 High Street, Tenterden, Kent, TN30 6AR. 01233 611 055

5. This Order shall come into operation on 30 October 2008.

**SIGNED FOR AND ON BEHALF OF  
 THE KENT COUNTY COUNCIL BY  
 LINDA DAVIES DIVISIONAL  
 DIRECTOR OF ENVIRONMENT AND  
 WASTE FOR KENT COUNTY  
 COUNCIL OR BY HER AUTHORISED  
 SIGNATORY**



**MANAGING DIRECTOR**

Authorised Signatory:

DATED the 15th day of October 2008



**Key:**  
 Proposed gated  
 Closure points (with  
 exemptions)

0	01.02.08	TR0 - CONSULTATION	DB	KB	DMV
Rev	Revision Date	Purpose of revision	Drawn	Checked	Approved

Client  
**KENT COUNTY COUNCIL**  
**REGENERATION &**  
**ECONOMY**

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Project:  
**Henley Fields,**  
**Tenterden**

Drawing title  
**Proposed Gated  
 Closure Points**

Drawing status	TR0 - CONSULTATION
Scale	NTS
Drawing number	B0873200/HF/TR0/1201
Rev	0

Based upon the Representation  
 Overlain Survey map/plan the  
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