



CARDIFF COUNTY COUNCIL'S POLICY ON ALLEY GATING SCHEMES



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INTERPRETATION

Within this document the terms 'Alley Gating', 'Alley Gating Scheme' and 'Gating Order' refer to the closure of an alley either by the installation of a removable barrier (e.g. a locked gate) or the installation of a permanent structure (e.g. a wall or fence).

This policy applies to all minor highways referred to in legislation as 'relevant highways', and is not restricted to those recorded on either the Definitive Map and/or the List of Streets Maintainable at Public Expense. It includes any footpath, bridleway or restricted byway over which there are public rights of way, whether by foot or vehicle, but does not include trunk roads or special roads.

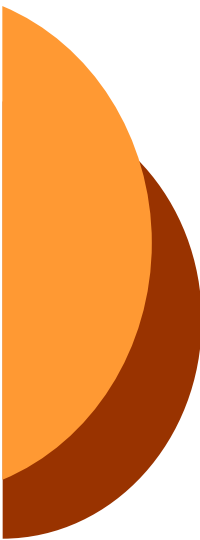
INTRODUCTION

All local authorities and certain other 'responsible authorities' (such as the police), which are listed in Section 5 of the Crime and Disorder Act 1998, have a duty under Section 17 of that Act, to implement crime reduction strategies in an effort to reduce overall crime in their administrative area. There are also references to crime reduction initiatives in the Police Reform Act 2002 and Police and Criminal Justice Act 2006. One of the main crimes committed in this country and one which has the most impact on its victims, is domestic burglary.

It is an acknowledged fact that burglars prefer to break into a house through the doors or windows at the rear or side of the building where there is less chance of being seen, whereas only 15% of domestic burglaries occur through the front doors or windows. A lockable gate at the entrance to an alley which is difficult to climb will help to keep the number of burglaries down.

Although the overall average reduction will be different for each alley gating scheme, there is no doubt that gating has a significant effect on reducing rear entry burglaries.

Alley gating schemes have the potential to complement efforts to reduce and prevent anti-social behaviour, including underage drinking, substance misuse, environmental crime and arson. Working in partnership with relevant internal and external agencies can help ensure alley gating schemes are as effective as possible in reducing and preventing both crime and anti-social behaviour.



The closing off of alleyways can be achieved through use of a stopping up order under Section 116 of the Highways Act 1980. This legislation is still available to local authorities, but includes the permanent extinguishments of rights of way.

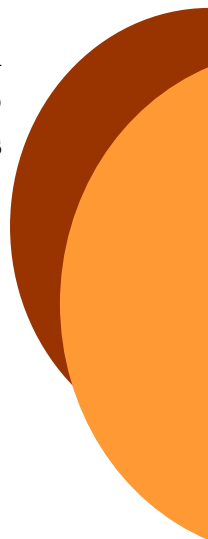
In April 2005 the Clean Neighbourhoods and Environment Act 2005 was brought in to try and address these difficulties by introducing 'Gating Orders'. These can be applied in areas where there are problems of crime and antisocial behaviour.

An increasing number of Local Authorities have already embarked upon widely publicised 'Alley Gating Schemes', which have been very successful. Publicity surrounding these schemes has resulted in a number of requests for the closure of paths and alleyways (also known as gullies locally) in the Cardiff County Council Area.

Cardiff County Council is sympathetic to requests for Alley Gating Schemes, subject to them being lawfully implemented. Indeed, the Council has already carried out a number of closures on Housing Land using current legislation.

The Highways Act 1980 (Gating Orders) (Wales) Regulations 2007 which underpin the relevant provisions of the Clean Neighbourhoods and Environment Act 2005, came into force on 19th February 2007. These regulations give the council powers to restrict access to paths and alleyways during certain times of the day, or at all times, through a gating order. This allows more flexibility in closing alley ways where a permanent closure is not appropriate.

This document sets out Cardiff County Council's policy for dealing with requests for Alley Gating Schemes and the implementation of any subsequent works. It is recommended that for all alley restrictions designed to prevent or reduce crime and/or anti-social behaviour, the Clean Neighbourhoods and Environment Act 2005 legislation should be used primarily, unless other legislation is found to be more appropriate.





SUMMARY POLICY PRINCIPLES

In the development of alley gating schemes and within all relevant processes and procedures for alley gating activities, Cardiff Council will apply the following principles.

Policy AG 1: Cardiff County Council will only encourage and support the lawful implementation of alley gating schemes where crime and/or anti-social behaviour reduction can be demonstrated.

Policy AG 2: The Council will prioritise gating, closure or diversion activity, giving due regard to priorities that may be drawn up by Housing Management & Neighbourhood Planning within their established regeneration areas, and by the Cardiff Community Safety Partnership within other areas of the city.

Policy AG 3: The City & County Solicitor or other employees authorised in accordance with articles 13.4 & 13.5 of the Constitution shall sign off all closure/gating orders.

Policy AG 4: The Council will use Gating Orders as the primary legislative tool to implement alley gating schemes. However, the council will where necessary use any other legislative route when a Gating Order is not appropriate. The Council will decide the most appropriate legislation to use to carry out alley gating schemes, through a Project Group set up for this purpose.

Policy AG 5: Cardiff County Council will only support alley gating schemes that have undergone comprehensive local consultation, and where all reasonable steps have been taken to address any local objections. Schemes will also need to demonstrate positive support from the majority of affected residents and owners.

Policy AG 6: Cardiff County Council will support the most appropriate delivery arrangements for alley gating schemes, depending on local circumstances, to maximise additional benefits.

Policy AG 7: Where the council agrees to make an order under Section 116 of the Highways Act 1980, the County Council will not accept responsibility for the ongoing maintenance of the extinguished highway. The initial setting up works will be co-ordinated by the Council in line with manufacturer's recommendations and the Council's procurement policy, but alley gating scheme maintenance will be taken up by the affected stakeholders.

Policy AG 8: In accordance with Section 129A of the Highways Act 1980 the team implementing the gating order must ensure that provisions are made for the maintenance of the alley gates before they are erected.

Policy AG 9: In establishing alley gating schemes, the Council will follow the procedures set out in the Highways Act 1980 (Gating Orders) (Wales) Regulations 2007.

The Council will formally review this policy at intervals of not more than three years.

