

By: Director – Environment and Waste

To : Regulation Committee – 19 May 2009

Subject: Gating Orders

Classification: Unrestricted District: All

For information

Summary: A report updating the Regulation Committee on Gating Orders in Kent.

1. Background:

(1.1) 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.

(1.2) On the 17 May 2007 the County Council delegated the power to make, vary or revoke Gating Orders to the Managing Director of Environment and Regeneration. The terms of reference of the Regulation Committee were amended to include the making, variation or revocation of Gating Orders in circumstances where substantive objections have been received to proposals. The County Council Constitution was then further amended to enable a Regulation Committee Member Panel to consider Gating Orders.

(1.3) To date one application has been received by the County Council and one Gating Order successfully made and implemented for a footpath at St Michaels, Tenterden.

(1.4) Guidance has been provided to Community Safety Officers including information for publication on web sites. A standard application form has also been provided for Community Safety Officer and Police use.

(1.5) Although there have been a number of enquiries from Community Safety Officers and the public no further applications have been received. I believe that this results from two factors:

- I. The need to demonstrate that there is persistent criminal and antisocial behaviour that is facilitated by the highway.

While it is often possible to demonstrate criminal and antisocial behaviour it has frequently been part of a bigger picture of such activity in the area and therefore not easily related to a specific highway.

- II. The cost of the provision and installation of gates is prohibitive. In the case of Henley Fields the gates have only recently been installed at a cost of approximately £6K; the cost to be met by Kent Police and Homewood School.

(1.6) I shall continue to keep Regulation Committee Members informed of any applications received and the resource implications of this area of work.

<p>2. Recommendation</p>

<p>Members are recommended to note this report.</p>

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Background Documents: None